**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, 61 and 62 of the Constitution of ELCSA (N-T) to submit the following amendments to the church laws of ELCSA (N-T) to Church synod for consideration and adoption.

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

**CHURCH LAW No. 5/ 2019**

**Section 1**

Law on Pastors Section 12(1)

### Section 12 Nature of the Service Relationship

(1) The service relationship of the Pastor is of a specific nature and is based on the conclusion of an employment agreement with the ~~Church~~ ELCSA (N-T), which embodies the calling as Pastor.

(2) The appointment shall be for an initial period of six yearsincluding an initial probation period of 6 (six) months. Six months before the end of ~~this~~ the initial six year period, the Pastor may apply in writing for a new permanent employment agreement. If this is not granted, the service relationship ceases on the date on which the initial employment agreement ends. ~~The rights of a Pastor who commenced his service prior to 1 October, 1993 remain unaffected by this provision.~~

*(Motivation: It will happen more regularly that pastors are coming to ELCSA (N-T) from churches not connected to us and not trained by our own training. For that reason 12(1)needs to clearly refer to our specific relationship.*

*12(2) needs to take care this reality by having an initial probation period of six months added to the existing law.*

*The last sentence can be deleted, since it only applied in the years immediately following the first passing of this law. Now it is superfluous.*

**Section 2**

Law on Pastors Section 47(2)

Section 47 Transfer for General Reasons

(2) ~~If the~~ At any time after the Pastor has already served in a congregation for 12 years he shall be transferred. However, one extension is possible if the Pastor, the Congregational Council and Church Council agree thereto. The period of extension shall be determined, however shall not exceed 6 years.

*(Motivation: A transfer might not be possible at the exact time of completing 12 years. This makes it possible to conduct a transfer at any opportune time after the end of 12 years.)*

**Section 3**

Congregational Code Section 4 and 6

**Section 4** is amended to read:

Section 4 Membership in the Local Congregation

(1) Every Christian who has been baptised according to the Evangelical Lutheran confession and has joined the congregation according to Section 5 ~~and is ordinarily resident within the area of the congregation~~, is a member of the congregation.

***With this deletion,* Section 6** is amended by the deletion of section 6 in its entirety and the substitution thereof with the following:

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### Section 6 Termination of Membership

(1) Membership in a congregation and membership in a legal sense is terminated:

(a) by a member requesting a transfer to another Lutheran congregation. In this case a letter of transfer shall be issued upon the member’s request.

(b) By a written declaration to terminate the membership which shall be addressed to congregational council.

(2) Congregational council may declare the membership to have been terminated and shall announce the termination according to local custom if a member remains untraceable for two years.

(3) All rights and duties of a member of the congregation cease upon the termination of membership. Rights and duties arising from legal transactions remain unaffected.

*(Motivation: The reference to geographical area as criteria for membership is deleted. Congregations do not have defined geographical areas, and in many cases their regions overlap with others, making this criteria problematic or impossible to implement. )*

**Section 4**

Congregational Code Section 21(2)

Section 21 Composition of Congregational Council

(2) Persons who have the right to vote, who are at least ~~21~~ 18 years old and who earnestly strive to do justice to the requirements of Section 25 are eligible for election.

*(Motivation: Section 5 states that membership in a legal sense can be obtained from the age of 18. Older laws which limited legal capacity to the age of 21 no longer apply and should not apply in congregational council.)*

**Section 5**

Congregational Code Section 23(2)

### Section 23 Period of Office and Election

### (2) After 2 consecutive terms a congregational counsellor shall not serve again for at least one term. If a term of office is 2 years, then three consecutive terms may be served. Circuit council may permit exceptions on application by congregational council.

*(Motivation: It is increasingly difficult to get candidates to commit for more than two years at a time. However, a two year term is extremely short. The possibility of serving three consecutive two year terms will assist in developing leadership.)*

**Section 6**

Congregational Code Section 57

The following new section is inserted as section 57A:

**Section 57 A Lay Administrators of Sacraments**

(1) Congregation members may take over the administration of Holy Communion during worship services as Lay Administrators of Sacraments. They are appointed by Church Council. Lay Administrators of Sacraments shall, in the first instance, do duty in their own Congregation, but by invitation and after consultation with the local Pastor, they may perform duties in other congregations. They must be suitable for this service and be eligible to become Congregational Councillors.

(2) Congregation members may be appointed to this post by the Bishop if a corresponding proposal is made by the local Pastor and the Congregational Council. Prior to the appointment the Lay Administrator of Sacraments shall complete a training course under the supervision of Church Council.

(3) Lay Administrators of Sacraments are inducted into their post by the Dean or a Pastor appointed by him to do so. The Bishop shall issue a certificate of appointment to the Lay Administrator of Sacraments.

(4) The appointment is valid for 4 years, but may be extended.

(5) The appointment shall end:

(a) when the appointed term has expired. The appointment may be extended on application by Congregational Council and Pastor. A further induction is not necessary.

(b) when the Lay Administrator of Sacraments declines the appointment and returns his certificate of appointment.

(c) when the appointment is withdrawn for good reasons. In this case Congregational Council and the Lay Administrator of Sacraments shall be heard.

(6) The local Pastor supervises the Lay Administrator of Sacraments.

(7) Lay Administrators of Sacraments perform their services without remuneration. If they perform a service in another Congregation than their own, that Congregation shall reimburse them for their expenses according to the guidelines of the Church.

(8) Lay Administrators of Sacraments are bound by the constitution and laws of the Church and Rules of the Congregations in which they perform their services.

*(Motivation: The Congregational Code does not cover the recently introduced possibility of lay people administering the sacraments. With this addition, the matter is addressed)*

**Section 7**

Congregational Code Section 63(10) is added to the Section to read:

Section 63 Requirements by SARS

(10) The congregation shall register as a Public Benefit Organisation [PBO] in terms of Section 30(3) of the Income Tax Act 1962 (Act No. 58 of 1962) and shall comply with this section and Section 10(1) (cN) of the Income Tax Act 1962 (Act No. 58 of 1962).

*(Motivation: As stated in the heading of the section, this is a SARS requirement and needs to be listed.)*

**Section 8** This Law shall come into effect on 12 October 2019