**EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (N-T)**

At its meeting on 12 June 2019 Church council of ELCSA (N-T) resolved in terms of sections 60 and 61 of the Constitution of ELCSA (N-T) to submit the following amendments of its Constitution to Church synod for consideration and adoption.

**Legend**: ~~Deleted items~~; New items; Existing law

**CHURCH LAW No. 4 / 2019**

(16th Constitution Amendment Law)

**Section 1**

**Section 25(1)** of the Constitution is amended by the insertion of the following after the first sentence:

Section 25 Election of Pastor

 (1) The congregation has the right to elect its Pastor. In the event that the congregation had elected the outgoing pastor, the church council has the right, but not the obligation, to place his successor

Subsequently Section 46 of the Congregational Code needs to be amended by the following addition:

 Section 46 Filling the Post

 (1) Church Council determines when a Pastor´s post in a congregation becomes vacant.

 (2) Church Council decides whether or not the Pastor’s post in a congregation shall again be filled.

 (3) The Church Council shall inform the congregational council of its decision whether or not to place a Pastor in terms of section 25 of the Constitution.

 (4) In the event that the Church Council does not exercise its right to place a pastor in terms of section 25 of the constitution, then the following procedure shall apply:

 a) The Church Council shall inform all pastors of UELCSA that the post is to be filled again and that interested pastors should announce their interest within a period of 4 (four) weeks. The Bishop then informs the congregation of the names of interested Pastors and possible additional suggestions by Church Council.

 b) The congregation shall then decide which of the following methods it chooses and informs the Bishop accordingly. The post shall be filled either by

 i) calling a Pastor,

 ii) or by advertising the post

 iii) or by requesting Church Council to present a Pastor to the congregation.

 All this is done in consultation with and with the consent of Church Council.

 c)~~(5)~~ In case the congregation chooses to call a Pastor, it shall inform the Bishop of the names of possible candidates.

 d)~~(6)~~ In case the congregation chooses to advertise the post; Church Council shall take the necessary steps to prepare the advertisement. Church Council shall relay responses to the advertisement to the congregation. Church Council may make further suggestions, and these must be included in the election.

 e) ~~(7)~~ In case the congregation chooses to be presented with a candidate, Church Council shall present a candidate.

 *(Motivation: Sections 47 and 48 of the Law on Pastors compel Church Council to, in certain cases, transfer a pastor. However, the constitution does not give the right to Church Council to place a pastor. Being compelled to transfer, Church Council needs the right to place in certain circumstances.)*

**Section 2**

Section 39(1) of the Constitution is amended by the insertion of the following:

 Section 39 Duties of Synod Council

 (1) The President chairs the meetings of Church Synod, or alternatively any member of the Synod appointed by the President.

*(Motivation: Section 5 of the Rules of Procedure of Church Synod provides for someone else chairing for certain topics, when the President wishes to participate in the discussion. This amendment makes it possible for the President to share the chair for any reason)*

**Section 3**

**Section 48(1)(c)** is amended by the deletion of the words “the Bishop [section 47(a)]” , and by the insertion of the following as section 48(1) (d) :

###  Section 48 Election of Church Council Members

 (1) The members referred to in Section 47 are elected by Church Synod for a period of 6 years in the following manner:

 (c) at the 3rd Session of each Synod period

 ~~- the Bishop [Section 47 (a)]~~

 - the Deputy to the Bishop [Section 47(b)]

 (d) The Bishop is elected at any session of Synod as required.”

Accordingly, the Rules on the Election of the Bishop are amended as follows:

1. Section 2(2)(d) of the rules on the election of the Bishop is deleted.

 Section 2 Eligibility

 (1) The Bishop shall be elected by Church Synod from amongst the Pastors in active service of ELCSA (N‑T) or UELCSA or any other Lutheran Church from a list of nominees compiled by Church Council.

 (2) For the purpose of this Section the words “Pastors in active service” shall mean those who, at the time of the election:

 (a) have been ordained in terms of the provisions of the Constitution of ELCSA (N‑T) and the Law on Pastors;

 (b) have not had their rights, conferred upon them by their ordination, withdrawn;

 (c) are subject to valid, legally binding arrangements with their respective Churches~~;~~.

  ~~(d) will be able to complete at least one full term of office prior to reaching the retirement age applicable at that time.~~

1. Section 3 of the rules of the election of the Bishop. The section is deleted and substituted with the following:

Section 3 Term of Office

 ~~The Bishop is elected by Church Synod for a period of six years and may be re-elected once. Exceptions may be permitted by Church Synod.~~

3.1 Candidates 56 years and younger are elected for 6 years.

3.2 Candidates 57 years and older are elected for a period up to the Synod following the candidate’s retirement age.

3.3 Exceptions may be permitted by Church Synod.

*(Motivation: The current law and rules will either compel synod to regularily make exceptions, which it is permitted to do, but should be exceptions. Alternatively good candidates cannot make themselves available due to their closeness to retirement or a short period of time left after completing a term, till retirement. This change takes cognisance of this reality.)*

**Section 4** This Law shall come into effect on 12 October 2019