

UNITED CONGREGATIONAL CHURCH
OF SOUTHERN AFRICA

SOUTH AFRICA SYNOD



CONSTITUTION

REVISED
CONFERENCE 2004

SOUTH AFRICA SYNOD
CONSTITUTION

PREAMBLE

The Church is the community of those who believe in one God as Father, Son and Holy Spirit; who thus accept Jesus Christ as Lord and Saviour; and so, by the power of the Holy Spirit, seek to live to the glory of God. The covenant with God and one another to walk together in all His ways and ordinances according to all He has made known to them. This corporate life and fellowship of the Church are experienced most immediately in the local church, gathered in response to the Word of God to worship, serve and witness to Him. The corporate life and fellowship of the Church are experienced more widely in the denominational and in the ecumenical Church.

With this understanding of the nature and purpose of the Church, the South Africa Synod of the United Congregational Church of Southern Africa gives thanks to God for the grace and truth imparted to our forebears, which are our inheritance today. With the same understanding, it claims unity with all who, through the centuries and throughout the world today, likewise have sought and still seek to fulfil their common calling by glorifying and serving God, the Father, Son and Holy Spirit.

The South Africa Synod of the United Congregational Church of Southern Africa therefore takes its stand alongside the other branches of the Christian Church in acknowledging Jesus Christ as Lord of all and as the Head of the Church which in His body. With them, it exists to worship God, to work to His glory, to witness to His grace, and constantly to be reformed according to His Word.

1. **NAME**

The name of the body hereby constituted is **THE SOUTH AFRICA SYNOD OF THE UNITED CONGREGATIONAL CHURCH OF SOUTHERN AFRICA** (hereinafter call “the Synod”). The Synod is a duly constituted and recognized court of the United Congregational Church of Southern Africa (hereinafter called “the UCCSA”).

2. **PURPOSE AND MISSION**

The Synod is a fellowship of UCCSA local churches in South Africa:

- 2.1 who participate in the wider church through ecumenical partnership with, among others, the South African Council of Churches and the Southern Africa Alliance of Reformed Churches;
- 2.2 who share history with and are in partnership with, amount others, The United Church of Christ in the USA and the Christian Church (Disciples of Christ) in the USA and Canada represented by the Common Global Ministries Board, and with the Council for World Mission in the United Kingdom;
- 2.3 who, through programmes, activities and worship, aim to meet the needs of the members of the Regions and local churches, which comprise the Synod.
- 2.4 who join in covenant with God, with one another and with other churches such as united local churches accepted by the UCCSA;
- 2.5 who seek to follow the mandate of Christ Jesus to share the good news of God’s love and presence to all people, to be an agent of God’s love to all people to witness prophetically to god’s justice and to serve his mission in the world, in order to be a sign of God’s Kingdom of love, peace and abundance in the world.

3. **LEGAL STATUS**

The Synod is a corporate body having succession and power to own and hold immovable, moveable and incorporeal property in its own name as well as power to sue and to be sued in its own name.

4. **MEMBERSHIP**

The members of the Synod are:

- 4.1 The Chairperson, past Chairperson, the Chairperson-Elect, the Secretary and the Treasurer of the Synod, the officers of each Regional Council within the bound of the Synod, the Synod Committee Conveners and the members of the Synodical Committee;
- 4.2 Ministers appointed by Regional Council equal to one-thirds of the number of ministers residing within the bound of the Regional Council;
- 4.3 Lay representatives appointed by Regional Councils on the basis of a minimum of six lay representative from each Regional Council plus one additional lay representative for every two thousand members or part thereof above twelve thousand members;
- 4.4 Co-opt members.

5. **FUNCTIONS**

Among the functions and powers of the Synod are the following:

- 5.1 To take such action as it deems conducive to the propagation of the gospel, the welfare and co-ordination of the work of the Church within its bounds;
- 5.2 To act upon the directives remitted to it by the UCCSA Assembly or its Executive Committee;
- 5.3 To make recommendations to and raise concerns for consideration by the UCCSA Assembly or its Executive Committee;
- 5.4 To commission ministers and lay representatives to represent it at the UCCSA Assembly in accordance with the basis or representation enacted from time to time;
- 5.5 To appoint a Synodical Committee entrusted with and authorized to exercise, at its own discretion, all the power and functions of the Synod in the interim between meetings of the Synod Conference.
- 5.6 To appoint a Ministerial Committee, a Finance Committee, a Mission Council and such other committees as may be necessary. It periodically receives and reviews reports of the work of its various committees and provides funds for them where necessary;
- 5.7 To receive and decide upon matters brought before it by recommendation appeal, complains, petition or reference from Regional Councils, subject to the right of appeal to the UCCSA Assembly or its Executive Committee in cases involved doctrine, worship and deposition of a minister or a specialized worker;
- 5.8 To issue directive to Regional Council within its bounds;
- 5.9 To co-ordinate Church Extension within its bounds and to decide upon recommendations submitted by Regional Council for the establishment of new local churches and institutions;

- 5.10 To receive and decide upon recommendations from Regional Councils on matters regarding the grouping, amalgamation or dissolution of local churches and the erection and/or alteration of Synod buildings and/or disposal of Synod properties;
- 5.11 To co-ordinate the work of Christian Education within its bounds;
- 5.12 To initiate and exercise oversight of Church-related educational, medical, welfare and other work of social upliftment within its bounds;
- 5.13 To accept candidates for the ministry as authorized by the UCCSA Assembly or its Executive Committee.
- 5.14 To raise funds from within its bound or by appeal to outside bodies, subject to the procedures of the UCCSA, and administer such funds as may be required for general administration at Synod and Regional Council levels, the support for the ministry, UCCSA assessments and the promotion and extension of the total witness of the Church.
- 5.15 To foster ecumenical relations within the bounds of the Synod;
- 5.16 To consider applications for loans, grants-in-aid and specific requests for funds World mission and to make appropriate recommendations to the UCCSA Assembly or its Executive Committee;
- 5.17 To appoint an auditor for the Synod;
- 5.18 To perform such other functions as may be necessary in pursuance of its responsibility for the common life of the Church.

6. **OFFICERS**

6.1 The Officers of the Synod are the Chairperson, the Chairperson-Elect, the Secretary and the Treasurer.

6.2 The Chairperson

The Chairperson presides over the Synod and Synodical Committee meetings. With the Secretary, the Chairperson is responsible for ecumenical relations and represents the Synod on ecumenical bodies and committees. In consultation with the Secretary, the Chairperson makes statements on behalf of the Synod. The Chairperson holds office for a period of two years after which the office is occupied by the Chairperson-Elect. The Chairperson performs such other duties as the Synod may from time to time determine. In the absence of the Chairperson the past Chairperson acts as Chairperson at his/her request or in the event that the Chairperson is unable to carry out his/her duties.

6.3 The Chairperson-Elect

The Chairperson-Elect holds office for a period of two years and assumes the office of the Chairperson when the term of office of the Chairperson expires.

6.4 The Secretary

The Secretary has general oversight of the Synod, exercising such oversight in a ministerial and collegial manner. The Secretary is responsible for the general administration of the Synod, maintaining the official records, data and documentation of the Synod. With the Chairperson, the Secretary is responsible for ecumenical relations with the Chairperson, the Secretary makes statements on behalf of the Synod. The Secretary acts as Convenor and Secretary for the Synod Conference, the Synodical Committee, the Synod Ministerial Committee, the Training for Ministry Committee, the Moderators Forum of the Synod and

such other committees as the Synod may determine. The Secretary has the rights of access to local churches and Regional Councils within the bounds of the Synod and such churches and Councils are required to receive the Secretary. The Secretary is a member ex-officio of all the Committees of the Synod. The office of the Secretary is a full-time salaried one and the Secretary shall serve for a period of four years and is eligible for re-election.

6.5 The Treasurer

The Treasurer is responsible for the general supervision of the finances of the Synod. The Treasurer holds office for two years and is eligible for re-election. The Treasurer presents an audited Balance Sheet, Income, and Expenditure Account to the Synod Conference and its Synodical Committee.

7. **MEETINGS**

The Synod meeting shall be called the Synod Conference and shall normally be held every second year not more than three months prior to the September meeting of the UCCSA Executive Committee in the year in which the UCCSA Assembly is not held.

8. **QUORUM**

The quorum for meetings of the Synod is one-third of its members.

9. **THE SYNODICAL COMMITTEE**

9.1 The members of the Synodical Committee are the Synod Officers, the Chairperson of the Synod Investments Committee, two representatives from each Regional Council, the Mission Council Convener, one member from the Regional Council Mission Council and the Convener from each recognized ministry in the Synod.

9.2 The Synodical Committee transacts the business of the Synod and fulfils its objective and functions of the Synod when it is not in session. It further fulfils other objectives and functions as are allocated to it by the Committee.

10. **STANDING COMMITTEES**

The Synod appoints Standing Committees, which report to the Synod and its Synodical Committee.

10.1 The Ministerial Committee

10.1.1 The Committee consists of the Synod Secretary, who serves as Convener and Secretary, one representative from each Region in the Synod and the Director of the Training for Ministerial Committee. The Committee elects a chairperson from among its members. Among the duties of the Ministerial Committee are:

- Dealing with all matters concerning the ministry in the Synod, the training of ministers, credentials, settlements and discipline initiated by itself or referred to it by Regional Councils or the UCCSA Assembly Ministerial Committee;
- Acting in terms of this Constitution and the Procedures enacted by the UCCSA from time to time.
- Coordinating the settlement of ministers in local churches in consultation with the Regional Councils concerned.
- Coordinating the placing of seconded staff in consultation with the relevant structures concerned.

- 10.1.2 The Synod appoints a Training for Ministry Committee, consisting of the Synod Secretary, the Regional Directors, and three other members.
- 10.1.3 The functions of the Training for Ministry Committee are:
- To exercise general oversight of the Church's training for the ministry in the Synod;
 - To process applications for the ministry in terms of the relevant UCCSA Procedures and to make appropriate recommendations to the Synod Ministerial Committee and the Synodical Committee;
 - To direct and arrange for supervision of accepted candidates for the Ministry in the Synod;
 - To implement the approved policies of the UCCSA in regard to theological training, internship and post-ordination studies and training;
 - To make an assessment of the internship of ministerial interns in the Synod on the authorization of the UCCSA Assembly and make the appropriate recommendations to the Synodical Committee;
 - To attend to administrative matters pertaining to the Synod Ministerial Committee, which in the opinion of the Synod Secretary should not be held over until the next meeting of the Synod Ministerial Committee. All such decisions taken are reported to the next meeting of the Synod Ministerial Committee for ratification.

10.2 The Finance Committee

10.2.1. The Committee consists of the Officers of the Synod, the Chairperson of the Synod Investments Committee and one representative from each Regional Council within the Synod. The Committee elects a Chairperson from among its members.

10.2.2. Among the duties of the Finance Committee are:

- Raising and administering funds for the work of the Synod;
- Reviewing the minimum stipends of ministers from time to time;
- Preparing long-range goals for the Synod's consideration and approval;
- Ensuring that the financial records of the Synod are in good order and in accordance with the financial measures set by the UCCSA;
- Submitting financial records of the Synod for audit by a registered accountant or auditor and presenting the report with recommendations to the Synod and its Synodical Committee.

10.2.3 The Investments Committee

10.2.3.1 The Investments Committee consists of the Officers of the Synod and three persons appointed by the Synod on the basis of their expertise. The Chairperson of the Committee is appointed by the Synod every second year.

10.2.3.2 The functions of the Investments Committee include:

- Investing the funds of the Synod in the name of Synod;
- Authorizing property transactions where properties are vested in the name of the Synod and making appropriate recommendations to the UCCSA Investments Committee in regard to properties vested in the name of the UCCSA or its predecessors where such property is situate within the Synod;
- Administering the financial affairs to the Synod in between meetings or the Synod Finance Committee in accordance with the policy approved by the UCCSA Assembly or its Executive Committee. All such decisions taken are reported to the next meeting of the Finance Committee for ratification.

- Seeking and acting in its discretion upon the written advice of the appropriate departments or recognized and reputable financial institutions in relation to the investments of funds of the Synod.
- At its discretion, retaining shares donated or bequeathed to the Synod in the absence of any provision to the contrary in terms of such donation or bequests.
- Using in accordance with the provisions of the respective Trust Deeds or as authorized by the Synodical Committee, all income accruing from investments.

10.3 The Mission Council

10.2.1 The Mission Council consists of the Convener, appointed by the Synod every second year and the Conveners of the Commissions on Women's Ministries, Men's Ministries, Youth Ministries, Children Ministries, the units on Music Development, Justice and Social Responsibility, Education in Mission, Stewardship and Church Growth, Communication, Worship and Liturgy, Leadership and Resource Development.

10.2.2 Among the duties of the Mission Council are:

- Developing and creating a mission consciousness at all levels within the Synod;
- Coordinating the work of the Mission Council in the Regions within the Synod.

11. FINANCE, TRUST AND PROPERTIES

11.1 The Synod and its Synodical Committee have the power to administer the financial affairs of the Synod in such manner as may be deemed best for the furtherance of the work and witness of the Synod.

11.2 The Synod considers requests from Regional Council within its bounds for loans or grants-in-aid from Synod funds or forwards them with its recommendations, to the UCCSA.

11.3 The Synod may establish such funds or investments as may be necessary for the furtherance of its work.

11.4 Any trust or funds given as bequests to the Synod with special stipulations will be administered in terms thereof.

11.5 The trustees for the Synod for all properties acquired by the Synod will be the Chairperson, Secretary and Treasurer of the Synod for the time being. The trustees act only on the instruction of the Synod and the Synodical Committee. All properties are registered in the name of the Synod.

12. SALARIED STAFF

The Synod may appoint such salaried personnel, as its work requires.

13. LOCAL CHURCHES

The provisions of the UCCSA Constitution governing local churches apply.

14. REGIONAL COUNCILS

The provisions of the UCCSA Constitution governing the Regional Council apply.

15. **AMENDMENTS TO THE CONSTITUTION**

The Synod Conference only amends the Constitution. Regional Councils or the Synodical Committee may submit Notices of Motion to amend the Constitution. Such Notices of Motion are to reach the Secretary of Synod in writing not less than six months prior to the next meeting of the Synod Conference. The Synod Secretary give not less that four months notice in writing or such amendments to all local churches and Regional Councils with the Synod. A two-thirds majority vote of those present and voting at the Synod Conference is required to amend the Constitution.

SIGNED THIS DAY OF 2007 AT

.....
CHAIRPERSON

.....
SECRETARY

.....
CHAIRPERSON-ELECT

.....
TREASURER

BYLAWS AND PROCEDURES AUTHORISED BY THE SYNOD

A. GENERAL PROCEDURES GOVERNING THE ELECTION OF OFFICERS OF THE SYNOD

1. THE CHAIRPERSON

- 1.1 The Regional Councils within the Synod are entitled to nominate one member in the Synod as Chairperson. To be valid, the nomination requires a signed note from the nominee accepting the nomination.
- 1.2 The Synod Secretary creates a list of the valid nominations and present the same to the meeting at which the elections will take place.
- 1.3 The Chairperson is elected by ballot and by a majority of more than 50% of those present and voting at the Synod Conference.
- 1.4 After the first nomination and election as set out in 1.1 to 1.3 above, the vacant post of the Chairperson shall be filled by the Chairperson-Elect at the expiry of such office.

2. THE CHAIRPERSON-ELECT

- 2.2 Regional Councils within the Synod are entitled to nominate one member in the Synod as Chairperson-Elect. To be valid, the nomination requires a signed note from the nominee accepting the nomination.
- 2.3 The Synod Secretary creates a list of the valid nominations and presents the same to the meeting at which the election will take place.
- 2.4 The Chairperson-Elect is elected by ballot and by a majority of more than 50% of those present and voting at the Synod Conference.

3. THE SECRETARY

- 3.1 This position will not be applied for. It is a call to ministry initiated by colleagues and members of the church who see and sense particular gifts in an individual and then suggest his/her name to be considered for this Office. The process of appointing a person to this Office shall be considered prayerfully, and shall involve the following steps:
 - 3.1.1 A Synod Secretary is appraised annually, by a panel appointed by the Synodical Committee, to determine the satisfactory fulfilment of the tasks of the post. In the third year of the first term of office of the Synod Secretary, the Synodical Committee decides, based on the performance of the incumbent, to either renew or not renew the term.
 - 3.1.2 When a Synod Secretary's term expires or is not renewed, a vacancy is declared by the Synodical Committee 12 months prior to the Conference.
 - 3.1.3 The Synodical Committee appoints a search committee which oversees the process leading to the election of the Synod Secretary. The search committee consists of the Chairperson elect, as convener of the committee, and one representative from each Region.
 - 3.1.4 The Chairperson of the Search Committee calls for nominations from the Regions. Any nomination must receive support from the respective Regional Council, in order to go before a Synodical Committee. Only names that have the support of a Synodical Committee can be qualified to be considered for the position. To be valid, the nomination requires a signed note from the nominee accepting the nomination.
 - 3.1.5 The Search Committee received the nominations, accompanied by a detailed Curriculum Vita of the nominees, compiles shortlists of candidates, and invites such candidates for an interview. The interview takes place at least three months before the Conference where the election would take place.

- 3.1.6 The search committee, using the consensus model, draws up a ranked slate of candidates for presentation to the Synodical Committee.
- 3.1.7 The most recent past-Chairperson present a Conference, acts as electoral officer for the election of the Synod Secretary.
- 3.1.8 The Synodical Committee then presents the first name on the slate to Conference, which votes on it. The successful candidate must receive a two-thirds approval in order to be confirmed as the Synod Secretary.
- 3.1.9 In the event that the two-thirds majority is not attained, the Synodical Committee brings the next name of the slate to the Conference.
- 3.1.10 The Synod Secretary designate shall then be presented to the Conference, and then at an appropriate moment would be inducted to the office.

4. THE TREASURER

- 4.1 Regional Councils within the Synod are entitled to nominate one member in the Synod as Treasurer of the Synod. To be valid, the nomination requires a signed note from the nominee accepting of the nomination.
- 4.2 The Synod Secretary creates a list of the valid nominations and presents the same to the meeting at which the elections will take place.
- 4.3 The Treasurer is elected by ballot and by a majority of more that 50% of those present and voting at the Synod Conference.

B. STANDING ORDERS

The Standing Orders of the Assembly apply to the Synod *mutatis mutandis*.

<p style="text-align: center;">THE UNITED CONGREGATIONAL CHURCH OF SOUTHERN AFRICA STANDING ORDERS OF THE ASSEMBLY</p>

AGENDA

Notice of any meeting of the Assembly shall be sent by post to each member not less than 28 clear days before the date of the meeting and shall contain a statement of the business to be transacted and the reports to be received. No business other than that specified in the agenda for business sessions shall be transacted except as agreed by the Assembly.

QUESTIONS

- i. A member may ask the Secretary or the Convener *of* a committee any question regulating to any matter appearing in the report of a committee then before the Assembly, if the question is put before the Assembly's consideration of that report is concluded.
- ii. A member may, with the permission of the Chairman, put to him or to the Secretary or to the Convener of any committee, any question relating to urgent business of which notice has not been given, but a copy of any such question shall, if possible, be handed to the Secretary at the beginning of the morning session of the Assembly at which the question is to be asked.

NOTICES OF MOTION

- i. When a Regional Council or Synod desires to propose a motion to amend the constitution, this must be done to the Secretary, in writing, with due notice of at least five months before the annual meeting of the Assembly.
- ii. All other notices of motion by a Regional Council or Synod must be notified by the Secretary, in writing not less than four clear weeks before the commencement of the annual meeting of the Assembly.
- iii. No such notice shall be accepted if the question raised is the subject of any report to the same Assembly, or is capable of being raised as an amendment to any report before the Assembly.

SECONDING

No motion or amendment shall be debated or put to the Assembly unless it has been seconded. The seconder may, if he then declares his intention of doing so, reserve his speech until a later period in the debate.

AMENDMENTS

An amendment shall be either to omit words or to insert words or to do both, but no amendment shall be in order, which has the effect of introducing an irrelevant proposal or of negating the motion.

No amendment shall be moved unless a written notice of its terms has been (a) submitted to the Secretary before the Assembly opens, or (b) handed to the Secretary during the Assembly, unless the Chairman so decides.

If the Chairman considers that an amendment is of such a character that it cannot adequately be debated without previous distribution of copies, he may so decide and discussion of the amendment shall be adjourned until copies are available.

No motion or amendment which necessitates expenditure additional to that which has been provided for in the Budget for the current or ensuing year shall be put to the meeting unless and until the cost involved and the possibility of providing the additional amount has been considered by the Finance Committee.

A motion or amendment from the floor of the Assembly involving a change in policy or procedure shall be debated in the usual way. If received, it shall be referred to the relevant committees for a full consideration of its implications and for report and recommendation to the Executive Committee and to the next Assembly, before being adopted.

If an amendment is carried, the motion as amended shall take place of the original motion and shall become the substantive motion upon which any further amendment may be moved. If an amendment is rejected amendment not to the like effect may be moved.

An amendment, which has been moved and seconded, shall be disposed of before any further amendment to the resolution may be moved. Notice may be given of intention to move a further amendment should the one before the Assembly be rejected.

ALTERATION OR MOTION OR AMENDMENT

A member may, with the concurrence of the seconder and the consent of the Assembly, alter a motion or amendment he has proposed.

WITHDRAWAL OF MOTION OR AMENDMENT

The proposer may withdraw a motion or amendment with the concurrence of the seconder and the consent of the Assembly. Any such consent shall be signified without discussion. It shall not be competent for any representative to speak upon it after the proposer has asked permission for its withdrawal unless such permission has been refused.

RESCISSION OF RESOLUTIONS

A resolution passed by a meeting of the Assembly may be rescinded, on motion, at a subsequent meeting of the Assembly, though not at an adjourned meeting.

SPEECHES

The proposer of a motion shall be allotted 10 minutes or the Chairman may determine such other period as, each subsequent speaker shall be allowed not more than five minutes unless the Chairman shall otherwise determine.

In each debate, whether on a motion or on an amendment, no one shall address the Assembly more than once, except that at the close of each debate the proposer of the motion shall be the right of reply, but must strictly confine himself to answering previous speakers and not introduce new matters. Such reply shall close the debate on the motion or the amendment as the case may be.

The foregoing Standing Order shall not prevent the asking or answering of a question, which directly arises from the matter before the Assembly or from a speech made in the debate upon it.

POINTS OF ORDER

A member may rise to a point or order or in personal explanation, but he shall confine a personal explanation to some material part of a former speech at the same meeting, which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.

The ruling of the Chairman on a point or order or on the admissibility of an order or on the admissibility of a personal explanation shall not be open to discussion.

CLOSURE OF DEBATE

A member who has not already spoken in the debate may, at the conclusion of any speech, move without notice and without comment the following Motion of Order:

“That the question be now put”

The Chairman shall put that motion if in his opinion the question before the meeting has been sufficiently discussed.

VOTING

Every question shall be determined by a majority of votes of members present and voting as indicated by a show of hands unless the Chairman rules that there shall be a ballot.

The Chairman shall have a deliberative and casting vote.

ADMISSION OF PUBLIC AND PRESS

Members of the public and representative of the Press shall be admitted to all open sessions of the Assembly, but may only be admitted to business sessions if Assembly so decides.

SUSPENSION OF STANDING ORDERS

Any one or more of the Standing Orders, in any case of urgency, may be suspended at any meeting so far as regards any business at such meeting, provided that three-fourths or the members of the Assembly present and voting shall so decide.

MINUTES

Duplicated copies of the minutes of the proceeding of the previous day shall be distributed before morning devotions each day. They shall be taken as read and confirmed at the beginning of the business following the morning tea break. The Executive Committee shall confirm the minutes of the final day's proceedings.

A copy of the minutes of the proceedings of the Assembly shall be sent to all members of Assembly, ministers, evangelists and full-time church workers on the UCCSA Rolls of Personnel and all local church secretaries, within 31 days of the last day of the Assembly. The proceedings of the Assembly will not be published in any other form.

REPORTS

All reports for presentation to the Assembly must reach the Secretary at least 30 days prior to the commencement of the Assembly.

REGISTRATION OF ATTENDANCE

All members of the Assembly shall register their attendance on arrival.

ATTENDANCE AT ASSEMBLY SESSIONS

Full attendance at Assembly sessions is expected of all accredited representatives, and no person without accreditation will be entitled to any of the privileges or hospitality of Assembly.

LANGUAGE

The language used in the Assembly shall normally be English. Representatives may speak in any other language provided an interpreter is available.

C. TRAVEL CLAIM POLICY

1. Synod Officers

- a. The Synod will be responsible to the travel cost of the Synod Officers to whatever meeting or events they are requested to attend or delegated to attend on behalf of the Synod.
- b. Where a Region or Local Church invites any Synod Officer to visit or attend any special gathering or activity within that Region, the Region or the local church concerned will be responsible for travel costs.

2. Persons delegated to represent the Synod

Where persons other than the Synod Officers are delegated to represent the Synod at any meeting or event, the Synod will be responsible for all costs relating to such a representative.

3. Synod Conference and Synodical Committee Meetings

- a. To such meetings the Synod will be responsible for the travel costs of all Synod Officers as well as those persons serving as chairpersons or Conveners of any Synod Committee.
- b. Regional Councils will be responsible for the travel costs of all Regional delegates to these events.
- c. As Regional Councils are responsible for paying the travel costs of its own delegates and representatives, and because the financial capacity of Regions is not equal, Regions therefore use their discretion as to which mode of transport for them would be most convenient and most economical.

4. UCCSA Assembly

- a. The Synod will be responsible for travel cost of Synod Officers and those persons elected as Synod Representative to Assembly.
- b. Although Regional Council Representatives form part of the Synod delegation to Assembly, Regional Council is responsible for their travel costs.

5. Commission of Inquiry

- a. The Regional Council, Local Church or individual lodging or complaint or requesting a Commission of Inquiry will be responsible for the travel costs of such a Commission.
- b. When the Synod decides by itself to institute such a Commission the Synod will take responsibility for travel costs.

6. Modes of Transport

6.1 *Air Travel*

- a. Because of time constraints, is suggested that Synod Officers use this mode of travel if the place they are travelling to allow for this mode of transport.
- b. Regional Councils are to use their own discretion when considering air travel as an option, as they have to take responsibility for costs.

- c. For this mode of travel to be considered meetings need to be planned well in advance and travel arrangements also made well in advance to obtain the most economical fares possible.

6.2 ***Bus***

- a. This is currently the most economical but not the most convenient mode of transport.
- b. When planning a meeting consideration should be given to the arrival and departure time of busses.
- c. Time should be allowed for persons to rest after disembarking a bus and the start of a meeting in order to make an effective and informed contribution to the meeting.

6.3 ***Use of Personal Vehicle***

- a. Personal vehicles are to be used when other forms of transport are not available or difficult to access and this then becomes the most convenient and most economical means of travel.
- b. When one or two persons travel in a private vehicle the owner is compensated at a rate per kilometre as decided by the Synodical Committee.
- c. When three or four persons travel in a vehicle the owner be compensated the equivalent of a return bus fare per person in the vehicle.
- d. When five or more persons travel in a vehicle the owner be compensated the equivalent of a return bus fare per person in the vehicle.

7. **Conclusion**

The “hidden” costs as mentioned in a, b and c of this paragraph be considered when determining the total travel costs of representatives of delegates both for Synod, Region and Local Churches.

- a. Costs of getting to the airport or bus stations.
- b. Provision / Pocket money for those travelling by road.
- c. The difference between travelling on tarred and gravel roads.

CRITERIA for ADMISSION To the ROLL OF HONOUR in the UCCSA

1. Nominations for the Roll of Honour (ROM in the UCCSA shall be open for ministers and laity.
2. Nominations shall be considered on the basis of:
 - a) Outstanding and excellent service to Church and society.
 - b) Work that is considered to pioneering and groundbreaking.
 - c) Service rendered beyond the call of duty.
 - d) Actions that have done the UCCSA proud and advanced the proclamation of the Gospel.
 - e) Contribution to the Ecumenical movement.
3. The process of awarding the roll of honour to an individual shall involve the following steps:
 - a) The candidate should be nominated either through the region or the Synod.
 - b) The nomination should accompanied by a clear motivation.
 - c) There ought to be utmost care in choosing the candidate so as to not devalue its honour.
 - d) The process to honour a person may originate anywhere within the courts of the church.
 - e) Only the UCCSA may approve a nomination.

Persons who have been President or General Secretaries of the UCCSA are not eligible to receive this honour.

APPLICATION FOR LOANS FROM CHRISTIAN DEVELOPMENT TRUST FOUNDATION

1. Christian Development Trust Foundation (CDTF) is an organization, independent from the UCCCSA, with the purpose of assisting Churches and Church organizations with funding to put up/buy buildings.
2. The UCCSA is an affiliated member of the CDTF, and thus, churches within the UCCSA can apply for loans at very reasonable rates.
3. The procedure is as follows:
 - i. The Local Church makes its intention known to the Region with a full submission that includes:
 - A summary of the reasons for the loan;
 - A copy of the latest audited financial statements;
 - A copy of the current year's budget.
 - ii. The Region should consider whether the Local Church:
 - Has the financial capacity to pay the loan instalments; and
 - Has a history of contributing Tithes;
 - iii. The Region, if supportive, will forward the application together with a letter of support to the Synod.
 - iv. Synod will consider the application on the same basis as the Region.
 - v. Synod, if supportive, will forward the application together with a letter of support to CDTF.
 - vi. From this point CDTF will communicate directly with the applicants.
4. The contact person at CDTF is Mrs Louise Ballot at (011) 463-1809.
5. CDTF will register a bond on the property as security. Loans are payable over a period of 5 years at 8.5 % interest per annum. Repayments will be the equivalent of R21.00 for every R1000 borrowed. Thus, your monthly repayment will be R2 100 on a R100 000.00 loan.
6. CDTF will consider a loan to assist a minister to acquire a home of his own on the same basis as a loan application by a local church but the Local Church needs to sign surety for the loan.

**POLICY ON THE
ADMINISTERING OF THE SACRAMENTS
BY UNORDAINED PERSONS IN THE UCCSA**

1. Laypersons may be authorised by the UCCSA Executive or Assembly to administer the sacraments where the services of an ordained minister are not obtainable and on application by their Regional Council and Synods. This authorization will be granted for renewable periods of one year. Such authorized person may administer the sacraments only in the local church or circuit to which they are appointed.
2. A layperson that is appointed as Regional or Synodical chairperson may be authorized to serve Holy Communion at Regional or Synodical service for the duration of their tenure in office.
3. Interns are authorized to administer the sacraments for the duration of their internship in the church(es) to which they have been assigned. When the need arises the intern may be allowed to administer the sacraments elsewhere, provided prior permission is obtained from the Synodical secretary.
4. Interns who have completed their internship and are awaiting a call or placement may not administer the sacraments nor wear a clerical collar.
5. *Students for ministry in the UCCSA who have entered their second year may administer the sacraments under the supervision of an ordained minister provided prior permission is obtained from the Synodical Secretary.*

**Church United Commission
MODEL CONSTITUTION
FOR A
UNITED CHURCH TRUST
AND
CONGREGATION**

**PREFACE
DECLARATION OF INTENTION**

To seek the Union of the Church of the Province of Southern Africa, the United Congregational Church of Southern Africa, the Methodist Church of Southern Africa, the Presbyterian Church of Southern Africa, the Evangelical Presbyterian Church in south Africa and the Reformed Presbyterian Church in Southern Africa.

We believe that God redeems, His world through Jesus Christ and that He calls His church to share in this mission. In humble penitence, we recognise that our divisions impair our witness to Christ in the world today.

We believe that it is God's will that His church should be visible one, and that the Holy Spirit is moving us to seek this union.

We recognise the Holy Scriptures as the supreme rule of faith and life, we share the apostolic faith confessed in the ancient Creeds of the Church, and we observe Baptism and Holy Communion as Sacraments of God's redeeming love in Jesus Christ.

We acknowledge that the ministry of each communion is a real and effective ministry of the Word and Sacraments.

Therefore we now pledge ourselves to seek together the visible unity, which we believe to be God's will for His Church.

We undertake:

- a. to seek agreement on a common form of ministry of Word and Sacraments, with due regard to those patterns of ministry and oversight to which God has already led us;
- b. to admit to the Lord's Table communicant members of all our Churches as an immediate and visible sign of our common quest;
- c. to work for increasing co-operation in all areas of the Church life;
- d. to signify our solemn acceptance of this pledge by participation, throughout our churches, in services of commitment to the search of Union.

The declaration of intention was adopted by the Supreme Court of Churches concerned between 1971 and 1974 and ratified at Services of Commitment to the Search for Union held throughout South Africa on November 24th, 1974.

**Constitution of the Church Trust and Congregation of United Church
(Anglican, Congregational, Methodist, Presbyterian) at**

PREAMBLE

WHEREAS

The Synod of the Diocese of of the Church of the Province of Southern Africa and the Regional Council of of the United Congregational Church of Southern Africa and the Conference of the Methodist Church of Southern Africa and the Presbytery of of the Presbyterian Church of of the Evangelical Presbyterian Church in South Africa and the Presbytery ofthe Reformed Presbyterian Church in Southern Africa have decided to establish a United Congregation within the area defined below and within the concept of the Declaration of Intention as set out in the preface to this Constitution.

AND WHEREAS

It will be necessary to purchase, take on lease, otherwise acquire fixed property, dispose of, or alienate the same within the area of and to do all other things necessary to make the work of the united Congregation effective.

AND WHEREAS

The said parties have agreed to form and constitute a Trust for the purpose of acquiring such property, erecting a building or buildings thereon if necessary, equipping such buildings and thereafter administering the property and doing all other things necessary for the purpose aforesaid.

AND WHEREAS

The members of the United Congregation and the members of the Trust confess the Christian Faith as understood and interpreted by the co-operating Churches.

NOW THEREFORE

The Diocesan synod of the Church of the Province of Southern Africa and the Regional Council of the United Congregational Church of Southern Africa and the Conference of the Methodist Church of Southern Africa and the Presbytery of the Presbyterian Church of Southern Africa and the Presbytery of the Evangelical Presbyterian Church in south African and the Presbytery of the Reformed Presbyterian Church in Southern Africa do hereby create and constitute a Trust to be know as the UNITED CHURCH TRUST upon the terms and conditions hereinafter set forth. The congregation comes into being on the basis of the Memorandum of Association and in terms of this Constitution. Furthermore, the United Congregation hereby established is named and is hereinafter referred to as the Congregation.

ARTICLE I: DEFINITIONS:

In this Constitution unless inconsistent with the context, the under-noted terms shall bear the following meanings:

“ANGLIGAN’ shall mean a person accepted in terms of the Constitution and Canons of the Church of the Province of Southern Africa as a member of such Church and when used adjectivally shall bear a corresponding meaning.

‘CONGREGATIONAL’ shall mean a person who is accepted as member of the United Congregational Church of Southern Africa in terms of its Constitution, and when used adjectivally shall bear a corresponding meaning.

‘METHODIST’ shall mean a person who is accepted as a member of the Methodist Church of Southern African in terms of its Constitution and when used adjectivally shall bear a corresponding meaning.

‘PRESBYTERIAN’ shall mean a person who is accepted a member of the Presbyterian Church of Southern Africa or the Evangelical Presbyterian Church in South Africa or the reformed Presbyterian

Church in Southern Africa in terms of their respective Constitutions, and when used adjectivally shall bear a corresponding meaning.

A ANGLICAN:

- i. 'BISHOP' shall mean the Bishop of the Diocese ofof the Church of the Province of Southern Africa.
- ii. 'DIOCESAN TRUSTEES' shall mean the Diocesan Trustees, for the time being of the Diocese of of the church of the Province of Southern Africa.
- iii. 'DIOCESE' shall mean the Diocese of of the Church of the Province of Southern Africa, the Synod of the Diocese of but shall include, insofar as the Provincial Synod of such Church, and shall also include Diocesan Council of the Diocese of and / or Diocesan Synod.

B CONGREGATIONAL:

- i. 'ASSEMBLY' shall mean the Assembly of the United Congregational Church of Southern Africa and shall include the Regional Council of..... when acting under authority delegated to it by such Assembly.

C METHODIST:

'THE CONFERENCE' shall mean the Annual Conference of the Methodist Church of Southern Africa, and shall include the District Synod of when acting under authority delegated to it by such Conference.

'PRESIDENT' shall mean the President of the conference of the Methodist Church of Southern Africa, duly elected in terms of the Constitution of that body.

'CHAIRMAN OF THE DISTRICT' shall mean the Chairman of the District ofof the Methodist Church of Southern Africa.

'DISTRICT TRUST PROPERTIES COMMITTEE' shall mean the District of Trust Properties Committee of the Methodist Church of Southern Africa.

'SUPERINTENDENT' shall mean the Superintendent Minister of any Circuit of the Methodist Church of Southern Africa within the geographical boundaries of which the property in question shall be situated.

D PRESBYTERIAN:

'GENERAL ASSEMBLY' shall mean either the General Assembly of the Presbyterian Church of Southern Africa, including the Presbytery of or the Executive Assembly of such Church when acting under authority delegated to it by such Assembly; or the General Assembly of the Reformed Presbyterian Church in Southern Africa.

'FINANCE COMMITTEE' shall mean the Finance Committee of the General Assembly of the Presbyterian Church of Southern Africa.

'PRESBYTERY' shall mean the Presbytery of of the Presbyterian Church of southern Africa or the Presbytery of of the Evangelical Presbyterian Church in South Africa, or the Presbytery of of the Reformed Presbyterian Church in Southern Africa, as the case may be).

'SYNOD' shall mean the Synod of the Evangelical Presbyterian Church in South Africa.

E. UNITED CONGREGATION:

'UNITED CONGREGATION' shall mean a congregation established in terms of this Constitution.

‘TRUSTEES’ shall mean the Trustees elected or appointed in terms of Article V or this administer the affairs of the Trust and be responsible to the Churches by which they were elected or appointed.

‘CHURCH COUNCIL’ shall mean that body appointed annual in terms of Article XVI of this Constitution by the member of the Congregation to govern the local domestic conduct of the Congregation in accordance with the generally accepted Christian beliefs, customs and practices of the Anglican Congregational, Methodist and Presbyterian Churches.

ARTICLE 11: OBJECTS;

The Trust is established for the following purposes:-

The promotion of Christian Unity in the establishment of a United Congregation of the Anglican, Congregational, Methodist and Presbyterian communions within the concept of the Declaration of Intention adopted by the Supreme Courts of the church of the Province of Southern Africa, the United Congregational Church of Southern Africa, adopted by the Supreme Courts of the aforesaid Churches between 1971 and 1974 and ratified by Services of Commitment to the Search for Union held throughout South Africa on November 24th, 1974.

- (i) The acquisition of fixed property by purchase, lease, donation or otherwise and if necessary disposal or alienation of the same, which shall be used as a Place of Assembly for public worship or other purpose as approved by the Church Council of the Congregation.
- (ii) Erecting buildings on such property and making additions and alterations to such building where necessary, equipping the same and generally making the property suitable for use as aforesaid.
- (iii) Administering such property in terms of the provisions of this Constitution.
- (iv) The raising of such loans of money to implement these objects as is necessary from time to time and to furnish security for any such loan.

ARTICLE III: MANAGEMENT AND ADMINISTRATION BY TRUSTEES:

The Trust shall be managed and administered by a Board of Trustees. The Trustees may sue and be sued in the name of ‘The Trustees’ of the said Trust and service of process upon any one of them shall be accepted as service on all of them.

In an area where there is only one United Congregation the Trustees shall be appointed in terms of Article V (1). Should another United Congregation be formed in the same area (up to four in number in any given area) it shall upon adoption of this constitution, be managed and administered by the same Board of Trustees.

ARTICLE IV: POWERS OF THE TRUSTEES:

To give effect to the objects and purposes aforesaid the Trustees shall have the following powers and authorities, subject to the written consent of the Diocesan Trustees of the Diocese of, Regional Council of, District of Trust Properties Committee, and the Finance committee of the Presbyterian Church of Southern Africa and the responsible bodies of the Evangelical Presbyterian Church in South Africa and the Reformed Presbyterian Church in Southern Africa.

- (a) To borrow moneys with or without security, and if deemed desirable, to secure the repayment thereof in such manner as the Trustees may think fit and guaranteeing of securing the acts of and payments due by any body or person whom the Trust shall appoint.
- (b) To purchase, lease, exchange, accept donations of or otherwise acquire, sell let, mortgage, pledge, donate or otherwise dispose of, improve, maintain, develop, turn to account or otherwise deal with immovable property of all kinds or any rights or interests therein or thereon or any other assets of any kind corporeal or incorporeal.
- (c) To erect, construct, reconstruct, alter, demolish, renovate, repair and maintain buildings or additions thereto or alterations or existing buildings and other constructions and facilities, and provide maintain such other religious, educational, cultural and social amenities as may be

necessary or desirable for the furtherance of the object of the Trust and of the Anglican, Congregational, Methodist and Presbyterian Churches.

- (d) To provide and arrange for the maintenance and upkeep of any buildings situated upon the property acquired by the Trust.
- (e) To institute, defend, bring, carry on, compromise, discontinue or refer to arbitration any proceedings, actions, suits, claims, demands, applications or appeals in the name of the Trust of in relation to any matter affecting the interests of the Trust.
- (f) To instruct the Church Council to insure any or all the Trust's undertakings, property or assets against risk or loss by fire, storm or burglary, or any other loss including liability to the public.
- (g) To open, operate and carry on any Banking or Savings account or other Investment Account with full power to change or all up any investments from time to time.
- (h) To provide an annual audit of the Trust.
- (i) To do all such other things for the attainment and furtherance of any of its objects or for the benefit of the Anglican, congregational, Methodist and Presbyterian Churches and those associated therewith, and generally to do all such other things as may be incidental, ancillary or conducive to the attainment and furtherance of any of its objects.

ARTICLE V: APPOINTMENT OF TRUSTEES

1a The Trustees shall consist of two representatives of those particular Churches that are participating in the forming of the Congregation, namely:- (as the case may be)

- i) the Church of the Province of Southern Africa (CPSA)
- ii) the United Congregational Church of Southern Africa (UUVSA)
- iii) the Methodist Church of Southern Africa (MSCA)
- iv) the Presbyterian Church of Southern Africa (PSCA)
- v) the Evangelical Presbyterian Church in South Africa (EPC)
- vi) the Reformed Presbyterian Church in Southern Africa (RPC)

1b The two representative of the CPSA shall be one clerical and one lay representative who shall be appointed by the Bishop of the Diocese of with the agreement of the Diocesan Council of the Diocese of and the Diocesan Trust Board and shall hold office for such time and under such conditions as the Bishop with the agreement of the Diocesan Council and the Diocesan Trust Board may determine from time to time provided that:

The Bishop, with the agreement of the Diocesan Council and the Diocesan Trust Board, shall be entitled to appoint alternative to act in the absence of such representatives.

No person shall be appointed as a representative or alternate representative of the CPSA unless he/she be a communicant of such Church.

1c The two representative of the UCCSA shall be:
One clerical and one lay representative appointed by the Regional Council of who shall hold office for such time and under such conditions as the Regional Council may from time to time appoint.

The Regional Council shall be entitled to appoint alternates to act in the absence of the clerical and lay representative appointed in sub-articles {c} (Xi) hereof.

No person shall be appointed as a representative or alternate representative of the Congregational Church unless he/she be a member of such Church.

1d The two representatives of the MCSA shall be one clerical and one lay representative appointed annually by the President or the Chairman of the District when duly deputed thereto by the President, upon nomination by the Superintendent provided that:
The President shall be entitled to appoint alternates to act in the absence of such representatives.

No person shall be appointed as a representative or alternate representative of the Methodist Church unless he/she be a communicant of such Church.

1e The two representatives of the PCSA and / or the EPC and /or the RPC shall be:
5.13..6 One clerical and one lay representative appointed by the Presbytery who shall hold office for such time and under such conditions as the Presbytery may from time to time appoint.

The Presbytery shall be entitled to appoint alternates to act in the absence of the clerical and lay representatives or alternate representative of either the PCSA, or the EPC, or the RPC unless he/she be a member of such Church within its local Presbytery.

Upon the formation of a second, third and fourth United Congregation in the area, the members of the Board of Trustees shall be appointed or elected as follows”

Each United Congregation in the area shall elect one member of its Church Council.

The Minister in charge of each united Congregation shall be a member ex-officio.

Each participating Church to this agreement shall appoint a representative who shall be a member of such church.

ARTICLE VI: SECRETARY

The Trustees shall elect from their own members a Chairman and Vice-Chairman. The Chairman and Vice-Chairman shall hold office for one year and shall not be eligible for immediate re-election. Election to the office of Chairman and Vice-Chairman shall normally be on a basis of rotation between the participating Churches.

ARTICLE VII: CONDUCT OF BUSINESS:

The Trustees shall appoint a Secretary either from among their members or otherwise and shall define the nature and scope of his/her duties.

ARTICLE VIII: CONDUCT OF BUSINESS:

The Trustees may lay down such general rules or regulations for the conducts of the business of the Trust as they may from time to time see fit and may add to, or alter, or repeal any such rules or regulations, provided such rules and regulations are not in conflict with the laws and practices of the participating Churches.

ARTICLE IX: DISQUALIFICATION OF A TRUSTEE

A Trustee shall cease to hold office if such Trustee:

- a. Dies;
- b. Becomes lunatic or of unsound mind;
- c. Resigns from office;
- d. Ceases to be a member of the Church by which he/she was appointed or when the appointment as
Trustee is terminated by the body/officer with power to appoint;
- e. is absent from three consecutive meetings of the Trustees with valid and sufficient reason;
- f. his/her estate is sequestrated under any law relating to insolvency;
- g. is placed under discipline in terms of the Constitution of the Church to which he/she belongs.

ARTICLE X: FILLING A VACANCY:

Any vacancy in the office of Trustee shall be filled in the same manner as such Trustee was appointed.

ARTICLE XI: PROCEEDINGS OF TRUSTEES:

Subject to the provisions of this Constitution, the Trustees may meet for the despatch of business, adjourn or otherwise conduct their proceedings in such a manner as they may determine. Questions arising at any meeting shall be decided and all functions, duties and powers vested in the Trustees shall be exercised by resolution of at least three-quarters of the votes of those casting but only a deliberative vote.

The quorum necessary for the transaction of the business of the Trustees shall be a majority of the members, provided each participating church is represented. If, after an interval of two weeks a quorum has not been obtained and it does not appear like that a quorum can be obtained within a reasonable time, the members present at a meeting of which due notice has been given shall form a quorum.

Notwithstanding any vacancy among the Trustees, the remaining members may continue to act, provided that there be a quorum necessary for the transaction of the business as set out above.

The Trustees shall keep minutes of their proceedings and such minutes having been read and approved shall be signed by the Chairman and shall constitute the official record of such proceedings.

ARTICLE XII: MEETINGS OF THE TRUSTEES:

The Chairman shall be entitled to convene a meeting of the Trustees at any time. A meeting shall also be convened on the requisition of any two Trustees. The Trustees shall cause a meeting of the Trustees to be held within thirty days after the date of the annual meeting of the Congregation for the purpose of examining the Audited Financial Statement. Save as aforesaid, meetings shall be held from time to time as the Trustees may determine.

At least fourteen days' notice in writing shall be given of each meeting of the Trustees, with which shall be submitted the Agenda and also the Minutes of the Last Ordinary Meeting and of any Special Meeting which may have been held since the last Ordinary Meeting or such Special Meeting unless minutes of such Ordinary Meeting shall have been distributed already, provided that:-

- i. With the concurrence of a quorum of members the Trustees may condone any lesser period of notice or may waive the giving of notice in respect of any meeting.
- ii. The Chairman may authorise the discussion of any matter not included in the formal agenda for such a meeting.

Notice of every meeting shall be given to the Secretary to each Trustee. The address to which such notice may be delivered to or sent by post shall be furnished by each Trustee to the Secretary and any Notice so given shall be deemed to have been served forty eight hours after it was posted, or, as the case may be, at the time it was delivered.

ARTICLE XIV: INDEMNITY FOR TRUSTEES AND AGENTS:

- a. No Trustee or any agent of the Trustees shall in any way be liable for loss or damage which may be suffered by the Trust through any act of omission or commission of himself/herself or any other Trustee or agent in the execution of the functions, duties or powers or the Trustees or their agents or the Trust under this Constitution or in relation thereto, unless the same happen through his/her own fraud or dishonesty or wilful negligence.
- b. The Trustees shall have authority to insure against loss due to any acts of omission or commission by any Trustee or any agent of the Trustees or of any official employee of the Congregation or any

member of the Church Council or any committee or commission appointed by the Church Council. Such insurance shall be arranged by the Church Council if so directed by the Trustees and at the cost of the Church Council.

ARTICLE XV: APPLICATION OF PROPERTY INCOME AND MONEYS:

The income, property, money and other assets of the Trust whenever derived, shall be applied solely towards the promotion of the objects of the Trust as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of bonus, divided or otherwise howsoever by way of profit to the Trustees or any agent of the Trustee or any agent of the Trustees, provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee of the Trust or the imbursement of any Trustee or agent or employee of the Trust for any expenditure actually incurred by such Trustee, agent or employee in the interests of the Trust and with the authority of the Trustees, or in the case of an employee employed by or an agent acting in the service of the Congregation on instruction or with the authority of the Trustees, or in the case of an employee employed by or an agent acting in the service of the Congregation on instruction or with the authority of the Church Council.

ARTICLE XVI: APPOINTMENT OF A CHURCH COUNCIL:

- a. The Trustees shall require the registered communicant members of the Congregation to elect annual and to maintain in being a Church Council to do such things as may be necessary in pursuance of its responsibility to both the Trustees and the members in respect of the common life of the Congregation.
- b. The Congregation shall determine the number of members of the Church Council, which shall be three or a multiple thereof.
- c. To foster in the congregation a concern for witness, Christian Education, ecumenical action, local inter-church relations and service to the community and the wider responsibility of the whole Church.
- d. To be responsible for admission to membership and discipline of members in accordance with the relevant denominational practice. To keep and revise the roll of communicant members and the roll of all other baptised persons, including children not yet in full communion.
- e. To be responsible for the institution and oversight of work among children and young people and off all organisations within the Congregation.
- f. To provide for the maintenance of buildings and other fixed assets of the Trust and to keep them insured against risk or loss by fire and against such other loss or damage as they may deem fit.
- g. To be responsible for the raising of funds and all the financial matters and obligations of the congregation and of its organisations, including the payment to the governing bodies of the participating churches of such moneys as may be due to them in such proportions as the Trustees may from time to time determine and in conformity with the method of assessment of each denomination body.
- h. To pay the ministers stipend according to the practice of the Church in which he/she hold his/her accreditation.
- i. To pay the ministers' stipend according to the practice of the Church in which he/she hold his/her accreditation.
- j. To make provision for the necessary staff and to pay or arrange the payment of their salaries and other emoluments due to them.
- k. To open, operate, and carry on any Banking or Savings Account or other Investment account.
- l. To convene meetings of the Congregation and to prepare the agenda for each such meeting.

- m. To prepare and submit annual report, together with the audited accounts, a budget for the ensuing year and such other reports as may be called for presentation to the Annual General Meeting and to the Trustees for onward transmission to the appropriate authorities of the Anglican, congregational, Methodist and Presbyterian Churches with the comments of the Trustees.
- n. To convene an Annual General Meeting of the Congregation to be held not later than 31st March in each year, at which meeting the following business shall, inter alia, be included in the agenda:-

To adopt the audited Annual Financial Statements of Accounts of the Congregation and a supporting Report prepared by the Church council, such Statements of Account and Report to cover the period from 1st January to 31st December of the preceding year in each case.

To receive a list of the register communicant members of the Congregation as at 31st December of the preceding year which list shall have been certified by the Chairman of the Church council as correct and complete to the best knowledge and belief and in accordance with the information provided to him/her from Church records. To elect the Church Council in terms of Article XVI hereof.

- o. To receive and act upon all such matters as may be referred to the Congregation by any competent authority in the participating Churches.
- p. To elect representative to the appropriate Courts and Committees of each of the participating Churches in accordance with their respective requirements.
- q. To appoint Auditors, approved by the Trustees, for the accounts of the Congregation for the ensuing year.
- r. To appoint and define the authority of such sub-committees as may be necessary to deal with such functions of the Church council as said Council may deem fit.

ARTICLE XVIII: MINISTRY

- a. The minister-in-charge shall be a duly ordained minister, in good standing, of one of the participating Churches and shall be appointed according to the policy and practice of the Church in which he is accredited.
- b. The minister shall remain under the laws and discipline of the appropriate authority in his own church.
- c. When a ministerial vacancy occurs or an additional ministerial appointment is deemed necessary it shall be reported by the Church Council to the Trustees who shall notify the relevant governing bodies of the participating Churches of the vacancy; whereupon the Trustees shall decide in consultation with the church Council, which of the participating Churches shall be invited to fill the vacancy. The Church nominated and consenting to fill the vacancy shall thereupon provide the interim oversight of the vacant charge and institute proceedings leading to the call or appointment of a minister in terms of its own procedures. In the event of the Church nominated to fill the vacancy declining or being unable to do so the Trustees, with the concurrence of the Church Council, may approach any one of the other participating Churches to fill the vacancy. The conformity with (a) and (b) above, namely, the minister invited to fill the vacancy, the Church Council and Trustees.

ARTICLE XIX: DISSOLUTION OF THE CONGREGATIONS

The Congregation may be dissolved:

- (a) (i) By the unanimous vote of all the Trustees of their alternates acting in their absence, subject to a quorum being present, at a meeting of which fourteen days' notice has been given specifying the purpose of the meeting.

(ii) By the resolution of the Synod, Assembly, Conference and General Assembly concerned, provided that such dissolution shall not take effect until six months after written notice has been received by the Trustees unless otherwise agreed by the Synod, Assembly, Conference and General Assembly as the case may be.

b. The Trustees and/or the Church authorities may only affect the dissolution of the Congregation after a meeting of the congregation duly convened for the purpose of acquainting the Congregation with the proposed dissolution has been held.

ARTICLE XIX: DISPOSAL OF ASSETS OF THE CONGREGATION ON DISSOLUTION:

If upon dissolution the Congregation:-

One or more of the parties hereto wishes to retain for its own use any property belonging to the Trust, such property shall first be offered for sale to that denomination (wishing to retain the property) that has the greatest number of registered communicant members of the Congregation within its own membership at a price based on the valuation of a Sworn Appraiser to be agreed upon by the Trustees which shall provide for the takeover or redemption of any mortgage holder or other creditor concerned.

In the event of the Denomination to which the property is first offered being unable or unwilling to accept the purchase thereof on the terms offered by the Trustees, such property shall then be offered for sale on the same terms to the denomination which has the next greatest number of the registered communicant members of the Congregation within its own membership, and so on until one of the denominations to which it is offered accepts the offer.

If any denomination to which the property is offered in turn accepts the offer, the Trustees shall conclude the necessary arrangements with such denomination and shall effect transfer of the property concerned to such denomination, but if none of the parties wishes to take over the property or if agreement as to terms cannot be reached the Trustees shall realise the property and apply Article XXII hereof.

ARTICLE XXI: DISTRIBUTION OF EXCESS ASSETS:

If upon the winding up or the dissolution of the Congregation there remains after satisfaction of all debts and liabilities of whatever sort of the Congregation, any surplus of assets whatsoever the same shall not be paid to or distributed among the Trustees or any of them or any agents of the Trustees or any employee of the Trust, but:-

a. Each of the participating Churches shall be entitled as a first charge upon such surplus assets to a repayment equal to the value of any property, moneys or other assets taken over by the Trust from the Diocesan Trustees, the Regional Council, Trust Properties Committee or the Finance Committee as defined in Article I hereof respectively or from any other body acting for or representative of any of the participating Churches:-

provided that the value of such property, moneys or other assets for such repayment purposes shall be determined and agreed upon by the Trustees meeting together and shall be both recorded in the Minutes of the meeting at which such decision is reached and advised in writing to the body from which such property, moneys or other assets as the case may be are taken over by the Trust: and

provided further that if such surplus assets are insufficient to enable repayments to be made in full in respect of all such properties, moneys or other assets taken over, then payments shall be made to each of the participating Churches in the same proportion as the value of the property, moneys or other assets taken over in such a way.

b. After the repayments referred to in (a) above have been made in full any balance of the surplus of assets remaining shall be paid over to the participating Churches in the proportion that the numbers of communicant members of each participating Denomination registered on

the Roll of Communicant members of the Congregation bears to the total number of registered communicant members of the Congregation, provided that nothing in this Article shall prevent the Synod, Assembly, Conference and General Assembly agreeing to payment made in such other manner as may be consented to by them.

ARTICLE XXII: DISSOLUTION OF THE TRUST

Upon the dissolution of the Congregation and the disposal of the assets thereof in terms of Articles XX and XXI the Trust shall be dissolved. Should there be more Congregations than one managed and administered by the Board of Trustees in any given area the Trusts shall be dissolved only upon the dissolution of all the Untied Congregations in the area and the disposal of their assets in terms of Articles XX and XXI.

ARTICLE XXIII: AMENDMENTS OF THIS CONSTITUTION:

This Constitution may be altered or amended by the Trustees by a Resolution at a meeting of Trustees at which not less than three-quarters of the votes of those present are in favour of the alteration or amendment, provided that not less than fourteen days' notice of the date and purpose of the meeting shall have been given to all the trustees in writing and provided further that no alteration or amendment shall be valid or shall be effective until it shall have been approved by the Synod, Assembly, Conference and General Assembly concerned and the Trustees have been advised to this effect in writing by each of the Anglican, Congregational, Methodist and Presbyterian Churches.

NOTE: The Model Constitution may be followed by Appendices in regard to the following matters:-

1. Forms and Times of Services
2. Sunday School and / or Christian Education Department
3. Baptism
4. Membership:
Reception of Members (Confirmation)
Responsibilities of Members
5. Ministers
6. Marriages

The appendices outlined above would reflect the local needs of the Congregation, but would require the prior approval of the Bishop and / or the Diocesan Council, the Regional Council, the Conference and the Presbyteries concerned.

SUGGESTED ORDER FOR THE CONSTITUTION OF A UNITED CONGREGATION

(This constituting act shall follow the celebration of the Eucharist according to the CUC rite, known as Sunday Worship).

The Officiating Ministers shall say together:

In the Name of the Lord Jesus Christ, the King and Head of the Church, and in the Name of the Church of the Province of Southern Africa, the Methodist Church of Southern Africa, the Presbyterian Church of Southern Africa, the Evangelical Presbyterian Church in South Africa, the Reformed Presbyterian Church in Southern Africa and the United Congregational Church of Southern Africa, we are here assembled to constitute United Church.

(All Stand)

The Minister appointed shall say:

Whereas the Synod of the Diocese of the Synod of the District, the Presbytery of and the Regional Council have resolved to constitute United Church as a united congregation in terms of the Memorandum of Association of the Church Unity Commission;

As whereas the member of the Anglican, Methodist, Presbyterian and Congregational Churches worshipping at United Church, have declared their intention to become the foundation member of the said united congregation:

Now, therefore, as one people,
Within the household of God;
In the unity of the faith;
In the fellowship of the Holy Spirit,
And in love and goodwill to all;
Will you
Covenant with God
And with one another
As members of United Church?

(All): WE WILL, THE LORD BEING OUR HELPER

The members of United Church shall repeat together the Act of Commitment used in the services held throughout Southern Africa on November 24, 1974 to ratify the Declaration of Intention of seek Union.

We acknowledge that we all share
In responsibility for our divisions,
Which are plainly contrary to God's will.
We give thanks
For that united in Christ
Which is already ours by baptism,
And for the Holy Spirit's reconciling work among us.
And here in the presence of God
And one another
We solemnly pledge and commit ourselves
To pray and work for the fullness
Of that unity in Christ
Which we believe to be his will
Within the fellowship of United Church

Minister: Let us pray for the gift of the Holy Spirit for our task.

ALL SAY:

Come, Holy Spirit,
Cleanse us by your fire,
Renew us by your power,
United us by your love
And fill us with your life.
Come, Holy Spirit
Bind us together and make us one,
To the glory of Christ our Lord.

The Declaration

The Officiating Ministers shall say together:

In obedience to the Lord Jesus Christ, by the authority of the appropriate courts of the Churches here represented and in terms of the Constitution for United Congregations, duly attested and signed by the official representatives of the participating Churches, we do hereby declare United Church to be duly constituted as a united congregation, in the name of the Father, and the Son and the Holy Spirit, and we commend its workshop, fellowship and service to the blessing of the Almighty God.

All: AMEN

The congregation is seated

The Officiating Ministers shall receive the minister and office-bearers of United Church by the right hand of fellowship. Thereafter, the official representatives of the participating Churches, and the minister and office-bearers of United Church shall sign the Bible.

The congregation shall rise and the officiating ministers shall say together:
Now to him who is able to do so much more that we ever ask for or even think of:
to God be the glory in the Church and in Christ Jesus for all time, and for eternity.

THE PRESBYTERIAN CHURCH OF SOUTHERN AFRICA

And

THE UNITED CONGREGATIONAL CHURCH OF SOUTHERN AFRICA

SCHEME FOR THE MUTUAL ELEGIBILITY OF MINISTERS OF THE UCCSA AND THE PCSA

- 1a. Accredited ministers of the UCCSA and PCSA shall be eligible, after five years service in their own Church, to receive call to congregations of either Church without loss of Status in their own Church.
- 1b. Appointments, (e.g. as assistant ministers, church extension agents, or probationers) may be made at any time, but only by agreement between the appropriate authorities in each Church.
2. On accepting such call or appointment, a minister shall be transferred by the appropriate court of his Church to the care and discipline of the appropriate court of the Church he is to serve, for as long as he is so serving.
3. Thus coming under the case and discipline of the other Church, such a minister shall be inducted or introduced to his charge in terms of that Church's policy and practice, thus accepting to be subject to its government, to take part in the administration of its affairs and to celebrate the Sacraments and Ordinances in terms of generally accepted practice.
4. A minister thus serving in the other Church shall be a fully accredited minister of that Church for as long as he serves in it. He shall continue as an associate of the Presbyterian/Regional Council of his own Church.
5. A minister in the other Church shall remain a member of his own Church's Pension Fund, continuing to pay his own contributions to it, and the congregation he serves will contribute to the same fund as its rate. (When a congregation is considering a call/appointment, it shall be informed of the terms of this provision by the appropriate body).
6. Service in the other Church by any minister shall be credited to him as service in his own Church and shall count towards seniority in it.
7. Each Church shall dispose of calls and appointments of ministers of the other Church in terms of its own practice and procedure.

**THE PRESBYTERIAN CHURCH OF SOUTHERN AFRICA
AND
THE UNITED CONGREGATIONAL CHURCH OF
SOUTHERN
AFRICA**

**REVISED MEMORANDUM OF ASSOCIATION
FOR UNITED PRESBYTERIAN/CONGREGATIONAL
CONGREGATIONS**

PREAMBLE

WHEREAS the General Assembly of the Presbyterian Church of Southern Africa and the Assembly of the United Congregational Church of Southern Africa both meeting in Port Elizabeth in 1968 had adopted the following terms of reference as a basis for the work of the Presbyterian / Congregational Joint Committee:-

That the Committee shall initiate and foster co-operation in such practical matters as the following:

- i. Joint Planning for Church Extension.
- i. Combined building projects
- ii. Integrated worship.
- iii. Mutual eligibility of membership
- iv. Co-ordinating of existing work.
- v. The elimination of competition and the acceptance of the principle of comity.
- vi. The establishment of fraternal relationships at all levels of Church life.
- vii. Consultation regarding Evangelism: Christian Education: Stewardship and other areas of common concern to both Churches with a view to the pooling of personnel and resources and co-operative effort.

That the Committee shall encourage the formation of liaison committees.

That the Committee be responsible for the co-ordination of the work of the Extension Committee of both Churches.

That the Committee should collect, collate and disseminate the information supplied by the local committees in order that local churches and congregations may be kept informed both in regard to policy and developments.

AND WHEREAS the General Assembly of the Presbyterian Church of Southern Africa meeting *in Cape Town in 1970* and the Assembly of the United Congregational Church of southern Africa meeting in Paarl the same year agreed to foster and encourage untied worship and, where possible, the formation of integrated congregations, and further instructed the Presbyterian / Congregational Joint Committee to draft a Memorandum of Association for United Presbyterian/Congregational Congregations (hereinafter referred to as untied congregations).

AND WHEREAS that Memorandum of Association, as set out on pages 244/246 of the 1971 Blue Book of the PCSA and on pages 66/69 of the 1973 Manual of Constitution and Procedures of the UCCSA has been reconfirmed, with certain amendments by the General Assembly of the PCSA meeting in Cape Town in 1979 and the Assembly of the UCCSA meeting in Johannesburg in the same year.

NOW THEREFORE the Articles of Association, which appear hereinafter, set out the proper procedure for the establishment of a united congregation.

ARTICLE 1:

- a. A united congregation may be initiated by any of the following bodies:
Congregations and local churches;
Presbyteries and/or Regional Councils;
Area Presbyterian / Congregational Liaison Committees;
The Presbyterian / Congregational Relations Committee.

In cases where PCSA congregations and UCCSA local churches are already in existence, they shall follow the procedures set out in the appropriate regulations and / or constitutions of their own Churches in order to obtain the consent of the congregation / local church to the proposed scheme of union at the local level. To give effect to any such scheme:

A majority vote of two thirds of the communicant membership shall be required: or
The assent of 75% of those present and entitled to vote at a special meeting of the congregation / local church.

In cases where a new united congregation of Extension Charge is contemplated, where neither the PCSA nor the UCCSA have an existing congregation, the request for the establishment of such a united congregation shall be sent, in the first instance, to the Presbyterian / Congregational Relations Committee. In all such cases, the application shall be referred to the local liaison committee, in areas where such a committee has been constituted. Thereafter the Presbyterian / Congregational Relations Committee shall make the appropriate recommendations to the Presbytery or the Regional Council concerned.

In cases where in an area there is only of the denominational bodies, such a congregation may apply through the Presbyterian / Congregational Relations Committee, which after consulting with the Liaison Committee in areas where such a committee has been constituted, will submit the application to become a united congregation, together with its recommendation to the appropriate Presbytery and Regional Council.

ARTICLE II: NAME

United congregations shall assume such name as may be agreed upon locally. Any such local name shall be followed by "Presbyterian and Congregational" in parenthesis, until such time as organic union takes place.

ARTICLE III: MEMBERSHIP

All members of the uniting congregations shall be regarded as members of the united congregation at the time of its formation. As from the date of *union*, the names of all new members shall be placed on Joint Membership Roll.

ARTICLE IV: MINISTRY

A Presbyterian minister serving a united congregation shall be entitled to a seat on the local Regional Council. Likewise, a Congregational minister serving a united congregation shall be entitled to a seat on the local Presbytery.

Where the present ministers of uniting congregations remain in charge of a united congregation, they shall be known as "colleague ministers". In filling all subsequent vacancies any ordained minister or their Church shall be eligible to receive a Call from a united congregation. When a call is issued, the procedure of the Church to which the minister belongs shall be followed, except that every Call shall require a Congregational Meeting and signature to the Call followed by the ratification of the appropriate court of the other denominational body.

The Act of Induction of a minister to a United Congregation shall be in accordance with the form approved by the Assemblies and shall be shared by the appropriate Presbytery and Regional Council on a mutually agreed basis.

ARTICLE V: GOVERNMENT:

The government of a united congregation shall be in terms of a local constitution drafted to suite the particular circumstances of the united congregation and based on the Model Constitution for united congregations.

ARTICLE VI: REPRESENTATION ON CHURCH COURTS

A united congregation shall be a member of the appropriate Presbytery of the PCSA and the appropriate Regional Council of the UCCSA. The congregation shall be entitled to the representation allowed by each of the said Churches.

ARTICLE VII: FINANCE

- a. Church Assessments: The financial support to be given to the two denominational bodies shall, in the first two years following the date of the union, be determined on the following basis:
 - i. The aggregate of the incomes of the uniting congregations in the year prior to union is to be ascertained and the ratios (expressed as a percentage of the aggregate) between the incomes attributable to the uniting congregations are to be determined.
 - ii. The income of the congregation in each year is to be divided into those parts proportionate to the percentage so determined in order to ascertain the respective amounts upon which the congregation is assessable for the purpose of calculating the levies or dues payable to the PCSA and the UCCSA for that year in accordance with their respective rates.

Thereafter the Church Council shall determine, subject to the approval of the appropriate regional Courts of the Churches concerned, the apportionment of the Congregation's annual income for "the purpose of such assessments.

- b. Applications for Grants, Loans etc.: All applications for grants, loans and other financial assistance from the central funds of a Denominational Body shall be submitted to the Presbyterian / Congregational Relations Committee, which will make a single recommendation regarding the financial aid sought to the appropriate court of both Churches, which shall process the application according to the procedure of the Church concerned.
- c. Acceptance of Assets and Liabilities: All the assets of the uniting congregations shall vest in the Congregation and it accepts full responsibility for the liabilities of those congregations.

ARTICLE VIII: PROPERTY:

Where property is vested in a name pertaining to one of the Denominational Bodies, it is transferred to the local congregation after union has been effected. Where such transfer is not possible or is considered inadvisable, the property vesting shall remain unaltered.

Where property is vested in the name of the local congregation, the vesting shall be transferred to the united congregation at the time of the union.

Where a new property is acquired at the time of the union it shall be vested in the name of the united congregation concerned, except in the case of leased properties held under an Agreement of Lease which shall be registered either in the name of the Presbyterian Church of Southern Africa of the United Congregational Church of Southern Africa in terms of the Joint Property Agreement.

ARTICLE IX: ORGANIC UNITY:

If and when the Presbyterian Church of Southern Africa and the United Congregational Church of Southern Africa unite to form one Church, or both enter a scheme of union with other Churches, all united congregations shall become constituent congregations of the United Church, and the Constitutions of the said United Church shall replace the articles of this Memorandum of Association as from the date on which the union takes effect.

In the event of one of the Churches entering a scheme of union, not involving the other, the terms of this Memorandum of Association would be either amended to give recognition to the changes in name and constitution of one of the co-operating Churches or, alternately, a new Memorandum of Association would be entered into by the co-operating Churches, which would replace the articles of this Memorandum of Association as from the date on which it became operative.

ARTICLE X: DISSOLUTION PRIOR TO THE FORMATION OF A UNITED CHURCH:

In the event of the dissolution of a United Presbyterian / Congregational congregation within five years of the date of merger, after the liquidation of all debts and liabilities, any remaining assets shall be divided between the Presbyterian Church of Southern Africa and the United Congregational Church of Southern Africa on a basis proportionate to the contributions of the said Churches; and thereafter on an equal basis. Where properties remain in the name of or are transferred to one of the said Churches (or one of their constituent congregations or local churches) the other Church shall be adequately compensated on the basis outlines above for its interest in the property.

NOTES:

The Memorandum of Association, in its present form, represents an agreement entered into by the General Assembly of the PCSA and the Assembly of the UCCSA as set out in the preamble. It may be expanded to include the Evangelical Presbyterian Church and the Reformed Presbyterian Church by insertion of the appropriate names and dates, etc.

The Revised Memorandum of Association as set out above incorporates the amendments and additions, adopted in 1979 by the Presbyterian / Congregational Joint Committee, affecting the following Articles:

Article I - Clause (b) and (c) and new clause (d)

Article II

Article IV- Clause (b) and new clause (c)

Article VII- Clause (a), (b), and (c)

Furthermore Article VIII has some wording changed in it to conform with current usage.

3. The Model Constitution referred to in Article V is set out on the next page of this Manual.

MODEL CONSTITUTION FOR UNITED PRESBYTERIAN / CONGREGATIONAL CONGREGATIONS

WHEREAS the Congregation of the Presbyterian Church of Southern Africa know as and the Congregation of the Reformed Presbyterian Church known as and the Congregation of the Tsonga Presbyterian Church known as

And the local Church of the United Congregational Church of Southern Africa knows as the

Have resolved in their respective Congregational / Church Meetings to unite in terms of he Memorandum of Association for United Presbyterian / Congregational Congregations hereinafter referred to as the Memorandum of Association;) see in particular Article 5 of the Memorandum of Association);

AND WHEREAS the said Congregations and the said local Church (hereinafter referred to as ‘the uniting congregations’) hereby declare their intention to become one United Congregation constituted in terms of the memorandum of Association and governed in terms of the articles of this Constitution as amended pursuant thereto from time to time;

AND WHEREAS the uniting congregations hereby confess the Christian faith as understood and interpreted by the Presbyterian Church of Southern Africa, the Reformed Presbyterian Church, the Tsonga Presbyterian Church and the United Congregational Church of Southern Africa;

AND WHEREAS it is recognised that the Constitution of the Congregation as set out in Appendix (a) of the Manual of Law, Practice and Procedure as in force in respect of the Presbyterian Church of Southern Africa’s polity and similarly and like Constitution of the Congregation in respect of the Reformed Presbyterian Church, the Tsonga Presbyterian Church and United Congregational Church of Southern Africa’s polity;

NOW THEREFORE the Articles of this Constitution, which appear hereunder, set out the basis on which the union of the uniting congregations is effected.

Article I: NAME: The Congregation hereby constituted is name
.....
.....
and is hereinafter referred to as “the Congregation”.

Article II: LEGAL STATUS: The Congregation is a voluntary association of its member for the time being in the form of a corporate body having perpetual succession and the power to own and hold property (immovable, moveable and incorporeal) in its own name independently of its members as well as power to sue and be sued in its own name.

Article III: FUNCTIONS AND POWERS: The Congregation shall have an exercise such functions and powers as are defined in the PCSA’s Manual of Law, Practice and Procedure and the Constitutions of the RPC, TPC and the UCCSA, and in particular shall have the following functions and powers, namely:

- To provide facilities for the conduct of public worship and for the carrying out of various services normally forming part of the functions of a local Church;
- To provide suitable premises for the conduct of public worship and for other Church purposes including a manse / or manses for the minister / or ministers;
- To acquire by purchase, exchange, hire or otherwise, any movable or immovable property, building, incorporeal rights or privileges which may be considered necessary or convenient for the purpose of the Congregation;

- To erect, maintain, improve, alter, repair and equip any building or erections for the purpose of the Congregation;
- To receive or accept moneys, funds, securities, donations, gifts, bequests and inheritances, whether conditional or unconditional, and to administer trusts for the purposes of the Congregation;
- To invest its funds in such manner as it may deem fit.
- To sell, exchange, donate, let, mortgage, pledge or otherwise deal with all or any of its assets; such moneys by pledging or mortgaging any of its property assets;
- To borrow or raise monies for the purpose of the Congregation and to secure the repayment of such monies by pledging or mortgaging any of its property or assets.
- To open and operate banking and savings accounts in its own name;
- To do all such things and to perform all such functions as are normally done or performed by a local church.

Article IV: RELATIONSHIP TO CHURCH COURTS: The Congregation has the status of a united congregation / local church in the Presbyterian Church of Southern Africa, the Reformed Presbyterian Church, the Tsonga Presbyterian Church and the United Congregational Church of Southern Africa (which are hereinafter referred to either as ‘the Denominational Bodies’ or as “the PCSA”, ‘the RPC’, ‘the TPC’ and ‘the UCCSA’), and as such it will be a member of the Presbyteries of the PCSA, RPC and TPC and the Regional Council of the UCCSA within those bounds it may for the time being fall and it will be entitled to the representation allowed by each of the said Denominational Bodies.

Article V: MINISTRY:

The ministers / minister of the uniting congregations shall be the ministers / minister of the united Congregation.

A minister serving the United Congregation is also entitled to a seat on the appropriate regional court for the other denominations represented in the United Congregation.

If the congregation is served by two or more ministers, they shall be know as ‘colleague ministers’ unless otherwise determined by the Church Council (see Article VIII).

In the event of a ministerial vacancy or vacancies in the Congregation interim moderators shall be appointed by the appropriate regional courts. The interim moderators shall jointly assist the Congregation in calling a minister or ministers.

Any ordained minister of any of the Denominational Bodies shall be eligible to receive a Call from the congregations. When a Call is issued, the procedure of the Denominational Body to which the minister belongs shall be followed, except that the Call shall require the ratification of the appropriate court of the other co-operating Denominational Bodies.

In calling a minister due regard shall be given to maintaining the denominational balance.

With regard to the conditions of service and the discipline of ministers the appropriate procedures of the Denominational Body concerned shall be followed. However, nothing in this clause limits the Congregation from varying the conditions of service of he ministers for his/their benefits subject to the prior approval of the appropriate regional courts as may apply.

Article VI: MEMBERSHIP: The minister or ministers for the time being, and the member of the uniting congregations at the time of union, shall be the first members of the Congregation. Persons are admitted to membership:-

- a. on profession of faith

- b. on transfer from other Churches by the presentation of satisfactory certificate of transfer or similar credential from the Church of their last communicant membership;
- c. by resolution of the Church Council.

Article VII: CONGREGATIONAL MEETINGS:

- i. All member of the Congregation have a responsibility to attend and share in the Congregational meetings, which shall be held as and when required.
- ii. Congregational Meetings are convened at the discretion and on the authority of the Church Council
- iii. Notice of meetings shall be given by announcement at the two preceding Sunday services or by written notice sent to all members at least two weeks prior to the date of the meeting. The notice is to specify the business or matter to be transacted.
- iv. Congregational meetings shall be convened by the Church Council if requisitioned in writing by not less than ten members of the Congregations.
- v. The quorum for the Congregational meeting shall be ten present of the membership, provided that if the number of the members exceeds 500 the quorum shall be fifty. If a quorum is not present the meeting stand adjourned for one week. At the adjourned meeting the business concerned may be transaction by the members present.
- vi. The Annual Meeting of the Congregating shall be held within three months of the close of the financial year. The functions of the Annual Meetings shall be:-

To receive, consider and adopt reports of the Church Council and financial statements;

To formulate the financial policy for the ensuing year;

To elect Elders and / or Deacons and to recommend committee members.

Congregational Meetings shall be presided over the Minister or by a member of the Church Council deputed by the Minister's. If there is more than one minister they will preside in rotation unless otherwise agreed between them.

Article VIII: THE CHURCH COUNCIL

- a. The Ministers, together with the Elder and / or Deacons of the uniting congregations in office at the time of union, shall constitute the first Church council of the Congregation.
- b. The Church Council shall be responsible for the spiritual and general oversight to the Congregation and shall administer the temporal affair of the congregation in such a manner as the Congregational Meeting may decide.
- c. The Church Council shall cause:-
 - i. a proper record of Income and expenditure to be kept by the Treasurer.
 - ii. The Church Council Secretary to keep minutes of all Church Council and Congregational Meetings.
 - iii. The minute books to be maintained in accordance with the rules of the Presbyteries and the Region Council and to be submitted annual for inspection and attestation as direct by those Courts.
- d. The Minister shall preside over meetings of the Church Council provided that where there is more than one Minister they will preside in rotation unless otherwise agreed between them. In the event of a Minister not being available to preside over a

properly convened meeting, the Council shall appoint one of its members as the presiding officer but no business shall be transacted at such meeting without the prior knowledge of the ministers / minister.

- e. The Church Council shall determine its own procedures but its quorum for meetings shall be not less than fifty percent of its membership excluding members on the non-active list.
- f. The members of the first Church Council shall continue in office for a period of three years from the date of union. During this period further persons who have been ordained or appointed Elders or Deacons of any Congregation may be elected members of the Church Council. Moreover, the Congregation may ordain or appoint any member/s as Elders/s or Deacon/s in accordance with the appropriate denominational procedure and elect him/her a member of the Church Council.
- g. During the said three-year period the Congregation will review the functions and procedure of the Church Council, taking into consideration the expanding experience of the Congregation and the developments taking place within the Denominational Bodies. The decisions arrived at will be effected by appropriate changes in this Constitution.

Article IX: COMMITTEES: The Church Council shall constitute such Committees as it or a Congregational Meeting may deem necessary and shall appoint the committee members. Such Committees shall be responsible to the church Council and shall report to it.

Article X: FINANCE:

- a. Church Assessment: The financial support to be given to the Denominational Bodies shall, in the first two years following the date of the union, be determined on the following basis:-
 - i. The aggregate of the incomes of the uniting congregations in the year prior to union is to be ascertained and the ratio (expressed as a percentage of the aggregate) between the income attributable to the (number) uniting congregations are to be determined.
 - ii. The income of the Congregation in each year is to be divided into (number) parts proportionate to the percentages so determined in order to ascertain the respective amounts upon which the Congregation is assessable for the purpose of calculating the levies or dues payable to the PCSA, the RPC, the TPC and the UCCSA for that year in accordance with their respective rates.
Thereafter the Church Council shall determine, subject to the approval of the appropriate Regional Courts of the Churches concerned, the apportionment of the Congregation's annual income for the purpose of such assessments.
- b. Applications for Grants, Loans, etc.: All applications for grants, loans and other financial assistance from the centre funds of Denominational Bodies shall be processed according to the agreed procedure of those respective Bodies.
- c. Acceptance of Assets and Liabilities: All the assets of the uniting congregations shall vest in the Congregation and it accepts full responsibility for the liabilities of those congregations.
- d. Financial year: The financial year shall be a calendar year.

Article XII: PROPERTY

b) The following properties belonging to the uniting congregations namely:

- 1. _____

- 2. _____

3

4

will vest in the Congregation as a corporate body and are to be registered in its name, but such properties shall be subject to the provisions of Article XIV.

b. Any new property acquired by the Congregation shall be registered in its name.

Article XIII: DISCIPLINE AND APPEALS:

a. Members and officers of the Congregation shall be subject to discipline and shall have the rights of appeal to which they would have been subject and entitled as members of a congregation belonging to any of the Denominational bodies.

b. Members consent to the jurisdiction of the courts or other appropriate bodies of the PCSA or the RPC or the TPC or the UCCSA as the case may require.

c. Should all or any of the denominations or their appropriate regional courts, within whose respective areas of jurisdiction the Congregation fall, jointly constitute a court/s to deal with disciplinary matter and/or appeals affecting members of the Congregation or member of united congregations generally, member of the Congregation accept the jurisdiction of such court/s.

Article XIV: DISSOLUTION:

a. The Congregation may be dissolved by a resolution passed by a majority of three-fourths of the members present and voting at a Special Meeting of the Congregation convened by the church Council for that purpose of which not less than three months' notice has been given. Representatives from the Presbytery and the Regional Council nominated by those courts shall attend such meeting and shall be entitled to address the meeting but not to vote. One of these representatives shall be elected at the meeting to preside. The minutes shall be taken by the Church Council Secretary or in his absence by another member of the Church Council appointed by the council.

The Special Meeting of the Congregation resolving upon the dissolution shall appoint three Liquidators to give effect to the dissolution. One Liquidator shall be nominated by the Congregation and one by each of the denominational bodies concerned.

The 'Liquidators' function and responsibilities will be:-

- i. to take possession of assets;
- ii. to pay the debts of the congregation;
- iii. to realise to best advantage such of the assets as they decide not to divide;
- iv. To divide the assets or the proceeds between the denominations concerned in the manner determined under paragraph (d).
- v. To account to the denominations concerned for their administration.

d. The division of the assets or the proceeds, as the case may be, shall be effected in such manner as the denominations concerned may agree. In the event of those Bodies not being able to reach agreement on the division they shall appoint a mutually acceptable arbiter, who shall determine the division in the manner he considers fair and equitable having regard to the relative contributions to the accumulation of the net assets made by the co-operating denominations.

Article XV: ORGANIC UNITY:

a. It is contemplated that in the event of the PCSA the RPC, the TPC and the UCCSA uniting with one another, or with one or more other Churches, to form one United Church the

Congregation will become a constituent congregation of the United Church, in which case this Constitution will be superseded by the constitution for congregations adopted by the United Church.

- ii. If either the PCVSA or the RPC or the TPC or the UCCSA, but not all enters into a union with one or more Churches, the Congregation will decide by majority vote whether it will become a constituent congregation of the United Church or of the Church which did not joint the union, and it will make all necessary and appropriate changes in and to this Constitution.
- iii. If the Congregation does not join such United Church it shall become liable to repay to that Church any outstanding loans as well as all grants, which it may at any time have received from the Denominational Body/Bodies, which joined the United Church.

Article XVI: AMENDMENT OF CONSTITUTION: The Congregation may at any time amend this Constitution provided that:-

- i. the amendment is passed by a three-fourth majority at a Congregational Meeting convened for that purpose of which not less that three months' notice has been given to member and to the appropriate regional courts for the denominations convened.
- ii. The amendment is approved by the appropriate Regional Court.

PROPERTY AGREEMENT
(for the joint of property on leased sites)

(Four contracting Churches)
MADE AND ENTERED INTO

By and Between

THE PRESBYTERIAN CHURCH OF SOUTH AFRICA
IN SOUTH SOUTERN AFRICA

And

THE REFORMED PRESBYTERIAN CHURCH
IN SOUTHERN AFRICA

And

EVANGELICAL PREBYTERIAN CHURCH
OF SOUTERN AFRICA

(Hereinafter referred to collectively as the four contracting Churches)

WHEREAS the four contracting Churches, acting on the authority of their governing bodies, have agreed to hold and develop certain properties (as may be individually declared and contracted when opportune) under Agreement of Lease registration but for joint beneficial use between two or more of the four contract Churches.

IT IS THUS AGREED THAT:

1. A site so held by, or to be granted to, one of the four contracting Churches in terms of a Permission to Occupy or similar document shall be deemed to be held in trust, by the Church which is registered as the Lessee, for the joint benefit of those of the four contracting churches that are participating In the use of such site.
2. Any buildings erected or to be erected on such site with funds made available to those of the four contracting Churches so participating shall be regarded as their joint property. The cost of such building and it equipment is shared between the participating Churches equally or in other proportions as agreed upon the outset. Future development costs are to be divided between the participating Churches in the same manner.
3. In case of the buildings to be erected on any site, including future additions, the following procedure shall be adopted:
 - i. approval for the undertaking and the financing of the cost thereof must be obtained from the local Presbyterian / Regional Council;
 - ii. Building plans and specifications and draft contract documents must be submitted to the local Presbyterian / Regional Council for approval;

- iii. A supervisor for the project shall be appointed by the Presbyterian / Regional Council.
4. If the co-operation between those of the four contracting Churches participating in the use of a site be terminated, the permission to occupy registration shall remain with the Church named in the Agreement of Lease. The building on such site shall become that Church's sole property upon payment to those of the contracting Churches, that had been participating in the use of the site and buildings, or their pro-rate shares (based on the proportion of the total cost of erection of the building including improvement thereto of which they contributed) of the fair value of such building, provided that this entitlement shall not exceed the amount of their contributions.
5. The fair value shall be determined by a person or person appointed by the local Presbytery/Regional Council and shall be based on current value, regard being had to the age, state of repair and estimated life of the buildings.
6. If any of the four contracting Churches should unite/merge with any other Church and the foregoing agreement of co-operation is to be continued with the uniting Church as a party, such United Church shall be deemed to have take the place of the contracting Church which was a party to this Property Agreement and shall be bound by all its provisions.
7. If the four contracting Churches should unite (whether the union embraces those four churches only or another Church/Churches as well) such site and buildings thereon shall, subject to any existing legislation, become the property of the United Church.
8. If two only of the contracting churches should unite this Property Agreement shall continue in force with the United Church as a party in place of the two united churches.
9. The local Presbytery/Regional Council shall have authority to delegate specific administrative functions to the Presbyterian / Congregational Joint Committee or to the local Liaison Committee (e.g. the organisation and conduct of the opening and dedication of church buildings).

A GLOBAL PARTNET REFLECTION ON PARTNERSHIP

**Address given by Dr. Des van der Water to the
Meeting of the Common Global Ministries Board
(UCC/Disciples of Christ)
Indianapolis, USA
4-7 April 2001**

REFLECTION ON PARTNERSHIP

Have formulated this brief reflection on the basis of raising some questions that I believe, should help us in our thinking, planning and processing with regard to partnership. And not essentially because I have to avoid becoming a fool.

The fact that the word 'partnership' derives its general understanding, in the South African context, from the corporate (business) world makes for a problematic application within an African Church context. For example, to state that the United Congregational Church of Southern Africa or the Christian Council of Churches in Angola or the All Africa Council of Churches are partners with Global Ministries (i.e. The United Church of Christ in the USA and Canada & the Christian Church (Disciples of Christ) begs a question;

We in Africa, are partners with Global Ministries, what really do we share?
What is the precise nature of our partnership?
Are we equal partners or are we in fact junior or even nominal partners?

I want to suggest that we use five **Guide Principles** adopted by the Common Global Ministries Board some years ago to answer the above questions.

Each of the five guiding principles, the words 'commit' or commitment' and 'share' or 'sharing' appears.

'NO PERSON REALLY BECOMES A FOOL UNTIL HE (sic) stop asking questions" (Charles Steinetz)

1. **We commit ourselves 'to share life, resources and needs'**
To what extent is the US Churches (i.e. Disciples and United Church of Christ) open to Africa and Africans to supply its needs and to share a common life?

As long as the openness does not exist, we are going to be left with unequal power relations between two (or more) supposedly equal partners. If we are serious about sharing life, resources and needs our 'partnership' relationship must be based on mutual dependency or interdependency.

2. **'Our commitment to share persons in mission'**
Has there been a significant change of the flow and direction of persons in mission? If, for instance, persons from Africa are needed in the US (or elsewhere), is Global Ministries prepared to facilitate (finance) that movement?
We have to recognize and face up to the fact that we have not moved significantly enough from the North to South reality and paradigm. It is time to embrace the concept of world mission and mission of persons from everywhere to everywhere.

3. **"We commit ourselves to share in God's healing of creating"**

Is there enough of joint celebration of our contextual faiths and liturgy? Some Africans have thrown our everything (i.e. Cultural symbols, etc) that hails from the West because there has been little or no mutual enrichment. Once again the movement of cultures and the sharing of stories can only be truly meaningful if there is mutuality and no sense of cultural imperialism.

4. **‘We commit ourselves to share in God’s healing of creation’**

Have we done enough as comrades to combat the multinational frenzy that continues to gobble up natural resources?

As we speak some 39 multinational pharmaceutical companies have taken the South African government to court because the latter wishes to import cheaper generic drugs to combat HIV/AIDS? And while the court-case drag on more and more desperately poor Africans are perishing because they cannot afford basic medication.

What is the impact of our partnership on the above struggle?

5. **‘We commit ourselves to share a vision of peace and justice’**

Do we have a mutual understanding, appreciation and respect for each other’s struggles for economic/social justice and peace? Or are we content with the stereotypes that we have of each other? For example, that Africa equals war, dictatorship and famine! Or that all Americans are megalomaniacs and totally caught up in materialism!

We need to be much better educated and informed about each other if our stated partnership is going to have any credibility and be sustained.

SUMMING UP

Insofar as we are able to answer the above questions honestly and openly, we shall be able to answer the questions about the precise nature and real value of our ‘partnership’.

The questions that I have raised are, in essence, fundamental questions about integrity, about trust, about accountability and about mutuality in our relationship as ‘partnership’.

At this stage of our covenant relationship perhaps we need another word, or term, to describe our ‘partnership’, which more accurately reflects the status quo. And having faced up to this fact we can move forward in greater and more meaningful strides.

DES van der WATER
UCCSA GENERAL SECRETARY

April 2001

THE PARTNERSHIP AGREEMENT

Between the

United Free Church of Scotland

And The

United Congregational Church of Southern Africa

2005

Introduction

A justification for changes that go beyond a revision of the 1997 Memorandum of Association to a full re-writing of a Partnership Agreement.

The rapidly changing pace of circumstances that each Church in the partnership is experiencing has compelled a review of the 1997 Memorandum of Association. The changes are such as to warrant a full redrafting of the partnership, giving place to the implementation of a clearer parity within the relationship.

The 1997 revised Memorandum assumed that the United Free Church would continue to be the "Sending Church" and the Churches of UCCSA would remain as the 'Receiving Churches'. **It is** manifestly evident in the 1997 re-draft that there was an assumption in the financial arrangements whereby funds were perceived to be channelled one way.

With severe ministry shortages in the UFC, and in recognition that the Scottish scene is a 'mission field' in need of both ministry and an injection of new life, opportunities to utilise ordained African ministers began to be explored with the United Congregational Church of Southern Africa. These enquiries were well received, though it was recognised that equally there were also serious ministry shortages in Southern Africa. Subsequent information meetings between officials and members of both Churches indicated there might even be scope for short-term exchanges of personnel.

The re-drafted Partnership Agreement seeks to recognise that each Church possesses gifts and resources which could help support and advance the cause of the other: furthermore, that neither Church should be regarded in any way as inferior to the other on account of their differing needs or resources.

Basis of the Partnership Agreement

The Partnership that each Church strives to enter into is one that involves the need for on-going review, for the times are demanding and the press for change is constant.

The partnership will include commitments between each Church for particular situations and projects, remembering that such undertakings involve parity and full cultural and economic differences as far as is practical and realisable. The terms will only come into force after each Assembly has endorsed the individual agreements, for instance as with the Overseas Partnership Scheme.

Where less formalised agreements with to be entered into or where vision are commonly shared these too should have the full knowledge and support of the respective Assemblies.

**The Partnership Agreement between the United Free Church of Scotland
And the United Congregational Church of Southern Africa
2004**

The United Free Church of Scotland and the United Congregational Church of Southern Africa, in entering into the Partnership Agreement.

Recall with gratitude the former agreement between the United Free Church of Scotland and the London Missionary Society in 1931 wherein a special link was made with the Bakwena District of Botswana through medical missionary work, which led to the establishment of the hospital at Molepolole. This was later known as the Scottish Livingstone Hospital, which later passed on to Government control in 1975.

Record their appreciation of the work of the London Missionary Society under the direction of the London Missionary Society Church Council, and acknowledges the origins of that work amongst the Bakwena people later incorporated into the Botswana Synod, which came into being with the formation of the United Congregational Churches of Southern Africa in 1967.

Remember the work that has been shared between the United Free Church and the United Congregational Church of Southern Africa since 1967 as partners in mission in Southern Africa, this being part of the Vision and the Mission of each Church seen in the Gospel to be gloriously told and globally to be transmitted.

Ratify that historically the United Free Church of Scotland has a special relationship with Botswana, and the work at Molepolole in particular, which should be fully recognised, but which ought not to conflict with the wider commitment towards the United Congregational Churches of Southern Africa expressed within the Agreement.

Re-commit each Church to its historic partnership, recognising the changing circumstances affecting each Church and calls for on-going revision of those changes as circumstances demand.

Recognise that for true partnership to exist there has to be a striving towards a greater parity in the Partnership Agreement enabling each Church to respond to the other's visions and needs, and to share their God-given resources and personnel, to build up and advance the cause of Christ, both in Scotland and in Southern Africa.

Reaffirm the principle of parity within the relationship, allowing each Church to contribute to the other's good from its financial and material blessings and its personnel with its diverse gifts and ministries.

Re-examine the potential for new and imaginative forms of partnership, for instance in short-term exchange experiences involving ministers, student ministry candidates and the Churches' laity.

Reciprocate opportunities to engage in mission, to expose students on short-term experiences to the cultural differences between the Churches, to consider pulpit exchanges where there is a recognised benefit to the Churches and the individuals participating.

Mutual recognition of ordained ministers and matters of authority and discipline

Each Member Church has, by its Assembly decisions, accepted the principle of full parity of ministry for its ordained ministers.

When serving overseas within the Partnership Churches such ministers are called upon to accept that they are under the authority of the Church they serve. Should discipline require to be applied it would be carried out only after full consultation between the officials of the United Free Church of Scotland and the Executive of the United Congregational Church of Southern Africa.

During their term of office, ordained personnel serving overseas will be placed on the roll of ministers of their respective Sister Churches in the partnership.

Procedures relating to a declaration of interest in an overseas opportunity.

All request by personnel to serve overseas must be done through the relevant Committees of the United Free Church of Scotland or the united Congregational Church of Southern Africa and with the knowledge and support of the Synod (in the case of UCCSA ministers).

Finance matters within the Partnership

Any designated funds and gifts sent overseas must be declared and sanctioned by the relevant bodies of each Church using the most prudent methods available for the transfer of capital sums.

In conclusion

The co-signatories to this Partnership Agreement are the United Free Church of Scotland and the United Congregational Church of Southern Africa. Their conviction is that the Church's mission is to the world and is both an imperative of the Gospel and a witness to the unity of the Body of Christ. This mission makes each Church a partner with God and with one another in their service to Scotland, Southern Africa and the world.

The principles and procedures set forth within the above Agreement define the terms and nature of the agreement and outline the measures to be implemented. The above Partnership Agreement supersedes all former agreements prior to 2005.

We praise God for the past, reflect on the present and, looking to the future, strive together in the spirit of Christ Jesus to fulfil His holy calling to the Church to be salt and light to the nations.

A DRAFT STATEMENT ON MISSION

(for incorporation in the UCCSA Manual of Constitution and Procedures, Appendix A)

God has a mission, revealed in the Scriptures, to renew and restore the creation that has fallen into sin and suffering. God's mission – the *Missa Dei* – is at the heart of all that God does, and all that God calls the Church to do. God's mission flows out of God's grace. It offers love, mercy and forgiveness to all who are in need, and embraces humans and the whole of the creation within the inclusive covenant of grace.

The Scriptures make clear that this was the work and is the work of God's only Son, Jesus Christ. The mission on which he was sent involved bringing good news to the poor, recovery of sight to the blind, health to the weak, mercy to sinners, release to the captive, and embrace to the lonely and excluded. During his lifetime, Jesus sent his disciples on such a mission, and at his Ascension he challenged them to continue in this way – a challenge that was strengthened by the gift of the Holy Spirit of Pentecost. The New Testament records the way in which the Church continued to serve the *Missa Dei* by following the way of Jesus Christ.

The Church still today finds its life meaning in its participation in the *Missa Dei*, following the way of Jesus Christ. The Church exists not for itself but for God's work in the world, the work of renewal, liberation, healing and grace. In the face of the reality of sin, the Church proclaims a message of God's care for the well being of all creation. This engagement is found in a range of diverse mission actions that include evangelism, education, healing, prophetic denunciation, reconciliation, care for the environment, charity and community development. In undertaking these actions the Church may never forget that they are rooted in the covenant of God's Grace, and that this must give to them a character that draws people towards God, towards one another, and towards the creation.

NAMING THE CONTENT OF OUR COVENANT

An exciting journey for God's people in the UCCSA

The Vision

For us as Congregationalists, the term Covenant is a key theological concept. However, it is used in many different ways, and seems to play little role in issues of unity, diversity, accountability and vision. The process of **naming the content of the covenant** is seen as a significant task for the membership of the UCCSA, so that a mutually agreed covenant can serve as a guiding light for us in the new century.

Background and motivation

When the UCCSA was formed in 1967, the long-standing Congregational concept of the Covenant was used as a way to unify the three diverse strands that come together to form the new church. A few years later a fourth strand was included. The idea of the Covenant has continued to serve as a key idea in the life and witness of the Church, and such things as Commitment and Covenant Sunday in February, and Roy Briggs' book, *The Covenant Church*, are signs of this.

Recently the Theological Commission was asked to deal with a number of contentious issues in the life of the denomination. These included: racism and xenophobia, homosexuality and homophobia, and authority and discipline. As the Commission reflected on each of these matters in turn, we became aware that there is a major theological problem at the heart of the church – namely – a mutually agreed upon consensus of just what it is we believe! To put it simply, we all believe that the Covenant is important, but we all have different ideas as to the content of the Covenant. We do not have this kind of content either on paper in the form of a Confession of Faith that we all adhere to (other than the Apostle Creed), or in person in the form of Bishops to issue Pastoral Letter to guide the faithful and hold them accountable.

We like to believe that the Bible is the supreme guide in matters of faith and practice – but anyone who has eyes to see and ear to hear will know that while everyone in the UCCSA agrees with this idea, very few people hold the same idea on just what is that the Bible is saying! Witness the Assembly debates about conscientious objection, violence, capital punishment, abortion, homosexuality, and racism. It is unlikely that naming the Covenant will solve this problem, but it may help us recognize the problem and learn how they still relate to one another, even when we have fundamental disagreement obey the message of the Bible.

To illustrate: How do we hold a minister or local church accountable to the stand of the UCCSA on certain matters, if we have not all agreed that to be 'in covenant' means to be accountable to the decisions of the UCCSA. Or, how do we hold a local church guilty of racism, if we have not all agreed that to be in 'covenant' means to be a non-racial and inclusive. The issues of homosexuality and homophobia are similar – as are a host of other matters such as paying tithes to the denomination allowing ministers to serve as acting-ministers, and support theological students. Clearly the decisions of the UCCSA Executive and General Assembly are supposed to be understood in this way, but are easily discarded by any minister or church that desires to do so on the basis of 'independence'.

Furthermore, with the decision to create five separate national synods, the links that hold us in Covenant are going to come under intense pressure. How do we continue to relate to one another ONE Church? What does it mean to be the UCCSA in Botswana Mozambique, or South Africa, if brothers and sisters are experiencing struggles or joys in Namibia or Zimbabwe? And vice versa. In other words, what is the content of our covenant?

There is a deeper question that also needs to be faced here. The Covenant is not exclusive to the churches of the UCCSA, but it is at heart of the one eternal covenant of grace that issues forth from God to all of creation. It is the covenant that embraces the whole universe, all creatures and all people. In a globalised, pluralistic and even post-Christian world, in a world in which the environment is coming under greater and greater stress, we would do well to ask: What does it mean to belong to God's covenant of grace, and how does that impact upon our relationships with other Christian Churches, other faiths and in whole of creation? So we ask again, "What is the content of our Covenant?"

As can be seen, this concern to name the content of the Covenant is a vital and an exciting task. It is exciting because it put us in touch with all the key issues facing the faith at the start of the new millennium pluralism, authority, ecumenism, community, globalisation – and it is vital, because if we cease to reflect upon and think about our faith, then we ultimately cease to practice it.

AGREED STATEMENT OF THEOLOGICAL PRINCIPLES REGARDING THE CHURCH, THE SACRAMENTS AND THE MINISTRY

1. THE CHURCH

The Church of Jesus Christ is founded upon and bears Witness to God's redemptive love and action in and for the sake of the world. God calls his People into being when he calls Abraham to be the father of Israel. Israel fail to fulfil its calling, but it gives birth to the Saviour whom God sends to accomplish his purpose. Jesus Christ summons men to enter his Kingdom through faith and obedience. This calling is the basis of a new community of faith, the Church the Church, which is born of the Holy Spirit at Pentecost.

The Church is under the Lordship of Jesus Christ who is its Head and Foundation. From Christ it derives its authority, and it is intimately related to him as his body, bride and temple. At the same time, the Church is his servant and while it proclaims the Gospel of the Kingdom and belongs to it, it is not to be equated with it. The Church is the pilgrim People of God, a community that transcends race, tribe and tongue, and is called to bear witness to the new creation that has come into being through the death and resurrection of Christ.

In the New Testament the Church is understood in both a local and universal sense. The local congregation or the church is the Church because Jesus Christ is truly present: Under the guidance of the Holy Spirit the local church is given freedom to order its life and mission in obedience to the Word of God. The Word of God makes it clear that this freedom cannot be exercised without relationship to and mutual responsibility for other congregations. Moreover, in conformity with Scripture and through experience in mission, the Church in its regional and national expressions has discovered that it is also truly the Church when gathered in this way.

The Church of Jesus Christ is one and universal. The unity of the Church is given in Jesus Christ, and it binds all Christians together irrespective of time, space and nation. The Church is called to manifest and maintain this unity and universality. The Church is also called to fulfil its apostolic mission. This mission is the reason for its existence, and it is primarily a calling to bear witness by proclamation, life and service to what God has done and is doing in the world for its salvation. The Church then, is the servant both of Jesus Christ and of the world.

2. BAPTISM

Baptism is the sign of our relationship with God in Christ; through which he assures us of his forgiveness and grace, grafting us into the fellowship of his people. Faith is the only qualification for Baptism; in believers – Baptism men and women are baptised after responding to God's forgiving grace in repentance by faith; in infant Baptism children are baptised into Christ within the believing community so that they may grow in grace through faith in Christ. Baptism, like the Lord's Supper, proclaims the Gospel, declaring what God has done, and what he has promised to do. It testifies to the truth that his grace always precedes any human response, and that his power saves us through faith in Christ.

Both believer's and infant Baptism, by whatever mode of administration, witness to the fact that salvation is God's action, though each may emphasize a different aspect. Consequently, we recognize that in the Christian Church there should be provision for each, without compromising the conscience of any local congregation or individual.

Baptism by or in water in the name of the Father, the Son, and the Holy Spirit, administered by the Church, is authoritative, and those who have received this Sacrament should be accepted as brothers and sister in Christ. In Baptism God offers himself to us through Christ within the Church, the

benefits of the Sacrament being conveyed, not through the element of water, but through the whole act?

The rite of Baptism does not in or of itself save a person: the benefits God offers through it can only be appropriated by faith.

Baptism should be a public not a private act, for in it, as in the Lord's Supper, the Church proclaims before men its faith in Christ.

3. **THE LORD'S SUPPER**

The Lord's Supper has its basis in the example of our Lord Jesus Christ, who on the night before his death shared in it with his disciples and commanded them to share in it with each other in remembrance of him. The Supper, both in the words used by our Lord and its occurrence prior to his self-sacrifice on the Cross, has intimate connection with his death. The elements of bread and wine refer us directly to his body that was broken and his blood that was shed. Therefore, while his sacrifice can never be repealed, when we break the bread and drink the cup we share his death, and in sharing the bread and cup we share in his death.

The full meaning and significance of the Lord's Supper can only be seen in terms of the Resurrection of Jesus Christ from the death and the promise of his coming again. In the meeting at his table to break bread, we do so aware that he has risen and is truly present, and that he makes himself known to us. The remembrance of him is not of one who is dead, but one who is alive and who by his Spirit reminds us of his love and offers us his grace. The Church, gathered to break bread and to share the fellowship of Christ at his table, is also aware that this meal is a foretaste of the future, when through Christ the Kingdom of God will be fully and finally expressed.

It was the custom of the first Christians to share in the Lord's Supper on the first day of the week, and the Church as the central act of its worship has always regarded it. As such, it is to be shared by all who love the Lord Jesus Christ, and within the context of the life and proclamation of the Church in the world, it is the most profound symbol both of the fellowship and unity of the Church with its Lord and amongst its members.

4. **MINISTRY**

The Church is called to bear witness to what God has done and is doing for the salvation of the world. God's action in his ministry is expressed in the sending of Jesus Christ, the Holy Spirit and the Church. The ministry of God is not confined to the Church, but the ministry of the Church is that of God at work in and through it for the sake of the world.

The whole Church, as the People of God, participates in this ministry. Each member is called to share in the task and responsibility of the Church as it serves the world. This ministry of the People of God is the worship of God, the up building of the congregation as the service of the world.

Within the Church some members are specifically set aside to assist the whole Church to fulfil its task. These particular ministers are for the sake of equipping the Church to do its work in the world, and they also symbolise what the mission is: proclamation of the Gospel, teaching the Word of God, caring for the needs of men, maintaining the order and discipline of the Christian life, and serving the world. The meaning of these several ministries is obscured when they are confined to one person within the church, for each of them is the responsibility of all. But at the same time, the gifts and calling are set aside by the Church under the authority of Christ to fulfil one particular ministry within the Church and the world. For the sake of good order and the mission of the Church, some have the responsibility of ministering the Word and Sacraments, others that of teaching, healing instruction and other specific ministries which are required from time to time to enable the Church to fulfil its mission.

**REPORT ON
MARRIAGE, DIVORCE AND REMARRIAGE
WITH PARTICULAR REGARD TO MINISTERS
TO THE UCCSA ASSEMBLY,
WINDHOEK COLLEGE OF EDUCATION,
WINDHOEK, NAMIBIA
AUGUST 22-28, 2001**

MARRIAGE

The Theology of Marriage

1. The very nature of God is love (1 In. 4:8). We are born a new of the Spirit of God, who pours God's own love into our hearts (in. 3:5-8, Rom, 5:5). Thus God commands us to love, be patient with, and forgive one another. Gal. 5:22-23 teaches that the Holy Spirit produces a harvest of love, patience, kindness, goodness and faithfulness in the hearts of believers. It is in this context that we need to understand what the Scriptures teach about marriage.
2. Jesus expressed an extremely high view of marriage: it was not simply a private arrangement or a social convention but a divine institution. It is God who made us male and female, and God who joins husband and wife. Thereby they become "one-flesh -, which means an absolute personal unity, a total sharing and devotion" in which they are intended to complement enjoy and support each other as soul mates (Gen. 2:18-24; Mk, 10:6-9 – Matt. 19:4-6).
3. Thus in God's intention marriage is indissoluble and permanent Scripture call us to uphold the marriage bond as long as both partners live this life. "Did God not make you one? 80th flesh and spirit is his. And what does he require? Godly children. So look to yourselves, and do not let anyone be unfaithful to the wife of his youth. For I hate divorce, say the LORD." (Mal. 2:15-16). Marriage is therefore not to be entered into "lightly or unadvisedly" I but with prayer and on the basis of mutual respect, lover and lifelong commitment in dependence up the grace of God.

MARRIAGE IN THE MINISTRY

4. Ministers, as servants of God called to a special vocation, have a responsibility, and are expected:
 - To uphold the Church's teaching on marriage;
 - To set a good example to others in their own marriages;
 - To do what they can to enrich the marriages of the members of their congregations; and
 - To be good pastors to people whose marriage are in need or difficulty.

Yet churches themselves often place burdens on their ministers' marriages. Many pay their ministers inadequate stipends. Many treat the minister's spouse as an unpaid employee of the church. The very nature of a minister's work tends to put strain on a marriage as well. A minister is engaged on most evening and weekends, when other parents are at home with their families. Ministers are constantly on call. They also face situations of temptation when visiting and counselling people of the opposite sex. (For this reason some ministers find it wise that their spouses present when visiting or counselling people of the opposite sex). All these factors can strain a minister's marriage.

MARITAL BREAKDOWN AND DIVORCE

5. Because God's intention for marriage is that it should be lifelong and families are the essential units on whose stability the emotional security of children and the stability of society itself depend, marital breakdown can never be a good thing. Divorce is also nearly always a very

traumatic experience for one or both of the spouses and it emotionally scares the children of the parents who divorce.

6. The Church must therefore always be concerned about marital breakdown and divorce. Yet in modern society the number of marriages ending in divorce is alarmingly high. These are many reasons for this, which we cannot examine here.
7. The debate between Jesus and the Pharisees about divorce is reported in Mk. 10:1-9 / Matt. 9:3-9. (Matt. 5: 31-32 / Lk. 16: 18 are abbreviated version of Mk. 10:1-12 / Matt. 19 3-9 as well). The Pharisees quote Deut. 24: 1-4, which states that a man who divorces is obliged to give his wife a certificate to that effect (so that she is free to marry someone else). Jesus replies that the intention of this text is not to allow any license for frivolous divorce but to protect the rights of the women, because it recognises human sin. The original intention of God, as Gen. 2 shows was that a union between a man and a woman should be insoluble. Thus divorce was always contrary to God's ideal will, and divorce on flimsy grounds was an outrage. More than any legality was the real nature of marriage. This involves such a close bonding of people's lives that they "become one flesh", and divorce is like ripping the flesh apart!
8. This needs to be understood against the background of the Jewish debate about how to interpret Deut. 24:1. The two main schools or rabbinic thought were those of Shammai and Hillel. The followers of Shammai interpreted the text to allow divorce only in cases of unchastely. The followers of Hillel by contrast interpreted it to allow divorce if the wife did nothing more than go out with her hair down or let food on the stove burn. Rabbi Akiba went so far as to interpret it to allow divorce on the ground of being more attracted to another women. Indeed "in the Mishnaic period there was no marriage among the Jewish people that could not legally be dissolved on the spot by a man's handing his wife a bill of divorce". Against this background Jesus attitude stand out sharply. Unlike the school of Shammai he opposes not merely a lax approach to divorce but divorce itself.
9. Mk. 10:1D-12 (Matt. 19:9) reports that in conversation with disciples Jesus attacks divorce on a quite different basis: that divorce and remarriage is a contravention of the law against adultery in Ex. 20:14 Lk. 16:18 (Matt. 5:31) makes the same point. This view was completely contrary to Jewish law. What is at first puzzling about these two verses in Mk. And their parallels in Matt 19:9 and Lk. 16:18 are that they forbid divorce when followed by remarriage, as transgressing the seventh commandment Mk.10:12 may specifically refer to the well-known case of Herodias who left her husband to marry another man. More generally these saying may be interpreted against the background of the moves of the times. Many Jewish men did not take marriage seriously enough and moved carelessly from one partner to another. They presumed that satisfying the Mosaic requirement by going through the formal processes of marriage and divorce each time enabled them to remain upright citizen of Israel. Jesus' point then would be that legal observances did not at all make such spouse swapping morally acceptable; divorcing one's wife in order to marry someone else involved unfaithfulness and was a form of adultery.
10. Jesus' reply to the Pharisees in Mk. 10:1-9 / Matt. 19:3-9 must also be understood in the context of his clash with the Pharisees about how to view the commandments in general. The Pharisees tended to use the commandments, or their interpretation of them as a weapon to condemn those who did not conform. Modern Pharisees do the same. Jesus, however, emphasized grace over law and, though he also took he law seriously, warned against, self-righteousness.
11. For Jesus the first and most basic commandment is that one must love God with all one's heart, soul, mind and strength, but this is never to be interpreted in isolation from the commandment to love one's neighbour (Mk. 12:28-31 / Matt. 22:34-30 / Lk. 10:25-28). Thus every commandment, and so also the commandment against divorce is to be interpreted in a humanitarian way. Though it can never be broken casually or light-heartedly, the prohibition against divorce must be interpreted in a extreme circumstances humanitarian consideration can

override it. Thus in extreme circumstances a marriage may be broken, when it damages the family too much to justify its preservation. For it then becomes the lesser of two evils.

12. The church should avoid all self-righteousness with regard to divorce as with every other sin and human tragedy. Wherever it can, it should provide pastoral support and trained counselling and except where there has been serious physical or mental abuse of one partner by the other, seek to promote reconciliation between the spouses.
13. Even some Christian marriages end in divorce. For Christians too are sinful people who have to struggle against the weaknesses of our human nature. Like the apostle Paul. Christians cry out: "I do not do the good I want to do; instead I do the evil I do not want to do". *Rom. 7:19). And in some situations, where a couple cannot just get on, where they remain in damaging conflict with each other and marriage counselling fails to help, divorce may in fact be the lesser of two evils for them too.
14. 1 Cor. 7:1 is interesting in this regard. It repeats the teaching of Jesus against divorce (and marriage to someone else) 1 Corinthians was written earlier than any of the Gospels and supports Mk. 10:11 (which allow no exceptions) as an earlier than any of the Gospels and supports (which allows unchastely as an exception). At the same time it recognises that even Christian marriages could and did break up. In other words Jesus opposition to divorce is not be interpreted in a legalistic manner. (By adding a qualification to Jesus words Matt 19:9 in effect implies the same). Divorce did not put the separated spouses outside the church: they remained part of its fellowship and subject to its discipline.
15. Even though God's plan for marriage is that It be for a lifetime, then under certain circumstances divorce is permissible and indeed advisable. It should be considered only after every attempt at reconciliation has been tried, which in our society would include proper, and it possible, professional counselling. It should be only a last resort, when it is clear that the pain of staying together is considerably worse than the disaster divorce and reconciliation is impossible. At that stage divorce counselling should be started.

Divorce in the Ministry

16. A minister is, naturally, expected not to divorce, and a church is inevitably embarrassed when one does. Indeed divorce inflicts grievous hurt on the congregation. It nearly always splits it between those who (rightly or wrongly) sympathise with the minister and those who feel deeply that it is improper for a divorced minister to go ministering in the same congregation.
17. The minister too is deeply embarrassed. A minister, like other people, enters marriage with high hopes of a good marriage. When instead the marriage fails, the minister experiences not only the pain of disappointment and failure but also an embarrassment at having failed his calling and confusion about how to go on being a minister. The process of divorce itself is also likely to place the minister under great strain. So how should the church deal with a minister's divorce?
18. A divorce may take many months to finalise and during that time or afterwards facts may emerge about the causes for the breakdown of the marriage that gravely embarrass the minister. Sometimes a divorce is caused by behaviour for which a minister should be placed under discipline, and discipline may take the form of suspension from office. Moreover, it is left to the congregation to decide whether to retain the minister and it votes against this, which will compound the trauma of divorce itself in a particular painful way. In any case, as pointed out, the divorce of its minister nearly always badly splits a congregation. For such reasons many denominations have ruled that divorce leads to automatic severance of the pastoral tie.
19. On the other hand it may be argued that automatic severance is not always the best thing. The minister may be a comparatively innocent party. Yet to the minister's loss of the marital relationship severance adds the loss of job, income, home, friends and public role without regard to the relative guilt of each party. The local church may still acutely need its minister, and it may well be itself the best available support system for ministering to the separating

partners. The congregation may also feel strongly that this attitude should be taken into account and resent it if this is not done. Besides, in classis Congregationalism it is the individual congregation that decides on the relation between itself and its minister as on all other issues within its life rather than any overarching body that imposes uniform rules.

20. If, on this basis, the individual congregation is given the right to decide whether or not the minister should remain its minister despite the divorce, it should be required to vote in favour of this by a large majority. Otherwise the congregation is likely to remain badly divided over the ministers, which will make his/her ministry in it difficult.
21. Even when the pastoral tie is not served, it is nearly almost best for the minister to take a period of at least two months' compassionate leave, usually after the divorce, to work through the breakdown and dissolution of the marriage and his/her own responsibility for this. It is wise to place someone alongside both spouses to assist them through this process.
22. The local church and the minister and his/her family do, however, need the Region of Synod to help find the best way ahead for the minister, whether it be continued ministry, with or without a period of leave, or the severance of the pastoral tie. It is wise to place someone alongside both spouses to assist them through this process.
23. How credible and effective a minister will remain after divorce depends on the causes of the divorce and its effects on the minister. Divorce itself is not a state of sin but a state of suffering caused by whatever sins led to the breakdown of the marriage and prevented its being a reflection of God's love and a good example to the congregation. Whether the minister exhibits repentance and how well he/she mirrors God's love and grace in his/her personal life and his/her work during and after the painful time of divorce will to a large extent determine the effectiveness of his/her continuing ministry.

REMARRIAGE

The New Testament and Remarriage

24. The Christian ideal of marriage as a lifelong relationship means that the condition "not lightly or unadvisedly" applies all the more to remarriage! As we have noted in par. 10 above, Jesus castigated any casual attitude to remarriage after divorce.
25. Yet, as par. 11-12 emphasize, Jesus' concern was love, not legalism. If people have suffered divorce in spite of truly trying to maintain their marriages, have genuinely repented, and in humility and with prayer wish to marry a new partner that is surely not a sin.
26. Nevertheless remarriage should be entered into only after a reasonable time has elapsed after a divorce, when enough healing has taken place. Appendix 2 below is a questionnaire that has proved helpful in dealing with prospective remarriage between lay people and can be helpful also with ministers. Ideally the marriage council or / officiating minister in cases of remarriage should meet, or at least telephone, the other partner in the previous marriage to discuss the remarriage – and to ensure that proper financial provisions have been made for the previous spouse and any children.
27. Any service of remarriage should include an opportunity to express repentance and an assurance of grace. Appendix 3 below sets out a revised version of a declaration, prayer and assurance that drafted for use at weddings of divorcees in the Old Presbyterian Church of Southern Africa.

Remarriage in the Ministry

28. 1 Timothy 3:2 states that a church leader must be the "husband of one wife". But the meaning of this phrase in Greek is notoriously uncertain. It may mean "married to one wife" in the sense of being monogamous or "married only once" in the sense of excluding marriage after being widowed (Mk. 10:1G-11, 1 Cor. 7:40) or "faithful to ones life".

29. The conditions in par. 25-26 apply to the remarriage of ministers. Remarriage can be expected to affect the ministry of ministers. They may well need counselling and support from the Region/Synod.

Functions

30. A Ministerial Marriage Committee (MMC) needs to be established in every Region / Synod, to be proactive in strengthening ministerial marriages and to help ministerial couples whose marriages breakdown. Every such committee should:
- i. arrange regular retreats/seminars/workshops for ministerial couples;
 - ii. act as a support group for any ministerial couple experiencing marital difficulties;
 - iii. act as an agent for reconciliation and healing in cases of conflict;
 - iv. when the need arises, refer couples (and their children) to Christian or professional counsellors to effect reconciliation or cope with divorce or for remarriage.
 - v. Facilitate discussions between ministers and their congregations when ministers' marriages breakdown.
 - vi. Make recommendations to the ministerial committee, and
 - vii. Arrange whatever practical aid they can for ministerial couples who need it.

Profile

31. Any MMC will be subcommittee of the ministerial committee of the Region/Synod and will be accountable to that committee.
32. The Moderator of the Region / Synod will convene the first meeting of the MMC, which will then elect a chairperson. The moderator will remain ex officio a member of the MMC.
33. Where possible, the Regional Council/Synod should elect people skilled in marriage and relationship counselling (whether ordained or lay) to serve on the MMC.

RECOMMENDATIONS

1. The UCCSA, as part of the universal Church of Jesus Christ.
 - a. reaffirms the sanctity of marriage
 - b. admits that to a large extent it has neglected to minister pro-actively to the marital needs of its ministers; and
 - c. acknowledges that it has sometime failed to care adequately for ministers during the trauma of divorce and indeed has aggravated the pain of divorce by attitude of indifference or judgement.
2. The UCCSA therefore resolves:

to establish a Ministerial Marriage Committee (MMC) in each Region/Synod under the convenorship of the moderator in terms of par. 31-34 above and to work pro-actively to strengthen the marriages of ministers;

to entrust to the MMC the tasks of arranging marriage enrichment courses / workshops / seminars every year and of visiting ministers and their spouses in order to support and counsel them in their marriages as needed;

To instruct the MMC to deal sympathetically with any signs of marital stress or breakdown in ministerial marriages in the way set out in Appendix 1 below:

To instruct and authorise the MMC, which shall report to the Regional/Synodical ministerial committee, to facilitate a meeting between the congregation and any minister who is proceeding with divorce, in order to decide whether he/she continue as the minister of that congregation.

Submitted by the Peninsula Region

PROCEDURE WHEN MINISTERS' MARRIAGES BREAK DOWN

The Ministerial Marriage Committee (MMC) is appointed to offer care and support to any ministerial marriage in trouble. Where it can, it should be pro-active in strengthening marriage relationships, and if should act timeously to help couples in difficulties in order to prevent the breakdown of marriages. If divorce becomes the only option, the MMC should minister to the whole family and each member of it.

Any ministerial couple whose marriage shows signs of breaking down should, as soon as possible and before taking any legal advice, approach the MMC of the Region / synod or, if for any reason they feel unable to approach the MMC contact the General Secretary of UCCSA who shall liaise with the Moderator and arrange help for them.

If the MMC discovers that a ministerial couple is experiencing difficulties, the MMC should refer the couple to a Christian or professional counsellor for counselling.

If a couple resolve their differences and are able to continue the ministry effectively in the congregation and they so wish, the MMC can arrange a special service to reaffirm them to the care of the congregation.

If it appears after all serious attempts at reconciliation that the couple cannot be reconciled, the MMC should meet both spouses to discuss the way forward.

If in spite of every attempts at reconciliation it become clear to the MMC that the couple cannot be reconciled, it may recommend divorce as the most compassionate option.

If the couple are resolved on divorce and the minister is not suspended from the office for misbehaviour that has caused the divorce and wishes to remain on as ministers to the congregation the MMC with the knowledge of the minister and the Ministerial Committee, sees that due notice is given and hold a church meeting to inform it of the impending divorce and to decide on the future of the pastorate. It invites both spouses to be present. At this meeting.

The MMC reports the circumstances of the breakdown of the marriage to the congregation, giving whatever details the couple have agreed beforehand should be given, and both spouses are given opportunity to express their points of view.

Both spouses are then recused for the congregation to discuss the matter further in their absence and to decide how to react.

The MMC put to the congregation the proposal that it has formulated for the way ahead.

The congregation votes by ballot whether to retain the minister as its pastor. A vote in favour shall succeed only if at least three quarters of all enrol members present vote in favour.

If the necessary vote is obtained, the pastoral tie is automatically severed.

If the church meeting decides to retain the minister by the necessary proportion of votes, the MMC proposes

How much compassionate leave the minister should take and what proportion of it should be paid leave. And

Who should be appointed to assist both spouses through the process of emotionally working through the divorce.

The MMC in any case call on the congregation to give what support and care it canto both spouses and their children.

If the minister returns to the congregation after the compassionate leave, the MMC may arrange a service to reaffirm his/her ministry and commit the family to the care of the congregation.

If the minister does not return to the congregation and it is appropriate to do so the MMC may arrange either a service of farewell or a service of closure.

Any minister not retained by, or not returning to a congregation and not suspended from office is free to make him/herself available for a call to another congregation and accept such a call.

APPENDIX 1
QUESTIONNAIRE FOR USE PRIOR TO ANY REMARRIAGE OF DIVORCEES

Name of divorcee: _____

Name of previous spouse: _____

Address of previous spouse: _____

Telephone number of previous spouse:

Children:

Date of previous Marriage:

Date of Divorce:

Court and place where the divorce was granted: _____

Name of prospective spouse: _____

What in your view caused your previous marriage to break down?

What on your side contributed to the break down?

How do you feel about this? _____

Did you have any counselling before the divorce? _____

How much have you overcome in what you contributed to the break down? _____

Have you asked your ex-spouse for forgiveness? _____

Have you asked God for forgiveness? _____

Are you assured you have received that forgiveness? _____

On What basis? _____

How do you get on with your previous spouse now? _____

Have you had enough time to adjust to your divorce? _____

Is your ex-spouse financially provided for? _____

How well are any children from the marriage financially provided for? _____

APPENDIX 2

DECLARATION, PRAYER AND ASSURANCE OF GRACE FOR USE IN THE RE-MARRIAGE OF ANY DIVORCEES

A. DECLARATION (To be said by the divorcee or the divorcees together)

God intends marriage to be life-long commitment between husband and wife in which they are faithful to each other until parted by death.

I/We recognise therefore that marital breakdown and divorce is contrary to God's will and results in sin.

I/We confess my/our own part in the failure and dissolution of my/our former marriage(s).

I/We acknowledges that only the mercy and grace of God can set me/us free from guilt for the past as we enter a new covenant of marriage.

I/We therefore now humbly seeks God's forgiveness and help in achieving the kind of marriage God wants us to have.

PRAYER OF CONFESSION (To be said by the Divorcee or the divorcees together or to be redrafted into the third person said by the minister)

Gracious and merciful Father, we give thanks for the gift of marriage.

I/We confess, humbly and sincerely, my / our failures in the past and in particular the blame.

I/We share for the breakdown of my/our former marriage(s).

And the hurt and pain I/we caused my/our former spouse(s), our children and our parents.

I/We ask you, in your abundant love and mercy, to forgive me/us for all that is past to se me/us free from all guilt and shame, and to help us overcome the destructive suffering of the past.

And as we now make our covenant together, we pray for your help that we may walk together in freedom, wisdom and true love for each other, forgiving and encouraging each other, all the rest of our days.

Through the grace of Jesus Christ, our Lord. Amen.

ASSURANCE OF PARDON (To be said by the minister)

The Lord has promised:

If we confess our sins,

He is faithful and just and will forgive us our sins

And purify us from all unrighteousness

Therefore go in the peace of the Lord;

Walk in the light as he is in the light

And have fellowship with each other;

And may the blood of Jesus, his Son, purify you from all sin. Amen.

APPENDIX 3

ON THE STATUS OF WOMEN

1. Modern feminism, with great justification, sharply attacks the sexism of the religious traditions, including the Jewish, Christian and Muslim traditions. These traditions are guilty of having assigned a very inferior role to women, also with respect to marriage. The Jewish tradition, for instance, burdened through paying the bride price, and included marital law under property law. Jewish women at the time of Jesus ranked in many ways with slaves and children. The frivolous grounds on which a man could divorce his wife gave husbands tyrannical power over their wives, resulting in shocking injustice and cruelty as in some Muslim countries today. Some of the greatest Christian Fathers were extremely derogatory about women and marriage. For example:

Chrysostom called women ‘a necessary evil ... a desirable calamity’;

Augustine called women a misbegotten male, made only to assist in procreation, one who stand in relation to God only under the male; and

Gregory VII (‘Gregory the Great) call women ‘naïve’ and ‘unstable’.

Feminism has attacked sexism in the Bible itself, including texts in it about marriage, as a root of this attitude. In the Old Testament the relationship between Adam and Eve is a prototype of marriage and is used as such by Jesus himself. One of the other things feminism attacks is the portrayal of Eve as the weaker partner who is tempted, falls first and then tempts Adam and causes his fall. The wisdom of Jesus Ben-Sirach, otherwise known as Ecclesiasticus, in the Apocrypha declares: “From a woman derives the beginning of sin, and on account we all die’ (25:24). A sexist attitude to women is present also in other parts of the Bible. For instance, women were placed at a great social disadvantage by being declared ‘unclean’ during their menstrual periods (Lev. 15:19-24), Ex. 21:7 tolerates the practice of a father selling his daughter into slavery! Ecclesiastes declares: ‘I found one man in a thousand worthy to be called upright, but not one woman’ (Eccl. 7:2)!

Augustine’s statement that a woman stands in relation to God only under the male is based on Gen. 2 and 1 Cor. 11:7-10. But Paul does at least encounter 1 Cor. 11:7-9 with v 11-12 and the difficult Greek of v 10 can be interpreted in quite different ways. A prominent example of a text that feminists have attacked is Eph. 5:22-33 because, like others in the New Testament, it calls on wives to subordinate themselves to their husbands. The middle voice of the Greek verb used in 5:21-22,24, as in Lk. 2:51, Rom. 13:1,5, 1 Cor. 16:16, Col. 3:18, Tit 2,9 1 Pet 2:13, 3:1,5 and 5:5, does not exactly mean to obey, let alone blindly or always obey: it means to subordinate oneself in the sense of accepting the other party’s authority or to treat him with respect or to forsake one’s own will and give him precedence. The best Greek-English dictionary defines it here and in some other New Testament texts as denoting ‘submission in the sense of voluntary yielding in love’. The author also probably meant v.22-33 to be read as a sub-text to v.21, which call on all Christians to submit or give way to one another. If this is so, the author at least qualified the traditional exhortation in a sexist culture for wives to respect and give way to their husbands in that in a more general sense both wife and husband are to respect and give way to each other. Marriage, then, should be a relationship of mutual love and respect – which in turn provides a secure context for the raising and nurture of children.

Jesus himself sharply opposed the sexism and discrimination against women of his day. Despite the low status of women in his society he showed them great respect “in word and deed Jesus brought to an end the inferior status of women. ‘In sharp contrast to the rabbis of his day he welcomed Mary of Bethany into the circle of disciples who sat at his feet (Lk. 10:39-42) and included women among his disciples (Lk. 8: 1-3. He unashamedly depended on the financial generosity of women to fund his mission (Lk. 8:1-3). His strictures against the easy divorce

that the Mosaic law allowed to husbands or none of these (Mk. 10:2 – 12 Matt 19:3-9). He refused to join the Pharisees and others in condemning women whose financial circumstances left them with little choice but to sell their own bodies, if they were to survive in a sexist society that allowed single women very few jobs. To the astonishment of others he even allowed himself to be anointed by a prostitute (Lk. 7:36). The high regard for women led Jesus to give them a place of equality with their husbands in marriage and underlies his teaching about divorce.

99/A/34 NOTICE OF MOTION: THE RESOLUTION ON HOMOSEXUALITY

Resolution no. 34

The following resolution was presented by Rev. D. Wanless and Prof. G. Goba:

The question of homosexuality is growing concern within our own families, our fellowship and our communities. It is one that cannot wish away. Our duty is to seek the mind of Christ through continuing openness to the Holy Spirit, dialogue amongst ourselves and with the homosexual community.

What is non-negotiable for us is the conviction that all humanity is made in the image of God, however scarred in many ways that image may be. Despite our fallenness, God does not cease to love us unconditionally. The reality is that Christ Jesus came into the world to save sinners.

The Thirtieth Assembly of the United Congregational Church, After much prayer and discussion in our local churches, synod and regions, accepts that the denomination is not of common mind, and is unable to formulate a unanimous position with regard to the question of homosexuality at this time. In our debates, we have realised that the question is enormously complicated and diverse, from biblical, cultural and personal perspectives.

Some would have the church condemn homosexual practice as outright sin, and are of the opinion, in varying degrees, that openly homosexual people should not be allowed membership and/or office in the local church. They would also deny ordination to openly homosexual persons.

Others are of the that, while the practice of homosexuality is against scriptural norms, the church has a duty, as the bearer of God's grace. To provide compassionate ministry to people who do not adhere to the perceived biblical standards.

A seeming minority would have local churches be openly welcoming and affirming of homosexual persons, and would encourage the church to ordain people who feel called by God irrespective of their sexual orientation.

Our belief is that the question should not be dealt with in a purely legalistic manner, but with the pastoral compassion which Christ displayed to all sinners.

Assembly therefore feels unable to adopt the notice of motion sent down to synod, regions and local churches by the 1997 Assembly.

We therefore call upon the church:

1. to acknowledge the pain that is a reality for people on all sides of the debate;
2. to engage in ongoing biblical and theological reflection in the light of clinical study on the subject;
3. to assist pastors and member's to cultivate attitudes acquire skills that enable them to minister the grace of God to openly homosexual person; and
4. revisit with great care its disciplinary codes in the light of the issue of sexuality and sexual orientation.

We affirm our tradition that "the Lord has yet more light and truth to break forth from God's word".

Resolution's Committee Report was accepted by 111 for; 43 against and abstentions. The resolution was passed with a majority vote.

The President thanked the Resolution's Committee for the work put into the formulation on the resolution.

The General Secretary offered prayer.