

# **CONSTITUTION**

of the

## **NORTHEASTERN EVANGELICAL LUTHERAN CHURCH IN SOUTH AFRICA**

**{Abbreviated Name: NELCSA}**

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>BASIC ARTICLE</b> .....	<b>4</b>
<b>CHAPTER 1</b> .....	<b>4</b>
<b>GENERAL PROVISIONS</b> .....	<b>4</b>
Section 1 General .....	4
Section 2 Structure .....	4
Section 3 Commission .....	4
Section 4 Unity.....	4
Section 5 Affiliations.....	5
<b>CHAPTER 2</b> .....	<b>5</b>
<b>CHURCH MEMBERSHIP</b> .....	<b>5</b>
Section 6 NELCSA Members .....	5
Section 7 Acquisition of Membership .....	5
Section 8 Loss of Membership .....	5
<b>CHAPTER 3</b> .....	<b>6</b>
<b>THE OFFICE OF THE CHURCH</b> .....	<b>6</b>
Section 9 Different Ministries.....	6
Section 10 Preaching and Administration of Sacraments.....	6
Section 11 Church Co-workers .....	6
Section 12 Suitability of Church Co-workers .....	7
Section 13 Co-operation .....	7
Section 14 Employment as Pastor .....	7
Section 15 Employment of Co-workers .....	7
<b>CHAPTER 4</b> .....	<b>7</b>
<b>THE CONGREGATION</b> .....	<b>7</b>
Section 16 Fulfilment of the Church .....	7
Section 17 Structures and Offices .....	8
Section 18 Congregation own Affairs .....	8
Section 19 Congregational Council .....	8
Section 20 Financial Management .....	8
Section 21 Formation, Dissolution and Merging of Congregations .....	9
Section 22 Parishes .....	9
Section 23 Dissolution of a Congregation.....	9
Section 24 Pastors' Post.....	9
Section 25 Election of Pastor .....	9
Section 26 Congregational Code .....	10
<b>CHAPTER 5</b> .....	<b>10</b>
<b>SPECIAL AREAS AND WORK METHODS</b> .....	<b>10</b>
Section 27 Congregation of Jesus Christ .....	10
Section 28 Offices.....	10
Section 29 Co-ordination of Offices.....	10
<b>CHAPTER 6</b> .....	<b>10</b>
<b>LEADERSHIP STRUCTURES OF THE NELCSA</b> .....	<b>10</b>
Section 30 Leadership Structures .....	10
Section 31 Church Synod .....	11
Section 32 Composition of Church Synod .....	11
Section 33 Election of Synod Members.....	11
Section 34 Synod Period.....	11
Section 35 Session of Synod .....	12
Section 36 Convening of Sessions of Church Synod .....	12
Section 37 Synod Council .....	12

Section 38	Election of Synod Council.....	12
Section 39	Duties of Synod Council .....	12
Section 40	Quorum .....	13
Section 41	Resolutions of Synod and Elections .....	14
Section 42	Synod Committees .....	14
Section 43	The Bishop .....	14
Section 44	Duties of the Bishop .....	14
Section 45	Election of the Bishop.....	15
Section 46	Church Council.....	15
Section 47	Composition of Church Council .....	15
Section 48	Election of Church Council Members.....	15
Section 49	Chairmanship in Church Council .....	16
Section 50	Meetings of Church Council .....	16
Section 51	Business of Church Council .....	17
Section 52	Agencies and Offices of Church Council .....	17
Section 53	Circuits .....	17
Section 54	Formation, Dissolution and Merging of Circuits .....	17
Section 55	The Dean .....	17
Section 56	Circuit Council .....	18
Section 57	Circuit Conference.....	18
Section 58	Pastors' Convention .....	18
Section 59	General Pastors' Convention.....	18
<b>CHAPTER 7</b>	.....	<b>19</b>
<b>CHURCH LEGISLATION</b>	.....	<b>19</b>
Section 60	Church Laws .....	19
Section 61	Matters requiring a Church Law.....	19
Section 62	Introduction of Draft Laws.....	19
Section 63	Publication of Draft Laws.....	19
Section 64	Amendments to the Constitution.....	20
Section 65	Authority to pass Regulations .....	20
Section 66	Promulgation of Laws .....	20
<b>CHAPTER 8</b>	.....	<b>20</b>
<b>THE ECCLESIASTICAL COUNCIL</b>	.....	<b>20</b>
Section 67	Composition of Ecclesiastical Council .....	20
Section 68	Responsibilities of Ecclesiastical Council .....	20
Section 69	Theological Study Commission .....	21
<b>CHAPTER 9</b>	.....	<b>21</b>
<b>THE LEGAL CAPACITY OF THE NELCSA</b>	.....	<b>21</b>
Section 70	Rights and Duties of the Church.....	21
Section 71	Trustees .....	21
<b>CHAPTER 10</b>	.....	<b>22</b>
<b>FINANCIAL ADMINISTRATION</b>	.....	<b>22</b>
Section 72	Financial Management .....	22
Section 73	Budget.....	22
Section 74	Contributions .....	23
<b>CHAPTER 11</b>	.....	<b>23</b>
<b>DISSOLUTION</b>	.....	<b>23</b>
Section 75	Dissolution.....	23
<b>CHAPTER 12</b>	.....	<b>23</b>
<b>FINAL PROVISIONS</b>	.....	<b>23</b>
Section 76	Requirements of the South African Revenue Services .....	23
Section 77	Commencement Date .....	24

## **BASIC ARTICLE**

The Northeastern Evangelical Lutheran Church in South Africa is based on the Gospel of Jesus Christ, as revealed in the Holy Scriptures of the Old and New Testaments as the sole guide of faith, doctrine and life. Together with other Christian Churches in the world it confesses its faith in the Triune God through the early Christian Creeds. As regards doctrine and life it subscribes to the Evangelical Lutheran Confessions, as set out in all the confessional writings of the Evangelical Lutheran Church, especially the Augsburg Confession of 1530 and the Small Catechism of Dr Martin Luther.

## **CHAPTER 1**

### **GENERAL PROVISIONS**

#### ***Section 1      General***

In this Constitution, unless the context indicates otherwise, singular shall include plural and vice versa and masculine shall include feminine and vice versa.

#### ***Section 2      Structure***

The NELCSA is an association of Evangelical Lutheran Congregations in South Africa.

#### ***Section 3      Commission***

- (1) The NELCSA shall serve the Gospel of Jesus Christ through Word and Sacrament, promote brotherly fellowship in prayer and discipleship of Jesus Christ, fulfil the Great Commission, bear public witness, live a life of charity and promote Christian upbringing and education.
- (2) All individual members of the Church and all Church office bearers are responsible for adhering to true doctrine and for the proper and contemporary fulfilment of the calling of the Church.
- (3) Its particular concern is to secure spiritual care for all persons who, by virtue of their confession and heritage, fall within its sphere of responsibility in so far as such persons are prepared to subscribe to the confession of the Church and abide by its regulations.

#### ***Section 4      Unity***

The NELCSA, its congregations, parishes, circuits, institutions and charitable organisations, as well as its offices and ministries form an integral unity. Within this unity they exercise the self-discipline, independence and freedom necessary for the fulfilment of their special calling, these being both guaranteed and limited by Church regulations.

**Section 5      *Affiliations***

- (1) The NELCSA commits itself to promote growth towards unity within the one Church of Jesus Christ throughout the world.
- (2) It is a member of the United Evangelical Church in Southern Africa (UELCSA).
- (3) It is a member of the Lutheran Communion in Southern Africa (LUCSA).
- (4) It is a member of the Lutheran World Federation (LWF)
- (5) It is a member of the South African Council of Churches (SACC).
- (6) As a Church of Evangelical Lutheran confession, it declares its oneness with all Evangelical Lutheran Churches and Christians throughout the world.

**CHAPTER 2**

**CHURCH MEMBERSHIP**

**Section 6      *NELCSA Members***

- (1) The members of the NELCSA are those congregations which are united within it.
- (2) Any Evangelical Lutheran congregation in Southern Africa may become a member of the NELCSA, provided it is not already a member of another Church.

**Section 7      *Acquisition of Membership***

- (1) Application for membership of the NELCSA must be submitted in writing.
- (2) The application shall contain:
  - (a) a request for admission as a member of the NELCSA;
  - (b) a declaration that the applicant accepts the Constitution of the NELCSA;
  - (c) a declaration that the applicant will accept all laws, regulations and resolutions of the NELCSA as binding upon itself and that it will adhere thereto;
  - (d) a copy of the applicant's Congregational Code.
- (3) The application, together with the Congregational Code is to be forwarded to Church Council. Church Council shall examine the application and decide on the admission of the congregation. This decision is subject to ratification by Church Synod.

**Section 8      *Loss of Membership***

- (1) A congregation loses its membership of the NELCSA by renunciation, by expulsion or by its dissolution.

- (2) A congregation wishing to renounce its membership shall give six months' notice and submit written reasons to Church Council.
- (3)
  - (a) A congregation is expelled when a resolution to this effect is passed by Church Synod with a two-thirds majority of Synod members who are present and voting, provided that a quorum is present.
  - (b) The congregation concerned is to be notified in writing of the decision. Reasons for the decision are to be given.
  - (c) Prior to the decision being taken, the congregation is to be given the opportunity of responding to the motion.
  - (d) The expulsion takes effect when the decision of Synod comes into force.
  - (e) Re-admission of an expelled congregation is permissible and shall be dealt with in accordance with the provisions of Section 7.
- (4) If a congregation is dissolved, its membership expires on the day when the resolution to dissolve comes into effect.
- (5) The congregation whose membership is terminated in terms of these provisions shall discharge its obligations towards the NELCSA until the day that its membership ceases. On that day all rights and obligations arising from membership cease. Other legal obligations remain unaffected.

### **CHAPTER 3**

#### **THE OFFICE OF THE CHURCH**

##### **Section 9      *Different Ministries***

The task entrusted to the Church by Jesus Christ is divided into different ministries. The persons called to these ministries work together for the fulfilment of the Church's calling.

##### **Section 10     *Preaching and Administration of Sacraments***

- (1) The authority for public preaching and the administration of the Sacraments is granted by ordination.
- (2) Church co-workers may be appointed to public preaching and administration of the Sacraments by Church Council where they have been specifically called, trained and have committed themselves to the teaching of the Church. Further details are regulated by the Congregational Code.

##### **Section 11     *Church Co-workers***

Other Church co-workers participate in the office of the Church by taking part in divine services, in social welfare and missionary work, in Christian education, in other congregational work and in Church administration.

**Section 12**      ***Suitability of Church Co-workers***

- (1) Church co-workers are engaged on a full-time, part-time or honorary basis. In regard to their demeanour and aptitude they must be suitable for the tasks assigned to them and they shall be trained and receive continuing in-service training for their duties.
- (2) The nature and extent of their duties is governed by the relevant Church Regulations.

**Section 13**      ***Co-operation***

The Pastor bears particular responsibility for the unity within congregations and the Church in doctrine and in life and promotes the cohesion and co-operation between Church members and Church ministries.

**Section 14**      ***Employment as Pastor***

- (1) The Pastor's employment with the NELCSA is based on a relationship of service and trust.
- (2) Anyone who has become eligible in terms of the Church Law on Pastors and has been ordained may be employed as Pastor.
- (3) In the administration of his office the Pastor is bound by his ordination vows. He is subject to supervision in regard to service and teaching.

**Section 15**      ***Employment of Co-workers***

Regulations which govern the employment of those co-workers, who are required to be blessed or inducted according to the Order of Service, shall include a declaration of commitment to the Evangelical Lutheran confession.

**CHAPTER 4**

**THE CONGREGATION**

**Section 16**      ***Fulfilment of the Church***

- (1) It is in the congregation that the Church of Jesus Christ comes to fulfilment within a given area.
- (2) The congregation is a local community of individual members, who congregate regularly around Word and Sacrament and in which the calling of the Church is practised.
- (3) It is the congregation's task to organise the congregational life in its area. The congregation shall ensure that the Gospel is proclaimed through Word and Sacrament; it shall practice the ministry of Christian love and encourage religious instruction and it shall participate in fulfilling the Great Commission in the world.
- (4) The Pastors are responsible for preaching the Gospel in public and for administering the Sacraments in the congregation.

## **Section 17      *Structures and Offices***

- (1) In order to fulfil its task, the congregation is responsible for establishing and staffing structures and offices, especially the Pastor's post, and it shall ensure that all necessary services are performed. In multi-lingual congregations, due consideration is to be given to the mother tongue of members. It shall provide for the appointment of the clergy and suitable accommodation and remuneration for them in accordance with the relevant Church Regulations.
- (2) It shall provide the necessary church buildings and other facilities.
- (3) The congregation shall use the resources entrusted to it conscientiously and solely for the fulfilment of its task. Bearing in mind its membership of the whole Church it shall also contribute to the best of its ability to the fulfilment of general Church tasks and to relieving the needs in other congregations.

## **Section 18      *Congregation own Affairs***

- (1) Bound by Scripture and Confession and subject to the Constitution of the NELCSA and other Church legislation, the congregation regulates its own affairs and fulfils its task independently.
- (2) The congregation is a legal person in terms of the South African laws governing associations.
- (3) The congregation participates in the life of the Church and through its representation in Church Synod it also participates in the management of the Church and subjects itself to its rules.

## **Section 19      *Congregational Council***

- (1) Each congregation has a Congregational Council through which the Pastor and congregational councillors together lead the congregation.
- (2) The Congregational Council consists of:
  - (a) the Pastor and Pastor-in-training who has been called to minister in the congregation;
  - (b) elected congregational councillors.
- (3) Congregational councillors are elected in accordance with the Rules for the Election of Congregational Council Members.
- (4) The Congregational Council may form working committees for missionary work, social welfare and other tasks. Members of the congregation who are not members of the Congregational Council may be members of these working committees.

## **Section 20      *Financial Management***

- (1) The budget of the congregation and its annual accounts may be examined by Church Council.
- (2) The congregation should not mortgage, purchase or sell immovable property without prior consultation with Church Council.

- (3) In the event of a split in the congregation, its land and buildings remain the property of that part of the congregation which remains a member of the NELCSA, even if this is the smaller part.

**Section 21      *Formation, Dissolution and Merging of Congregations***

- (1) Decisions on the formation of new congregations, on changes to and dissolution and mergers of existing congregations are taken by Church Council, after considering submissions, made by interested parties. Its decision is subject to ratification by Church Synod.
- (2) In order to improve congregational life Church Council may, after consultation with affected parties, integrate parts of a congregation into neighbouring congregations, form new congregations or dissolve existing congregations. Its decision is subject to ratification by Church Synod.
- (3) If it is impossible to reach an agreement on matters referred to in Sections 21 (1) and (2), then Church Synod will take the decision.

**Section 22      *Parishes***

- (1) With the prior consent of Church Council congregations within a Circuit may join to form a parish for the execution of joint tasks. For each parish rules are drawn up by Church Council in consultation with the relevant congregations.
- (2) Provisions regarding pastoral care and Church undertakings are made by Church Council.

**Section 23      *Dissolution of a Congregation***

A congregation may be dissolved in terms of Chapter 11 of the Congregational Code.

**Section 24      *Pastors' Post***

- (1) The congregation maintains one or more Pastors' posts in fulfilment of its duties.
- (2) Decisions on the establishment, division and dissolution of Pastors' posts are taken by the General Meeting. The decision is subject to confirmation by Church Council.

**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 overriding right, but not the obligation, to place his successor.
- (2) When a pastor is placed by Church Council in a congregation, the placing must be ratified by a General Meeting within three years after the placing.
- (3) The procedure for filling a Pastor's post is regulated by the relevant provisions of the Congregational Code.

**Section 26**      **Congregational Code**

The Congregational Code provides for further regulations relating to congregations. Each congregation may itself adopt additional regulations, but these may not contradict those of the Congregational Rules of the Church.

**CHAPTER 5**

**SPECIAL AREAS AND WORK METHODS**

**Section 27**      **Congregation of Jesus Christ**

In fulfilling the Great Commission, the congregation of Jesus Christ also manifests itself in special areas and work methods of the Church, for its ministry of charity and for Christian upbringing and education.

**Section 28**      **Offices**

- (1) Certain legally independent or dependent offices, duties and ministries exist within the special areas referred to in Section 27.
- (2) They are under protection and care of the NELCSA and are accountable to Church Council.
- (3) In so far as special legally independent offices, duties and ministries exist or are still to be established, they organise their work in keeping with their special tasks.

**Section 29**      **Co-ordination of Offices**

Church offices, duties and ministries, referred to in this Chapter, must co-ordinate their work amongst themselves and with the Church bodies. Special committees may be formed for this purpose.

**CHAPTER 6**

**LEADERSHIP STRUCTURES OF THE NELCSA**

**Section 30**      **Leadership Structures**

- (1) The leadership structures of the NELCSA are:
  - (a) Church Synod,
  - (b) the Bishop,
  - (c) Church Council.
- (2) They are responsible for ensuring that the NELCSA fulfils its commission in doctrine and life, in preaching and pastoral care, in maintaining order and in its administration. They guard its unity and freedom. They are assisted by the Ecclesiastical Council.

### **Section 31 Church Synod**

Church Synod represents both the unity and the diversity of the congregations, offices and ministries. It is called to collectively develop objectives of the NELCSA. Together with the Bishop and Church Council it has ultimate responsibility for life and the ministry within the NELCSA. Synod members are not bound by orders or instructions.

### **Section 32 Composition of Church Synod**

- (1) Church Synod is composed of the following:
  - (a) the Bishop and other members of Church Council, ex officio;
  - (b) members of the Ecclesiastical Council, ex officio;
  - (c) lay members of the Circuit Councils, ex officio;
  - (d) 48 elected lay members and 12 elected ordained members;
  - (e) up to six members appointed by Church Council.
- (2) For the purpose of Section(1)(d) the number of representatives per congregation is determined by the Rules for the Election of Synod Members.
- (3) When considering appointments in terms of Section 32(1)(e) it is important for the service of the Church in the world that all major branches of the ministries are represented. If an appointed member relinquishes his position, or assumes the position of a Synod delegate, Church Council may appoint a new member.
- (4) Congregations which have become members of the Church within a particular Synod period have the right to be represented at Church Synod for the duration of that period. The number of lay members referred to in Section32(1)(d) above is increased accordingly for that period only.

### **Section 33 Election of Synod Members**

- (1) Lay members referred to Section 32(1)(c) are elected by congregations or parishes. The ordained members are elected by the relevant Pastors' Conventions. Details are contained in the Rules for the Election of Synod Members.
- (2) Alternates equal to the number of members elected according to Section 32(1)(d) must be elected by the congregations, parishes and Pastors' Conventions respectively. They stand in for Synod members who are unable to attend, in the same sequence in which votes were registered in their favour. Where a Synod member relinquishes his position, he is replaced by his alternate for the remainder of the Synod period and a by-election must be held in order to elect a new alternate.
- (3) Church Council shall be notified immediately of the names and addresses of elected persons as well as of their alternates.

### **Section 34 Synod Period**

- (1) Church Synod is constituted for six years.

- (2) New elections and appointments of Synod members shall take place timeously before the end of each period.
- (3) The Synod period ends with the opening of the first session of the newly constituted Church Synod. Church Synod remains in office until the newly constituted Church Synod convenes for its first session.
- (4) Church Synod may dissolve itself. In this case a new Church Synod must be constituted without delay. It shall be convened within three months after the new Church Synod has been constituted. Section 34(3) applies.

**Section 35      *Session of Synod***

- (1) As a rule, an ordinary meeting of Church Synod is convened every two years.
- (2) Church Synod is convened for an extraordinary session if at least 15 members, the Bishop or Church Council demand it.
- (3) If, in terms of Section 35(2), members of Church Synod demand that a meeting be convened, the applicants shall include the proposed agenda with their request. It shall be addressed to Church Council. Church Council may make additions to the agenda.

**Section 36      *Convening of Sessions of Church Synod***

- (1) The meetings of Church Synod are convened by Church Council.
- (2) Church Council determines the time and place of the meetings. Members of Church Synod shall be given at least 3 months' notice of a proposed meeting. The notification shall contain the provisional agenda.
- (3) A written invitation shall be sent to members of Church Synod at least 2 months before the commencement of the meeting and it shall include the agenda.

**Section 37      *Synod Council***

Meetings of Church Synod are conducted by a Synod Council.

**Section 38      *Election of Synod Council***

- (1) Church Synod elects a Synod Council from within its own ranks. It consists of the President, his deputy and two secretaries. The term of office of Synod Council members terminates at the end of the first session at the next Synod Period. Members of Church Council and the Ecclesiastical Council are not eligible.
- (2) An alternate shall be elected for every member of Synod Council.

**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.
- (2) The secretaries are responsible for the records of proceedings.
- (3) Deliberations may take place in German, Afrikaans or English.

**Section 40**      **Quorum**

- (1) Church Synod has a quorum if:
  - (a) all members of Church Synod have been formally invited and
  - (b) at least half of the members are present.

**Section 41      *Resolutions of Synod and Elections***

- (1) Unless otherwise stated herein, Church Synod passes its resolutions by a simple majority of members present, provided that a quorum is present. In case of a tied vote the motion fails.
- (2) Voting may be done openly or by secret ballot.
- (3) Voting shall be by secret ballot if Synod Council, the Bishop or one tenth of the members of Church Synod request a secret ballot.
- (4) Elections are held by secret ballot. They may be held by open vote if only one candidate is standing for election and if there are no objections.

**Section 42      *Synod Committees***

- (1) Church Synod may form committees to assist it with decision making, and may also assign other matters to them for deliberation, even between meetings.
- (2) Church Synod shall enact its own Rules of Procedure.

**Section 43      *The Bishop***

- (1) The Bishop holds the leading ecclesiastical post of the NELCSA.
- (2) The Bishop has the right to publicly proclaim the Gospel and to administer the Sacraments in all congregations of the NELCSA. He may make announcements to congregations and may direct that these be read out during worship services.

**Section 44      *Duties of the Bishop***

- (1) The Bishop is entrusted with the following specific tasks:
  - (a) He ensures that the Word of God is preached according to the Gospel and in accordance with the Lutheran confession and that the Sacraments are properly administered;
  - (b) He talks to the congregations, the Pastors and other Church co-workers; he advises, comforts and admonishes them in brotherly manner;
  - (c) He fosters fellowship and co-operation among the congregations and Church ministries;
  - (d) He endeavours to foster and reinforce contacts with other Churches;
  - (e) He is the official representative of the NELCSA;
  - (f) He shares experiences with the Deans and deliberates with them on common tasks;
  - (g) He signs and promulgates Church Laws and regulations;
  - (h) He formalises the appointment of Pastors and other Church co-workers;
  - (i) He concerns himself with the advancement of Pastors, other Church co-workers and theological students;

- (j) He convenes the General Pastors' Convention in terms of Section 59.
- (2) The Bishop has the right to ordain and to carry out visitations. He inducts the Deans and may induct Pastors into office and perform dedication services.
- (3) The Bishop chooses a congregation where he can preach regularly.

**Section 45      *Election of the Bishop***

The Bishop is elected in accordance with the Rules on the Election of the Bishop.

**Section 46      *Church Council***

- (1) Church Council leads the NELCSA in accordance with this Constitution, Church Laws, Regulations and decisions of Church Synod.
- (2) It manages all affairs of the NELCSA, unless this Constitution delegates this responsibility to some other organ of the Church.
- (3) It supervises the implementation of decisions of Church Synod, where these cannot be implemented by Synod itself. If during the implementation stage Church Council becomes aware of defects in the decisions of Synod, and Synod cannot itself rectify these defects, Church Council must take measures to remove the defects.
- (4) Church Council, through its chair, reports on its activities and on general Church life to every meeting of Church Synod. The report shall be tabled for discussion.

**Section 47      *Composition of Church Council***

Church Council consists of:

- (a) the Bishop;
- (b) the Deputy to the Bishop;
- (c) the President of Church Synod;
- (d) the Treasurer;
- (e) one ordained member; and
- (f) one lay member from each Circuit.

**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:
  - (a) at the 1st Session of each Synod period
    - the President of Church Synod [Section 47 (c)]

- the Treasurer [Section 47 (d)]
  - one ordained member [Section 47 (e)]
- (b) at the 2nd Session of each Synod period
- one lay member of Church Council for each Circuit [Section 47 (f)]
  - the lay member of Circuit Council as alternate to the lay member of Church Council for each Circuit
- (c) at the 3rd Session of each Synod period
- the Deputy to the Bishop [Section 47(b)]
- (d) The Bishop is elected at any session of Synod as required.
- (2) (i) Alternates must be elected for each member referred to in Section 47 (b) to 47 (d), as well as for each lay member of Circuit Council.
- (ii) The lay members referred to in Section 47(f), as well as their alternates who are in actual fact the lay members of Circuit Council, are elected by delegates from each Circuit from amongst their own number.
- (iii) The Dean and his alternate are not eligible as the ordained member of Church Council and his alternate [Section 47(e)].
- (3) Members of Church Council assume office immediately after the end of the session of Church Synod during which they were elected or confirmed in office. They remain in office until the assumption of office of their successors.
- (4) After two periods in office a member of Church Council shall retire for the duration of at least one Synod period. Exceptions may be permitted by Church Synod.
- (5) In the event of the Deputy to the Bishop in terms of Section 47 (b) or the ordained member in terms of Section 47 (e) being elected to the post of Bishop, or in the event of the ordained member in terms of Section 47 (e) being elected to the post of Deputy to the Bishop, or vice versa or in the event of the Bishop being elected into one of the above offices, the first period of office for the newly elected person shall run from the date of his election.
- (6) If a member of Church Council leaves the NELCSA or if he becomes permanently unable to carry out his duties, the alternate assumes office until a by-election is held at the next session of Church Synod.

**Section 49      *Chairship in Church Council***

The Bishop or his deputy chairs the meetings of Church Council. If neither of them is able to do so the President of Church Synod shall take the chair.

**Section 50      *Meetings of Church Council***

Church Council meets as and when necessary, but at least four times per annum, at the invitation of its chair. It must be convened if at least five members demand such a meeting.

**Section 51      *Business of Church Council***

- (1) Church Council has a quorum if more than half of its members are present.
- (2) Church Council shall pass its resolutions by a simple majority of members present, provided that a quorum is present. In case of a tied vote the motion fails.
- (3) Outside of ordinary meetings agreements may be reached in writing, provided at least 5 members agree to this method.
- (4) Minutes of the meetings of Church Council shall be kept. They shall be signed by the chair and one other member.
- (5) Church Council shall enact its own Rules of Procedure.

**Section 52      *Agencies and Offices of Church Council***

Church Council may establish and maintain the necessary agencies and offices to facilitate the execution of its duties.

**Section 53      *Circuits***

- (1) The NELCSA is divided into Circuits.
- (2) The boundaries and size of the Circuits shall be such that inter-congregational tasks may be dealt with effectively.

**Section 54      *Formation, Dissolution and Merging of Circuits***

Decisions on the formation of new Circuits, their dissolution and merging as well as the changing of their boundaries are taken by Church Council after consulting with the respective Pastors' Conventions and Congregational Councils.

**Section 55      *The Dean***

- (1) The Dean leads the Circuit in co-operation with Circuit Council. He carries out the decisions of Church Council and Church Synod within his Circuit. He advises Church Council and the Ecclesiastical Council in matters of his Circuit. He is responsible for organising and co-ordinating the extra-congregational duties within his Circuit.
- (2) The Dean oversees the work of the Church within his Circuit. He supports the work of the Pastors and of the congregations through visitations and by advising them. He inducts the Pastors. He may participate in meetings of Congregational Councils in an advisory capacity. He may conduct services in the congregations within his Circuit. He reports regularly to the Bishop and discusses with him matters relating to his office.
- (3) The office of Dean is linked to a Pastor's post.
- (4) Deans and their deputies are elected at Church Synod by the delegates from each Circuit from among the Pastors in active service within their Circuits. Church Council as well as the Pastors' Convention has a right of proposal. Deans hold office for the duration of one Synod period. The election shall take place at the 1st meeting of each Synod period. The

ordained member of Church Council and his alternate [Section 48(2)(iii)] are not eligible as Dean or his alternative.

- (5) Where a Dean is elected to the position of deputy to the Bishop, or as alternate to the deputy to the Bishop, he may retain the position of Dean in addition to such new position. He shall inform the Church Council accordingly.

**Section 56**      ***Circuit Council***

Circuit Council is composed of the Dean, his deputy, the elected lay member of Church Council and of Circuit Council and his alternate for that Circuit [Section 48(1) (b)]. It assists and advises the Dean.

**Section 57**      ***Circuit Conference***

- (1) The Dean shall convene a Circuit Conference annually for the purpose of promoting co-operation between the congregations, the various church ministries within the Circuit, as well as for fulfilling joint tasks and those which extend across congregational boundaries.
- (2) Each congregation shall be represented by its Pastor, the elected Church Synod members and at least one other member appointed thereto by the Congregational Council.

**Section 58**      ***Pastors' Convention***

- (1) Pastors within a Circuit constitute the Pastors' Convention. The Pastors' Convention elects a chair from within its own ranks.
- (2) The Dean convenes a Pastors' Convention at least once a year. Special meetings must be convened if at least one third of its members request them.
- (3) The meetings of the Pastors' Conventions serve to promote brotherly discussions, to further the education of Pastors and to discuss official Church matters and those matters which extend across congregational boundaries.
- (4) Subject to the provisions of Sections 61 and 62 the Pastors' Convention may submit suggestions and motions to Church Synod.
- (5) The Pastors' Convention shall enact its own Rules of Procedure.

**Section 59**      ***General Pastors' Convention***

At the invitation of the Bishop the Pastors' Conventions meet as General Pastors' Convention every two years in between the sessions of Church Synod.

## CHAPTER 7

### CHURCH LEGISLATION

#### **Section 60      *Church Laws***

- (1) Church Synod has the right to pass laws.
- (2) The laws are categorized into the following five groups:
  - (a) The Constitution
  - (b) The Congregational Code
  - (c) The Law on Pastors
  - (d) Rules of Procedure and Election Procedures
  - (e) Contracts and Agreements
- (3) The English text of all Church Laws shall be the official version, provided that this text has been approved by Church Synod.
- (4) It is Church Synod's right to interpret Church Laws and Regulations. If Church Synod is not in session this right is delegated to Church Council.

#### **Section 61      *Matters requiring a Church Law***

The following shall be regulated by Church Law:

- (1) The introduction of new and the amendment or abolition of existing Church Laws;
- (2) The introduction, abolition or amendment of agendas, catechisms and hymn books;
- (3) The adoption and introduction of Church Laws of the United Evangelical Lutheran Church in Southern Africa;
- (4) The introduction, abolition or amendment of all matters which, in terms of the provisions of this Constitution, or in terms of a decision of Church Synod, or in the opinion of Church Council require a Church Law.

#### **Section 62      *Introduction of Draft Laws***

- (1) Draft Laws may be introduced by Church Council or by Church Synod members. They shall contain the entire wording of the proposed law and shall include a motivation.
- (2) Draft Laws which are introduced by Church Synod members, shall be signed by at least 15 members of Church Synod.

#### **Section 63      *Publication of Draft Laws***

- (1) Draft Laws introduced by Church Council shall be forwarded to members of Church Synod in terms of Section 36(2).
- (2) Draft laws originating from within Church Synod in terms of Section 62(2) shall be forwarded to Church Council at least two months before the meeting of Church Synod.

- (3) Church Council shall refer draft laws to the Ecclesiastical Council for approval in accordance with Section 68(1).

**Section 64**      ***Amendments to the Constitution***

- (1) Amendments to this Constitution require the consent of two-thirds of all members of Church Synod.
- (2) The basic article cannot be changed.

**Section 65**      ***Authority to pass Regulations***

- (1) Church Council may be authorised by Church Law to pass legally binding regulations, provided that the enabling law clearly sets out the contents, purpose and extent of the authorisation. The legal basis for the regulations shall be specified in the regulations.
- (2) When Church Synod is not in session, or when it is not feasible to convene Synod and the matters to be dealt with cannot be delayed, then Church Council may enact regulations to deal with these matters even though normally a Church Law would be required. Such regulations shall be submitted to Church Synod for ratification at its next session. Church Synod may confirm, amend or repeal such regulations.

**Section 66**      ***Promulgation of Laws***

- (1) Laws and Regulations passed in accordance with the provisions of this Constitution are promulgated by the Bishop by means of written notification to all members of the NELCSA.
- (2) Laws and Regulations shall specify the date on which they will come into operation. In the absence of such a date, they will come into operation on the 14th day after the day on which the notification was dispatched in accordance with Section 66(1). The date of dispatch shall be stated in the records.

## **CHAPTER 8**

### **THE ECCLESIASTICAL COUNCIL**

**Section 67**      ***Composition of Ecclesiastical Council***

- (1) The Bishop, his Deputy and the Deans together constitute the Ecclesiastical Council.
- (2) The Ecclesiastical Council is convened for regular consultations under the chairship of the Bishop or his Deputy.

**Section 68**      ***Responsibilities of Ecclesiastical Council***

- (1) The Ecclesiastical Council deals with questions of life and doctrine of the Church as well as with personnel matters and must give its opinion on all matters concerning the Confession and the Laws and Regulations of the

Church before these are submitted to Church Council or Church Synod for decision.

- (2) The Ecclesiastical Council is responsible for the education and in-service training of theologians and laymen who are called to the ministry.
- (3) The Ecclesiastical Council, in consultation with Church Council, determines which members of the NELCSA are to serve on the Theological Board of Examiners of the United Evangelical Lutheran Church in Southern Africa.

**Section 69**      ***Theological Study Commission***

- (1) The Ecclesiastical Council utilizes the services of the Theological Study Commission for performing its tasks.
- (2) Each Pastors' Convention annually elects one of its members onto the Theological Study Commission. The Bishop is an ex officio member of the Theological Study Commission.

**CHAPTER 9**

**THE LEGAL CAPACITY OF THE NELCSA**

**Section 70**      ***Rights and Duties of the Church***

- (1) The NELCSA is a legal entity, whose existence is independent of the change in its membership and it may acquire rights, enter into obligations and may institute and/or defend any court action in its own name.
- (2) Without limiting the powers aforesaid by the following enumeration, the NELCSA may:
  - (a) purchase, rent, lease, borrow, acquire and hold movable and immovable property of any kind as well as sell, alienate, encumber or otherwise dispose of, bind itself as security of mortgage or otherwise let, lease and hire it out;
  - (b) acquire movable and immovable property donated or bequeathed to it and accept other bestowals in cash or in kind;
  - (c) undertake all other legal acts, and conduct legal business transactions.
- (3) The legal domicile of the NELCSA is at the seat of Church Council.
- (4) The liability of members for obligations of the NELCSA is limited to the payment of unpaid contributions and to the settlement of other existing obligations entered into with the NELCSA.
- (5) The NELCSA shall avail itself of its powers to acquire rights and incur liabilities only to the extent that it serves to fulfil its tasks.

**Section 71**      ***Trustees***

- (1) Church Council shall elect one or more persons from among its own ranks, who shall sign all documents and certificates, as well as undertake all legal actions in terms of Section 70.

- (2) As a rule, the Bishop or his deputy together with the treasurer or his deputy has signing powers for the duration of their term of office. In exceptional cases Church Council may authorise one or more persons, who are not members of Church Council, to perform certain legal acts.
- (3) Immovable property shall be registered in the name of:
 

“Die jeweiligen Treuhänder für die Northeastern Evangelical Lutheran Church in South Africa”

“The trustees for the time being of the Northeastern Evangelical Lutheran Church in South Africa”

“Die trustees vir tyd en wyl vir die Northeastern Evangelical Lutheran Church in South Africa ”
- (4) Dispositions of whatever nature in respect of such immovable property shall be legally binding if signed by the relevant Trustees. Proof of appointment of such Trustees shall be rendered on behalf of the NELCSA by means of a certificate signed by a member who is not himself a Trustee.
- (5) Verbal declarations in court, before public bodies or in other instances shall be legally binding only if they are made by the Bishop and another member of Church Council with prior approval of Church Council.

## **CHAPTER 10**

### **FINANCIAL ADMINISTRATION**

#### **Section 72      *Financial Management***

- (1) Church Council is responsible for the finances of the Church and they are managed by the treasurer.
- (2) The Church shall maintain one or more banking accounts through which all income and expenditure shall be conducted.
- (3) Books of account shall be kept and shall be audited annually by a chartered accountant. The financial year is the calendar year.
- (4) Income and property of the Church shall not be distributed in any way to its members or office bearers, except as reasonable compensation for services rendered.
- (5) Church Council must submit full financial reports for the preceding periods to each ordinary meeting of Church Synod. The reports shall be tabled for discussion.

#### **Section 73      *Budget***

- (1) The budget for a two-year period, which shall include all estimated income and expenditure of the NELCSA, shall be drawn up by Church Council and approved by Church Synod by way of a Church Law.
- (2) Church Council may draw up a financial assistance plan for a congregation to alleviate its financial burden and for this purpose it may assist with the budgeting and financial management of the congregation concerned. The plan shall be included in the budget.

**Section 74      *Contributions***

- (1) The income of the NELCSA consists of contributions by the members, of general Church offerings and donations from congregations or third parties.
- (2) The formula for the payment of contributions is prescribed by Church Synod.

**CHAPTER 11**

**DISSOLUTION**

**Section 75      *Dissolution***

- (1) A decision to dissolve the NELCSA may only be taken by an extraordinary session of Church Synod convened for that purpose only. The decision can only be taken if at least two-thirds of all members of Church Synod are present and at least two-thirds of those members present vote for the dissolution.
- (2) If a decision to dissolve has been taken, Church Synod must issue directives concerning the liquidation of the assets of the NELCSA and shall appoint a committee to carry out the liquidation. This committee must carry out the liquidation according to the directives given by Church Synod and in terms of any South African laws which may be applicable.
- (3) Any assets remaining after liquidation of the NELCSA shall be transferred to another Church, which is also a non-profit organisation, having similar objectives as the NELCSA.

**CHAPTER 12**

**FINAL PROVISIONS**

**Section 76      *Requirements of the South African Revenue Services***

- (1) All activities of the Church, or substantially the whole thereof shall be carried out for the benefit of persons within the Republic of South Africa.
- (2) At least three of the persons referred to in Section 71(1) and (2) shall accept fiduciary responsibility for the Church. They shall not be connected persons in relation to each other, and no single person directly or indirectly shall control the decision-making powers of the Church.
- (3) The funds of the Church shall be used solely for the objects for which they were established, or they shall be invested with a financial institution as defined in Section 1 of the Financial Services Act, 1990 (Act No 97 of 1990) or in securities listed on a stock exchange as defined in the Stock Exchange Control Act, 1985 (Act No. 1 of 1985).

- (4) The Church shall not carry on any business undertaking or trading activity unless specifically permitted in terms of Section 30(3)(b)(iv) of the Income Tax Act 1962 (Act no 58 of 1962).
- (5) A copy of all amendments to this Constitution shall be submitted to the Commissioner for South African Revenue Services.
- (6) The Church shall submit the required yearly income tax return together with the relevant supporting documents.
- (7) No remuneration shall be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the services rendered and has not and shall not economically benefit any person in a manner which is not consistent with the objects of the Church.
- (8) All donations made to the Church shall be made irrevocably. They may not be subject to any conditions which could enable the donor to derive a direct or indirect benefit from the application of such donations.
- (9) Office bearers of the Church or any member thereof shall not be personally liable for any loss suffered by any person or group of persons or organisation as a result of an act or omission which occurs in good faith while they are performing functions in terms of the laws of NELCSA for and on behalf of the Church or its members.

**Section 77      *Commencement Date***

- (1) This Constitution shall come into effect on the 13<sup>th</sup> October, 2019.

**LAW ON PASTORS**  
of the  
**NORTHEASTERN EVANGELICAL  
LUTHERAN CHURCH  
IN SOUTH AFRICA**  
{Abbreviated Name: NELCSA}

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>CHAPTER 1</b> .....	<b>4</b>
<b>General Provisions</b> .....	<b>4</b>
Section 1 General .....	4
Section 2 Relationship of Service and Trust.....	4
Section 3 Commitment to Gospel, Confession and Church Laws.....	4
Section 4 Right to Protection and Care .....	4
<b>CHAPTER 2</b> .....	<b>4</b>
<b>The Service Relationship</b> .....	<b>4</b>
Section 5 Eligibility .....	4
Section 6 Applicants from other Churches .....	5
Section 7 Establishment of Eligibility .....	5
Section 8 Loss of Eligibility.....	6
Section 9 Ordination .....	6
Section 10 Loss of Rights conferred by Ordination .....	6
Section 11 Re-conferring of Rights .....	7
<b>CHAPTER 3</b> .....	<b>7</b>
<b>Establishment of Service Relationship</b> .....	<b>7</b>
Section 12 Nature of the Service Relationship .....	7
Section 13 Induction .....	7
Section 14 Calling to the Post.....	7
Section 15 The Appointment.....	7
Section 16 Revocation of Appointment .....	8
<b>CHAPTER 4</b> .....	<b>8</b>
<b>Duties of the Pastor</b> .....	<b>8</b>
Section 17 Within the Congregation.....	8
Section 18 In a General Church Post.....	9
<b>Conduct of the Pastor</b> .....	<b>9</b>
Section 19 Within the Fellowship of Ordained Ministers.....	9
Section 20 Within the Congregation.....	10
Section 21 Within the Church.....	11
Section 22 In Marriage and Family.....	11
Section 23 In Public .....	12
<b>Visitation and Supervision</b> .....	<b>13</b>
Section 24 Visitation .....	13
Section 25 Supervision .....	13
Section 26 Violation of Doctrine .....	14
Section 27 Misconduct.....	14
Section 28 Consequences of Violation of Doctrine and Misconduct.....	14
<b>CHAPTER 5</b> .....	<b>14</b>
<b>Protection and Security</b> .....	<b>14</b>
Section 29 Protection against Attacks.....	14
Section 30 Personnel Records.....	15
Section 31 Review of Administrative Decisions.....	15
<b>Remuneration and Social Security</b> .....	<b>15</b>
Section 32 Remuneration.....	15
Section 33 Housing.....	15
Section 34 Motor Vehicle .....	16
Section 35 Child Allowance.....	17
Section 36 Social Security .....	17

<b>Leave</b> .....	<b>18</b>
Section 37 General Provisions.....	18
Section 38 Absence on Official Duty.....	18
Section 39 Sick Leave.....	19
Section 40 Annual Leave.....	19
Section 41 Absence for Personal Reasons.....	19
Section 42 Maternity Leave.....	19
Section 43 Long Leave.....	20
Section 44 Study Leave.....	20
<b>CHAPTER 6</b> .....	<b>20</b>
<b>Changes to the Service Relationship</b> .....	<b>20</b>
Section 45 Transfer to another Post or Duty.....	20
Section 46 Transfer on Application or with Consent.....	21
Section 47 Transfer for General Reasons.....	21
Section 48 Transfer as a Result of Ineffectual Endeavours.....	22
Section 49 Transfer to a Post with General Church Duties.....	23
Section 50 Secondment.....	23
Section 51 Release from Duty in the Interest of the Church.....	23
Section 52 Release from Duty for Personal Reasons.....	24
Section 53 Take-over by a Member Church of UELCSA.....	24
<b>Retirement</b> .....	<b>25</b>
Section 54 General.....	25
Section 55 Retirement due to Incapacity.....	25
Section 56 Retirement and Service Relationship.....	26
<b>CHAPTER 7</b> .....	<b>27</b>
<b>Termination of the Service Relationship</b> .....	<b>27</b>
Section 57 General.....	27
Section 58 Release from service.....	27
Section 59 Resignation.....	28
Section 60 Removal from Office.....	28
<b>CHAPTER 8</b> .....	<b>29</b>
<b>Final Provisions</b> .....	<b>29</b>
Section 61 Right to approach SA Labour Courts.....	29
Section 62 Agreements with EKD.....	29
Section 63 Commencement Date.....	29

## CHAPTER 1

### General Provisions

**Section 1      *General***

In this Law, unless the context indicates otherwise, singular shall include plural and vice versa and masculine shall include feminine and vice versa.

**Section 2      *Relationship of Service and Trust***

- (1) The Pastor's service is defined by the Commission, which the Church has received from its Lord.
- (2) The service relationship with the Pastor is regulated by Church Law and is based on service in, and loyalty towards the NELCSA.
- (3) The provisions on hours of work and overtime of the Basic Conditions of Employment Act [Act. No. 75 of 1997 (as amended)] does not apply to Pastors.

**Section 3      *Commitment to Gospel, Confession and Church Laws***

- (1) The Pastor is bound by his ordination to teach the Gospel, in its purity as revealed in the Holy Scriptures and testified to in the Evangelical Lutheran Confessions, [Basic Article Constitution NELCSA] in exclusive obedience to God and to administer the Sacraments according to the Gospel.
- (2) The Pastor bears particular responsibility for the unity within the congregation and the Church in doctrine and in life and promotes cohesion and cooperation between the members of the Church and its ministries.
- (3) All Church Laws and other regulations of the Church are binding on him.
- (4) The Pastor is obliged to prove himself worthy of the Office of the Church through his lifestyle. He shall also conscientiously fulfil his duties as a member of the congregation.
- (5) The Pastor is subject to visitations and supervision.

**Section 4      *Right to Protection and Care***

Based on the relationship of service and loyalty, the Pastor is entitled to protection in his service and in his position and also has the right to social security for himself and his family.

## CHAPTER 2

### The Service Relationship

**Section 5      *Eligibility***

- (1) A person, who is eligible and who has been ordained, may be called into service as Pastor.

- (2) Applicants, who are members of Churches from within the United Evangelical Church in Southern Africa (UELCSA), are eligible to be employed if they:
  - (a) are at least twenty-five years old;
  - (b) are free from illnesses and disorders, which would hamper the execution of normal pastoral duties;
  - (c) lead a life befitting a servant in the office of the Church;
  - (d) have received the prescribed academic and practical training to qualify for employment as Pastor and have passed the first and second theological examinations, the second of which is set by the UELCSA.
- (3) Church Council may grant exceptions to Section 2(a) in special circumstances.

**Section 6      *Applicants from other Churches***

Applicants, who subscribe to the Evangelical Lutheran Confession and who have qualified for employment in a Church which is not a member of the UELCSA, may qualify for employment within the NELCSA if it is proved that the training was of equal standard or if the standard of such training is generally accepted and all other requirements have been satisfied.

**Section 7      *Establishment of Eligibility***

- (1) Eligibility for employment in terms of Section (5) is established by Church Council. If more than five years have elapsed since the passing of the second theological examination without a service relationship having been entered into, the establishment of eligibility or the continued acknowledgment thereof may be made dependent upon the outcome of a colloquium. The same will apply where the Pastor has been without an active ministry for more than five years.
- (2) A decision on the eligibility in terms of Section (6) may be determined either by a colloquium or by an examination.
- (3) If an applicant did not give his pledge according to Section 9(3) at the time of his ordination, such pledge shall be given later. Church Council shall assess whether or not a theologian, who has been transferred from another confession, needs to be ordained.

- (4) The fact that a person is eligible as a Pastor does not in itself convey upon him the right to be employed as such.

**Section 8      *Loss of Eligibility***

- (1) Eligibility for employment is lost when a candidate, who has passed his second theological examination, withdraws his candidacy or has been removed from the list of candidates.
- (2) On readmission to the list of candidates, he may again be declared eligible to be employed as a Pastor.

**Section 9      *Ordination***

- (1) The right and duty to public preaching and administration of the Sacraments is conferred by ordination. In general, the ordination implies that an employment relationship as Pastor is to be established.
- (2) Prior to the ordination the Ordinator discusses the significance of the ordination and prerequisites for the assumption of the Office of the Church with the person to be ordained.
- (3) The person to be ordained pledges in writing that his preaching and teaching will conform to the Gospel of Jesus Christ as revealed in the Holy Scriptures of Old and New Testament and testified to in the Evangelical Lutheran Confessions [Basic Article Constitution NELCSA].
- (4) The ordination is performed in accordance with the relevant order of service.
- (5) The ordained person receives a certificate of ordination.

**Section 10      *Loss of Rights conferred by Ordination***

- (1) The right to public preaching and to administer the Sacraments is lost:
  - (a) when the service relationship of the Pastor with the Church is terminated in accordance with Sections 58(5) to (11);
  - (b) when the Pastor leaves the service as a result of a breach of his obligation to teach in accordance with Section 58(6);
  - (c) when the Pastor is removed from service as a result of a breach of his official duties in accordance with Section 58(10); or
  - (d) when the Pastor waives this right.
- (2) A member of the Ecclesiastical Council shall confer with the affected person about the loss of the right to public preaching and to administering the Sacraments. The affected person is entitled to be assisted by an ordained confidant from within UELCSA and to a fair and proper disciplinary hearing.

- (3) The certificate of ordination is to be handed back.
- (4) Member Churches of UELCSA shall be informed of the loss of rights.

**Section 11      *Re-conferring of Rights***

- (1) Church Council may re-confer the right to public preaching and to administer the Sacraments in cases where the provisions of Section (10)(1) no longer apply.
- (2) The certificate of ordination may be re-issued.
- (3) Member Churches of the UELCSA shall be informed that the rights have been re-conferred.

## **CHAPTER 3**

### **Establishment of Service Relationship**

**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 NELCSA, which embodies the calling as Pastor.
- (2) The appointment shall be for an initial period of six years, including an initial probation period of 6 (six) months. Six months before the end of 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..
- (3) The calling of a Pastor includes the assignment to him of:
  - (a) a Pastor's post; or
  - (b) a general church task or post.

**Section 13      *Induction***

The Pastor with whom an employment agreement has been concluded shall be inducted into his post during a worship service.

**Section 14      *Calling to the Post***

- (1) The calling as Pastor becomes effective with the date recorded in the Certificate of Calling. As a rule, the certificate is handed over during the induction service.
- (2) The certificate shall record the calling as Pastor as well as the parish or the general church task he has been assigned to, the seat of the parish and his official title.

**Section 15      *The Appointment***

In the employment agreement between the Church and himself the Pastor pledges himself to conscientiously adhere to the Church's Laws and to the

fulfilment of the obligations arising there from. If the appointment is limited to a particular time period in terms of Section 12(2), then this shall also be recorded.

**Section 16      *Revocation of Appointment***

- (1) The appointment may be revoked if it has been brought about by deception or in any other dishonest manner. The right to take disciplinary action remains unaffected.
- (2) The revocation must be declared within six months of the reason for the revocation becoming known. The Pastor shall be given a hearing.
- (3) Prior to the revocation the Pastor may be suspended temporarily from carrying out his duties. This provision is not subject to a review according to Section 31.
- (4) The effect of the revocation is to nullify the service relationship from its inception. Reimbursement of remuneration already paid may be waived.
- (5) In addition to the revocation of the appointment, the right to public preaching and the administration of Sacraments may also be revoked.
- (6) The revocation does in no way affect the validity of the official functions already performed by the Pastor concerned.

**CHAPTER 4**

**Duties of the Pastor**

**Section 17      *Within the Congregation***

- (1) It is the duty of the Pastor, to whom a Pastor's post has been entrusted, to preach the gospel publicly and to administer the Sacraments within that congregation.
- (2) His assignment obliges the Pastor to lead worship services, to perform official duties and to provide religious instruction and pastoral care. It also comprises duties, which flow from structured joint actions between his congregation and others.
- (3) The Pastor, together with the congregation, shall endeavour to discover talents within it, to encourage and equip congregation members to become co-workers, so that their services may develop freely in cooperation with Congregational Councillors and other co-workers for the advancement of life and growth within the congregation.

- (4) Together with them the Pastor shall ensure that the will to perform missionary work and to accept ecumenical responsibility is awakened, that charity and Christian stewardship as well as Church ministries are promoted.
- (5) The Pastor and the Congregational Council perform their duties in cooperation with each other and ensure that the solidarity within the congregation is sustained and strengthened.
- (6) The Pastor shall conscientiously carry out the tasks entrusted to him in the administration and management of the Pastor's post, the keeping of church registers and in property and financial matters.
- (7) If there are several Pastors' posts in a congregation, the Pastors have equal status as far as public preaching and administration of Sacraments is concerned. Section 17(5) applies mutatis mutandis. If no consensus can be found, Church Council determines the allocation of duties.
- (8) The Pastor shall minister to all members of his congregation.
- (9) The Pastor may only perform official duties on behalf of members of other Lutheran congregations if the Pastor in charge of the relevant congregation has consented thereto.
- (10) For worship services and for the performance of other official duties in other congregations the prior approval of the Pastor of that congregation is required.
- (11) In emergencies, especially in the face of death, every Pastor is entitled and obliged to render immediate service. He must thereafter report this to the Pastor concerned.

**Section 18**     ***In a General Church Post***

- (1) The Pastor, to whom a general Church task has been assigned, is obliged to perform the duty of public preaching and administration of the Sacraments within the ambit of this task.
- (2) Where a general Church task has been assigned to him, the Pastor shall perform this task to achieve both the growth of the Church, as well as that of the individual congregation.
- (3) The Pastor may be given the task of conducting worship services within a specific congregation.
- (4) In all other cases concerning worship services and official duties, the provisions of Section 17(8) to (10) apply.

**Conduct of the Pastor**

**Section 19**     ***Within the Fellowship of Ordained Ministers***

- (1) Pastors are in fellowship with those to whom the office of the Church has been entrusted through ordination.

- (2) They shall foster this fellowship. In teaching, in the ministry and in life they shall be prepared to counsel and admonish one another.
- (3) Pastors are obliged to attend regular Pastors' Conventions or similar institutions and to participate in activities, which promote in-service theological and practical training.
- (4) Pastors are obliged to continually improve their knowledge, especially by theological reflection in the Pastors' Conventions, by participation in training courses and through study at home. For this purpose, the Pastor's superior may grant him leave of absence of ten days per year.

**Section 20      *Within the Congregation***

- (1) The Pastor is dependent on the intercession, advice and assistance from the congregation.
- (2) The Pastor is obliged to maintain unswerving secrecy of confession against everyone.
- (3) The Pastor shall maintain confidentiality on all matters entrusted to him or of which he became aware in his capacity as spiritual counsellor. If he is released from the bond of secrecy by him who sought his counsel in cases, which did not result in a confession or the desire for absolution, the Pastor shall nevertheless carefully consider whether and to what extent he can justify statements or communications on such matters.
- (4) The Pastor must be prepared to take upon himself disadvantages which may arise from the secrecy of confession and the duty to maintain confidentiality according to Section (2) and (3) above.
- (5) The Pastor is bound to secrecy on all matters he otherwise becomes aware of during the exercise of his duties, which are confidential by nature or as a result of special instructions, except where Church Council has released him from the bond of secrecy. This also applies where an employment relationship no longer exists.
- (6) The Pastor is obliged to reside at the official residence provided by the congregation. With the approval of Congregational Council and Church Council, exceptions may be granted if special circumstances can be shown to exist.
- (7) The Pastor may only allow third parties to use portions of the official residence with the approval of Congregational Council. No one, not even a member of the Pastor's family, may carry on a business or an occupation from the official residence without approval of Congregational Council.
- (8) If the service relationship is changed or terminated the official residence shall be vacated.

- (9) As a rule, the Pastor shall wear the official garments of office, namely the robe and the alb and stole, during worship services and at official functions. After consultations between the Pastor, Congregational Council and the congregation the Pastor may conduct services without these official garments. The clothes he wears shall be suitable for the occasion and shall serve the proclamation of the Gospel.
- (10) The independence of the Pastor and the reputation of the office may not be compromised by the acceptance of gifts. It is therefore not permitted for the Pastor to accept gifts for himself if they exceed the local customary standards. If special circumstances exist, the Bishop may, by exception, give his approval.

**Section 21**      ***Within the Church***

- (1) The Pastor shall carry out all instructions pertaining to his ministry issued to him by the leaders and supervisors of the church acting within the ambit of their duties.
- (2) The Pastor should accept special tasks, which accord with his educational background and calling.
- (3) The Pastor is obliged to deputize for another Pastor, even if it is outside his geographic area of ministry, particularly where the latter is ill or on leave. This also applies where a congregation is vacant.
- (4) The Pastor is obliged to remain within his geographic area of ministry. Sections 37 to 43 of this law provide for occasions, other than leave, when he may be absent from his area of ministry.
- (5) If the Pastor is absent without leave, he may be declared to have forfeited his right to emoluments for the duration of his absence. The right to institute disciplinary proceedings remains unaffected.
- (6) If the service relationship is amended or terminated the Pastor shall hand over all official documents and objects of whatever nature, which may be in his possession and shall account for the administration of any assets entrusted to him. If the Pastor dies, his deputy or successor shall cause these records to be handed over to him. The questionnaire for official handing over shall be completed.
- (7) The Pastor shall preserve the dignity of office at all times.

**Section 22**      ***In Marriage and Family***

- (1) The Pastor's life in marriage and family must conform to his calling.
- (2) The Pastor shall notify Church Council forthwith of his intended marriage and wedding ceremony.

- (3) If reservations, based on lack of regard for his calling or his congregation are raised against the proposed marriage of the Pastor, then, with his agreement, his service is to be arranged in a way, which agrees with his calling and is acceptable to the congregation.
- (4) If the Pastor or his spouse deems the institution of divorce proceedings as inevitable, he is obliged to inform the Bishop forthwith. The latter, or someone delegated thereto by him, shall endeavour to reconcile the spouses.
- (5) If divorce proceedings are instituted, the Pastor must report this to his superior forthwith. In as far as it may be relevant to establish how this will affect the execution of his duties further information and documents may be called for. The Pastor is obliged to consent to this, to give explanations himself as well as to produce, on demand, documents in his possession.
- (6) With effect from the day that the divorce becomes final, Church Council may terminate the employment relationship, if continued employment would be detrimental to the congregation or the Church.
- (7) During the divorce proceedings and until the divorce becomes final in accordance with Section 22(6) the Pastor may be relieved temporarily of all or part of his duties. Another appropriate duty may be assigned to him during this period. The Pastor is entitled to be given a hearing. A review in terms of Section 31 does not suspend these provisions.
- (8) If application is made to declare the marriage null and void the provisions of Section 22(4) to (7) apply mutatis mutandis.

**Section 23      *In Public***

- (1) The Pastor may accept an additional engagement outside of his official duties only if it is consistent with his calling and the conscientious performance of his official duties.
- (2) The acceptance of such an engagement, whether honorary or against payment or on the basis of profit sharing, requires the prior consent of Church Council which may be withdrawn at any time. This provision includes the acceptance of guardianship, trusteeship or executorship.
- (3) A literary, scientific, artistic or a lecturing activity does not require prior consent. This applies equally to taking over honorary positions in corporate bodies, institutions, societies or clubs whose objects are to serve church, welfare, artistic, scientific, cultural or occupational purposes. The Pastor is, however, obliged to notify Church Council of having taken over such functions. The continuation of such activities may be denied, wholly or in part, if they detrimentally affect the ministry.

- (4) The Pastor may not support an organization or institution if this were to conflict with his calling or if the support would materially affect the performance of his duties.
- (5) The Pastor's political activities shall also correspond with his calling. He shall serve each congregation member equally, irrespective of his political persuasions. He needs to recognize the limitations, which the above may have on the nature and extent of his political activities.
- (6) The Pastor must recognize that his utterances on matters of public interest may reflect on the congregation and the entire Church, and that in the mind of the public, a person and his office are inseparable.
- (7) The Pastor shall refrain from all party-political activities. Should he nevertheless assume party political positions or mandates, he will be relieved of his duties for that period.

### **Visitation and Supervision**

#### **Section 24      *Visitation***

- (1) The Pastor is obliged to subject himself to visitations. He has a right to expect support from the visitation.
- (2) The Church, through its leaders and supervisors, provides a special service to Pastors and congregations, by means of the visitations. The visitation covers the life of the congregation, the manner in which Pastor and Congregational Council perform their duties and how they conduct themselves. The visitation is intended to promote the spiritual life of the congregation, to advise and motivate the Pastor, to preserve good order in the Church and to strengthen its unity.
- (3) Further particulars are contained in the Congregational Code.

#### **Section 25      *Supervision***

- (1) The aim and purpose of supervision is to motivate the Pastor in the performance of his duties, to counsel him, to instruct, admonish and if necessary, to discipline him. This is done by his immediate superior in terms of Section 37(3).
- (2) The Pastor may be suspended for a maximum of three months without forfeiture of emoluments if it appears from such supervision and on cogent grounds that for the sake of the office, such action is necessary. He may be prohibited partially or totally from performing his duties. The Pastor is entitled to a hearing. A review in terms of Section 31 does not suspend the provisions of this Section.

- (3) If the Pastor, in performing his duties, culpably inflicts damage on the Church or one of its congregations, he shall be liable to compensate such entity for any damages that may arise. If several Pastors cause damage jointly, they are jointly liable.

**Section 26**      ***Violation of Doctrine***

- (1) The ordination obliges the Pastor to preach the Gospel in its purity in accordance with the Confession of the Evangelical Lutheran Church and to administer the Sacraments according to the Gospel.
- (2) The doctrine is violated where the Pastor's public utterances or writings on the presentation of Christian teaching or his performances of worship services are in conflict, in material respects, with the Confession of the Evangelical Lutheran Church referred to in Sections 3(1) and 9(3).

**Section 27**      ***Misconduct***

- (1) Obligations concerning the duties and conduct of the Pastor arise from the office of the Church and the employment relationship.
- (2) The Pastor is guilty of misconduct if he neglects the duties which arise from his calling to preach the Gospel and to administer the Sacraments, or if the rules and instructions concerning his conduct and his administrative tasks are not adhered to, or if he violates the commitment to lead a life conforming to the office. The procedures and legal consequences of violating these duties are determined by Church Council in terms of Section 28.

**Section 28**      ***Consequences of Violation of Doctrine and Misconduct***

- (1) A committee appointed by Church Council shall decide whether the doctrine is violated or whether misconduct exists and what the legal consequences thereof shall be. An appeal against the decision of this committee may be made to the Church Council of the UELCSA. UELCSA shall appoint a committee to decide the appeal. Subject to the provisions of Section 58(10) and (11), this decision shall be final.
- (2) The Pastor shall be given a fair and proper hearing. He is entitled to be assisted by an ordained confidant from within UELCSA.

## **CHAPTER 5**

### **Protection and Security**

**Section 29**      ***Protection against Attacks***

Church Council shall protect the Pastor against acts, which may impede his duties, and against unjustified attacks against his person.

**Section 30**      **Personnel Records**

- (1) Personnel records are to be established for every Pastor. They are administered by the Bishop. They are classified as confidential and must be protected against unauthorized use.
- (2) All documents concerning the Pastor in so far as they deal with his employment relationship shall form part of the personnel records.
- (3) Personnel records may only be used for personnel management.
- (4) The Pastor shall be informed in writing of any appraisals, accusations or complaints before they are taken up in the personnel records. Any comments thereon by the Pastor shall also form part of the records.
- (5) The Pastor shall have the right to inspect his own personnel record.

**Section 31**      **Review of Administrative Decisions**

The Pastor may have administrative decisions affecting his legal position reviewed by a mediation committee appointed by Church Council.

**Remuneration and Social Security**

**Section 32**      **Remuneration**

- (1) The Pastor has the right to appropriate support for himself and his family, specifically by way of remuneration and provision of social security.
- (2) The remuneration is paid by the Church as employer.
- (3) Remuneration is paid to the Pastor with effect from the date determined by the Certificate of Calling, or if he had already been appointed to a post in either the UELCSA or the Evangelische Kirche in Deutschland (EKD), with effect from the date on which he enters into a service relationship with the Church.
- (4) The remuneration package consists of:
  - (a) basic salary;
  - (b) free housing;
  - (c) official motor vehicle; and
  - (d) child allowance.
- (5) The Bishop and the Deans receive an official allowance from the Church for the duration of their terms of office.

**Section 33**      **Housing**

- (1) An official residence shall be provided, or if that is not available, a similar type building belonging to or rented by the Church.

- (2) The congregation is responsible for the maintenance of the official residence and bears all costs levied against the property.
- (3) If a garden exists, the congregation maintains it.
- (4) The Pastor is obliged to treat the dwelling with due regard to the purpose for which it is intended.
- (5) The official residence shall conform to the needs of the office of the Pastor, whose services consist of preaching, pastoral care and teaching and as these are largely of intellectual nature, they require tranquil surroundings. Apart from this the locality and the family circumstances of the Pastor are to be taken into account.
- (6) The congregation shall equip the official residence with the following basic furnishings:
  - (a) complete furnishing of the office, including computer, internet service and printer;
  - (b) lights, stove and kitchen cupboards.
- (7) If the Pastor has been seconded for a specific period of time, the basic furnishings shall also include appropriate furnishings like a washing machine, refrigerator and curtains.
- (8) The provision of the official residence shall furthermore include:
  - (a) the cost for supply and consumption of water and electricity;
  - (b) a telephone for official calls. The Pastor pays for private calls.

### **Section 34      *Motor Vehicle***

- (1) As a rule, the congregations provide the occupant of a Pastor's post with a vehicle of the middle class to carry out his official duties. In determining the type and size of the vehicle, the circumstances of the congregation and the personal circumstances of the Pastor and his family shall be taken into account.
- (2) The congregation shall bear all costs of purchasing and maintaining the vehicle.
- (3) The motor vehicle is to be used for official purposes. If the Pastor uses the vehicle for private purposes, then:
  - (a) such private use is taxable;
  - (b) he is responsible for fuel costs for trips exceeding a radius of 50 km.
- (4) If the Pastor uses the motor vehicle for official duties other than for the congregation, then the party initiating such trip shall reimburse the congregation according to the rates fixed by Church Council.

- (5) Church Council may grant exceptions to the provisions of this Section.

**Section 35      *Child Allowance***

- (1) The Pastor is entitled to receive a child allowance according to the applicable salary scale of the NELCSA for natural or adopted children as well as for step children that have been taken into his home.
- (2) No child allowance is paid for married, widowed or divorced children.
- (3) Child allowance is granted until the child has reached the age of 25. After the child has reached the age of 18 child allowance may only be claimed if the child is at school or receives occupational training and is not in receipt of a salary, remuneration or financial support in excess of three times the child allowance.
- (4) If schooling or occupational training extends beyond the age of 25 through no fault of the Pastor or the child, then child allowance is paid for the proven period of such extension.
- (5) If a child is permanently unable to work as a result of physical or mental disability child allowance is paid irrespective of the age of the child if the disability became apparent before it reached the age of 25 or if it became apparent within the period of extension in terms of Section 35(4).
- (6) Child allowance is paid at the end of the month during which the right to claim the allowance arises. If the right to claim the allowance falls away, the payment of the allowance will be stopped at the end of the month during which the right to the claim fell away. Only one child allowance per child may be granted.
- (7) The Pastor must inform Church Council immediately of any changes to the conditions, which might influence the payment of child allowance.

**Section 36      *Social Security***

- (1) The provision of social security to the Pastor embraces the following:
  - (a) Old age pension;
  - (b) Pension for surviving dependants;
  - (c) Accident insurance cover.

- (2) The claim to old age pension and pension for surviving dependants is met by the ELC Pension Fund. The Pastor is obliged to become a member of the ELC Pension Fund. In the case of a seconded Pastor different arrangements may be made.
- (3) The Church provides accident insurance cover for all Pastors.

## Leave

### **Section 37      *General Provisions***

- (1) The Pastor and candidates for the Pastor's post are granted leave of absence in the following instances:
  - (a) absence on official duties;
  - (b) sick leave;
  - (c) annual leave;
  - (d) absence for personal reasons;
  - (e) maternity leave;
  - (f) long leave;
  - (g) study leave.
- (2) Leave is granted on application and should not be taken within six months of commencement of employment in a particular Pastor's post. The applicant must specify how his duties have been arranged for the period of his leave.
- (3) Application for leave of a Pastor is granted by the Dean of his Circuit and in the case of Deans and Pastors who serve in general Church tasks, application for leave are granted by the Bishop.
- (4) Application for leave and the Dean's decision thereon is reported to the Bishop.
- (5) If the Pastor has relocated, up to six calendar days leave will be granted on application. This leave shall not be recorded as annual leave.
- (6) The Pastor is entitled to one day off per week. He must arrange this with his Congregational Council, and the congregation shall be advised accordingly.

### **Section 38      *Absence on Official Duty***

- (1) Where the absence on official duty does not exceed three days, the Pastor merely informs his immediate superior.
- (2) Where the absence on official duty exceeds three days, the Pastor must make application for leave to his immediate superior in terms of Section 37(3). If the application is refused, the applicant may appeal to Church Council for a decision.

**Section 39      Sick Leave**

- (1) The Pastor is entitled to apply for sick leave of up to 120 calendar days during a cycle of three years on full pay and thereafter for another 120 calendar days on half pay. In exceptional cases Church Council can extend this period by up to 30 calendar days.
- (2) If sick leave referred to in Section 39(1) exceeds three calendar days the Pastor shall submit a medical certificate together with his application.

**Section 40      Annual Leave**

- (1) Annual leave with full pay will be granted on the following basis:
  - (a) up to the 40<sup>th</sup> birthday - 32 calendar days;
  - (b) thereafter up to the 50<sup>th</sup> birthday - 36 calendar days;
  - (c) after the 50<sup>th</sup> birthday - 42 calendar days.
- (2) Annual leave should be taken consecutively whenever possible. It should not be taken during high festive seasons.
- (3) The annual leave cycle is the calendar year. Annual leave shall not be accumulated. The immediate superior may grant exceptions for official reasons.
- (4) If the employment relationship begins or ends during the course of a particular year, pro rata leave will be granted.

**Section 41      Absence for Personal Reasons**

- (1) Where absence for personal reasons does not exceed three days, the Pastor merely notifies his immediate superior. This will be referred to as family responsibility leave in terms of the Basic Conditions of Employment Act (Act 57 / 1997).
- (2) If the absence lasts longer than three days, application for leave must be made for the additional days taken and it shall be recorded as annual leave.
- (3) Repeated absence for personal reasons in accordance with Section 41(1), up to a maximum of 10 days per year, shall not be recorded as annual leave.

**Section 42      Maternity Leave**

- (1) A female Pastor is entitled to maternity leave of four months with full benefits.
- (2) All rights arising from the service agreement remain unaffected.

- (3) If the Pastor concerned is entitled to maternity benefits from any other source, the payments by the Church shall be reduced accordingly.
- (4) Church Council shall arrange a deputy for the Pastor for the duration of her maternity leave.

**Section 43      *Long Leave***

- (1) After each completed cycle of six years' service, Church Council shall grant long leave on full pay for three months, including one month annual leave, for the purpose of furthering the Pastor's studies. Section 40(1) shall not apply for that year.
- (2) If the studies referred to in paragraph (1) take place in Germany, the special provisions referred to in Section 51, as well as by any relevant contracts or agreements between the EKD and the NELCSA shall apply.
- (3) The leave to further the Pastor's study may also be taken in South Africa or in any other country.
- (4) In principle the NELCSA does not accept additional financial responsibility for this leave, but subsidies may be applied for.
- (5) Church Council may make exceptions to this rule.

**Section 44      *Study Leave***

- (1) Study leave on full pay may be granted up to a maximum of 10 days per year.
- (2) As a rule, study leave taken during any year, shall exclude further study leave being taken during the same leave cycle. Participation in additional study trips or training courses in the same year shall only be approved if they take place at the express direction of a congregation or the Church.

## **CHAPTER 6**

### **Changes to the Service Relationship**

**Section 45      *Transfer to another Post or Duty***

- (1) The Pastor may only be transferred to another post or general Church task on application or with his consent.
- (2) As a rule, the period of service of the Pastor in one congregation shall be a minimum of six years. Six months' notice should be given prior to an intended change. The Bishop or a Dean, delegated thereto by him, shall discuss the continuation of the Pastor's service, if he has already served in the same congregation for eight years.

- (3) A Pastor who has been given a general Church task may be transferred in terms of Section 49.
- (4) The period served as Pastor coll. may be added to the minimum period referred to under paragraph (2), if this was served in the same congregation.

**Section 46**      ***Transfer on Application or with Consent***

- (1) If the Pastor has been transferred to another post on his application or with his consent, then the provisions of Section 12(3) and Section 14 apply.
- (2) As a rule, an induction in terms of Section 13 is not required if the Pastor has been transferred to another post within the same congregation.

**Section 47**      ***Transfer for General Reasons***

- (1) The Pastor may be transferred without his application and without his consent if:
  - (a) he has served in the same congregation for at least eight years, has not reached the age of 59 and the Congregational Council agrees to the transfer;
  - (b) if the tenure of a supervisory post attached to the congregation comes to an end;
  - (c) if the Pastor's post is dissolved or is intended to remain vacant;
  - (d) if his marriage is dissolved by law, or when the spouses have separated and it can be assumed that they have no intention of returning to one another, and if the continued employment in the present post would be detrimental to the congregation.
- (2) A pastor serves in a congregation for a maximum of 12 years. After this time a transfer by Church Council takes place. The transfer shall take place as soon as is practically possible as determined by Church Council. Beyond this maximum of 12 years, 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. Similarly, after this period of extension a transfer takes place. The transfer shall take place as soon as is practically possible as determined by Church Council.
- (3) The transfer in terms of Section 47(1)(a) is initiated either by the Congregational Council or by the Visitor or by Church Council. In all other cases Church Council initiates a transfer.
- (4) The Pastor, the Congregational Council and Visitor shall be consulted before a transfer takes place.
- (5) The personal circumstances of the Pastor shall be taken into account.
- (6) The Pastor shall be reimbursed by the Church for approved relocation costs.
- (7) A transfer in terms of Section 46 shall only be finalized if the Pastor has received prior opportunity to apply for another post within a reasonable period of time.

- (8) If the Pastor neglects to make an application in terms of Section 47(7), or if it cannot be finalized within the given period of time, the Pastor shall be transferred. A general Church task may be assigned to him.
- (9) If the Pastor refuses to be transferred, his services may be terminated.

**Section 48      *Transfer as a Result of Ineffectual Endeavours***

- (1) The Pastor may be transferred without his application and without his consent if in the opinion of Church Council; beneficial endeavours in the existing post or supervisory position attached to that post can no longer be assured. This need not be the Pastor's fault.
- (2) Prior to the intended transfer the Pastor shall be given a fair and proper hearing. The Congregational Council and the responsible Dean shall be consulted.
- (3) The Pastor's personal circumstance shall be taken into account.
- (4) The Pastor shall be reimbursed by the Church for approved relocation costs.
- (5) In cases where Section 48(1) applies, investigations shall be carried out to ascertain the facts. Investigations in terms of Section 55(3) may be instituted. Efforts to re-establish beneficial endeavours shall be made.
- (6) If, after consulting with all parties involved, the investigations reveal that the conditions prescribed by Section 48(1) apply, the Pastor shall be furnished with a written notice giving reasons for the necessity of a transfer.
- (7) After the investigations have been instituted, and if circumstances demand this, the Pastor may be suspended from duty, either wholly or partially. He shall be notified in writing, giving reasons therefore. The Pastor may receive an appropriate assignment during this period. This decision is not subject to review in terms of Section 31.
- (8) If the conduct of the Pastor forms the basis of the investigations in terms of paragraph (1) the right to institute proceeding for breach of official duties remains unaffected.
- (9) The Pastor will be temporarily suspended from duty with effect from the time that the notice in terms of Section 48(6) comes into force. His remuneration shall continue to be paid for up to six months.
- (10) Church Council shall endeavour to transfer the Pastor to another post within this period.
- (11) If it is anticipated that effective endeavours will also not be achieved in another congregation or in a general Church task, the service agreement may be terminated.

**Section 49      *Transfer to a Post with General Church Duties***

- (1) The Pastor, who has been assigned a general Church task, may be given another task of a similar nature or a vacant post, should this be in the interest of the Church. The Pastor shall be consulted prior to his transfer.
- (2) The Pastor's right to apply for a post remains unaffected.

**Section 50      *Secondment***

- (1) The Pastor may be seconded to the United Evangelical Lutheran Church in Southern Africa or to another Lutheran Church without loss of accrued rights.
- (2) The secondment requires the Pastor's agreement if it exceeds six months duration. In any event, if the Pastor is serving a congregation, the Congregational Council shall first be consulted.
- (3) The relevant Churches shall agree on the details of the secondment and to what extent, if any, the Church seconding the Pastor shall contribute to the social security of the Pastor.

**Section 51      *Release from Duty in the Interest of the Church***

- (1) The Pastor may apply or consent to be released from his normal duties to assume another Church task or tasks in the interest of the Church. The period for which the release is sought may be limited or unlimited.
- (2) Simultaneously with the release, a decision shall be taken on whether the Pastor will retain or lose the Pastor's post or the general Church task, as well as emoluments for the duration of his release. All rights and obligations accrued prior to the release shall be retained.
- (3) When the Pastor returns, he will, wherever possible, be placed in a position similar to his former activities. The period of secondment shall be added to his service period for purposes of calculating his emoluments and social benefits.
- (4) Unless otherwise agreed, the Pastor shall, in his new position in matters of teachings of the Church, be subject to the supervision of the NELCSA, the official duties and its 'Guidelines for the Church Life'.

**Section 52      *Release from Duty for Personal Reasons***

- (1) The Pastor may apply to be released from his duties for a period of three years if:
  - (a) he shares a communal life with 1 child under the age of 6 years or at least 2 children under the age of 10 years and actually cares for them;
  - (b) other pressing family reasons exist;
  - (c) other personal reasons require this.

The post as well as the emoluments is lost for that period. The release may be extended on application, provided that such application is made six months before the original period expires. Prior to the release, the consequences referred to in Section 52 (2) and (3) shall be pointed out to the Pastor.

- (2) The Pastor who is released in terms of this Section is obliged to apply for a posting to a congregation or general Church task well in advance of the end of the period. Should his application have failed by the time the period expires, then he may officially be transferred to a Pastor's post or a general Church task. Should he fail to apply or should he fail to take up the assigned post, his services will be terminated in terms of Section 58(11).
- (3) If there is no vacant post for the Pastor, the leave of absence shall be extended until a transfer to a post is possible.
- (4) The obligations referred to in Section 19(4) are not affected by this leave of absence.

**Section 53      *Take-over by a Member Church of UELCSA***

- (1) If the Pastor leaves his position in the NELCSA, upon his application or with his consent, to take up a ministry in a member Church of UELCSA, the employment relationship shall continue with that member Church. The rights and obligations arising from the existing relationship are replaced by those of the member Church. Sections 14 and 15 apply.
- (2) The take-over shall not diminish the Pastor's existing rights.
- (3) The relevant Churches shall agree on the details of the date of take-over and to what extent, if any, the Church from which the Pastor is taken over shall contribute to the social security of the Pastor.

## Retirement

### **Section 54      *General***

- (1) The Pastor may only be retired in accordance with the laws of the Church.
- (2) The retirement is preceded by a written notice setting out the date on which the retirement shall come into effect. This date may not be earlier than the date of delivery of the notice.
- (3) The Pastor shall add "retired" (ret.) or "emeritus" (em.) to his previous title.
- (4) The Pastor shall retire with effect from the end of the month in which he turns 65 years of age.
- (5) A Pastor, who has reached the age of 60, may be officially retired.
- (6) The date upon which the Pastor commences his retirement may be postponed, on application or with his consent, until he has reached the age of 68. In this regard his service relationship shall be re-confirmed annually by Church Council.

### **Section 55      *Retirement due to Incapacity***

- (1) The Pastor shall, officially or on his application, be placed on retirement, if he has become permanently incapable of fulfilling his official duties as a result of physical disability or as a result of physical and mental weakness or if in the opinion of Church Council, beneficial endeavours in a Pastor's post are no longer possible.
- (2) The Pastor may be declared permanently incapable of fulfilling his official duties if during a period of six months he has been ill for more than three months without having performed any duties, and there appear to be no prospects of him resuming such duties within a further six months.
- (3) If doubts exist about the Pastor's incapacity, he is obliged to undergo medical examinations and observations and to release the doctors from their bond of secrecy. Church Council may demand a medical report. The institution ordering the examination shall bear the costs.
- (4) If the Pastor is to be retired in terms of this Section, he shall be given notice to this effect and shall be called upon to lodge objections within a period of less than four weeks.
- (5) If no objections are lodged within the time stipulated, the Pastor shall be retired. If objections are lodged within the period stipulated, the necessary conclusions are reached through a process by which a medical report is obtained and the Pastor is given an opportunity to present his case. The Congregational Council as well as the responsible Dean are to be consulted.

- (6) If it appears that the Pastor is unable to exercise his rights due to physical or mental disability, he shall be given assistance, preferably with the consent of his family, provided that no legal curator or guardian has yet been appointed.
- (7) The Pastor may be prohibited from carrying out his duties, wholly or partially, for the duration of the investigation if this is deemed essential for the sake of office. This provision is not subject to review in terms of Section 31.
- (8) If the capacity of the Pastor to perform his duties is confirmed, the investigation is to be terminated. If the investigation results in the retirement of the Pastor within a period of three months from the end of the period referred to in Section 55(4), then the retirement commences at the end of the 3-month period. If the investigation takes longer, the retirement commences on a date to be decided by Church Council, but not later than at the end of the month in which the decision is conveyed to the Pastor.
- (9) The decision to retire the Pastor is taken by Church Council.

**Section 56**      ***Retirement and Service Relationship***

- (1) Upon retiring the Pastor is released from his official duties. The rights and duties bestowed by his ordination remain. As a result, he remains under the supervision and jurisdiction of the Church as contemplated in Sections 26 to 28.
- (2) Restrictions on exercising the right to preach and to administer the Sacraments may be imposed on a retired Pastor if considerations of office and congregation necessitate this.
- (3) The retired Pastor receives a pension in accordance with the provisions of the ELC Pension Fund.
- (4) The Pastor shall be reimbursed for reasonable relocation costs within the boundaries of the Church. If he relocates to beyond such boundaries, he shall be reimbursed for approved relocation costs up to such boundaries.
- (5) If the Pastor regains the ability to perform his duties before he reaches the age of 65, he may apply to be posted to a Pastor's post or a general Church task. In this case he shall be reimbursed for approved relocation costs.

## CHAPTER 7

### Termination of the Service Relationship

**Section 57      *General***

The service relationship with the Pastor is terminated by:

- (a) release from service;
- (b) resignation from service;
- (c) removal from service;
- (d) termination of the service agreement;
- (e) death of the Pastor.

**Section 58      *Release from service***

- (1) The Pastor may apply in writing to Church Council, giving reasons, to be released from service.
- (2) The application shall be granted subject to the provisions of Section 58(11). The release may be delayed until all official duties have been handed over according to the rules of the Church.
- (3) The Pastor's release shall be confirmed to him in writing. The release shall become effective on the date mentioned in the notification.
- (4) The Pastor may withdraw the application for release from service provided the notification in terms of Section 58(3) has not come into force.
- (5) If the Pastor applies for his release in order to assume duties in a Pastor's post or general Church task within a member Church of the UELCSA or in order to assume duties in another Lutheran Church, and does not thereby abandon the commission given him at his ordination, then he may retain the right to public preaching and to administer the Sacraments.
- (6) During or after his release the Pastor may renounce his right to public preaching and to the administration of the Sacraments. He shall advise Church Council in writing of the renunciation, which shall be confirmed.
- (7) If Sections 58(1) to (4) apply, the Pastor loses all rights to and qualifications for any emoluments or pension benefits, which arose from his service relationship, unless a Church Law or Rules of the ELC Pension Fund provide differently, or unless other arrangements can be made.

- (8) If the Pastor applies for release from service in order to abandon his office and commission, he loses the right to public preaching and to administer the Sacraments, as well as the right to use the clerical title or any other titles bestowed by the Church, and the right to wear the robes of office.
- (9) Furthermore, the Pastor loses all rights to and future interests in any emoluments or pension benefits for himself and his dependants unless the Rules of the ELC Pension Fund provide differently.
- (10) Church Council may dismiss the Pastor if this can be substantiated by operational requirements of the Church. The provisions of Section 58(2) and (3) apply.
- (11) In regard to the Section 58(10), Church Council may decide not to withdraw the right to public preaching and administering of the Sacraments, or the right to use clerical titles or titles bestowed by the Church, or the right to wear the robes of office.

### **Section 59      *Resignation***

- (1) The Pastor is deemed to have resigned from service:
  - (a) if he declares to have resigned from the Evangelical Lutheran Church or has converted to another religious community;
  - (b) if he renounces the right to public preaching and administering of Sacraments;
  - (c) if he leaves the service under circumstances, which indicate that, he is not likely to return.
- (2) If Section 59(1) applies, the Pastor loses the right to public preaching and administering of Sacraments. He also loses the right to use clerical titles or titles bestowed by the Church, the right to wear the robes of office and all rights to and qualifications for emoluments or pension benefits for himself and his dependants, unless the Rules of the ELC Pension Fund provide differently.
- (3) Church Council shall confirm the resignation in writing, specifying reasons. The date of resignation is to be recorded therein and it shall refer to the legal consequences of Section 59(2) hereof. The notification is to be delivered to him.

### **Section 60      *Removal from Office***

- (1) Church Council may remove the Pastor from service if the committee established by Church Council under Section 28 or by the appeal committee established by the Church Council of UELCSA, has decided on this course of action.

- (2) The removal from office can only be effected, if it concerns the conduct or lack of suitability of the Pastor. The decision is taken by Church Council on recommendation of the Ecclesiastical Council. Section 58(9) shall apply.

## **CHAPTER 8**

### **Final Provisions**

#### **Section 61      *Right to approach SA Labour Courts***

- (1) In regard to the service relationship, the laws of the country apply, especially the Labour Relations Act 66 of 1995 and the Basic Conditions of Employment Act 75 of 1997 (as amended).
- (2) The right to approach the courts of the country is available only if the remedies under this law have been exhausted.

#### **Section 62      *Agreements with EKD***

Special provisions concerning Pastors who have been seconded in terms of agreements with the EKD arising out of the 'Auslandsgesetz 1954' and the 'Ökumenegesetz Januar 2000' remain unaffected by this Law.

#### **Section 63      *Commencement Date***

This Law shall come into operation on the 13<sup>th</sup> October, 2019.

**NORTHEASTERN EVANGELICAL LUTHERAN  
CHURCH IN SOUTH AFRICA  
{NELCSA}**

**Congregational Code**

**for the**

**...**

## **TABLE OF CONTENTS**

<b>CHAPTER ONE</b> .....	<b>4</b>
<b>Foundation</b> .....	<b>4</b>
Section 1 General .....	4
Section 2 The Congregation.....	4
Section 3 Commission and Sphere of Activity of the Congregation .....	4
<b>CHAPTER TWO</b> .....	<b>5</b>
<b>MEMBERSHIP IN THE LEGAL SENSE</b> .....	<b>5</b>
Section 4 Membership in the Local Congregation .....	5
Section 5 Membership in the Legal Sense .....	5
Section 6 Termination of Membership.....	6
Section 7 Loss of Rights by a Member .....	6
<b>CHAPTER THREE</b> .....	<b>7</b>
<b>BOUNDARIES, NAME, SEAT AND INSTITUTIONS OF THE CONGREGATION</b> .....	<b>7</b>
Section 8 Local Boundaries of the Congregation.....	7
Section 9 Name and Seat of the Congregation .....	7
Section 10 Organs of the Congregation .....	7
<b>CHAPTER FOUR</b> .....	<b>7</b>
<b>THE GENERAL MEETING</b> .....	<b>7</b>
Section 11 Unity.....	7
Section 12 Composition of the General Meeting .....	7
Section 13 Sessions of the General Meeting.....	7
Section 14 Convening of Meetings.....	8
Section 15 Agenda.....	8
Section 16 Chairmanship of the General Meeting .....	8
Section 17 Quorum .....	9
Section 18 Decision making.....	9
Section 19 Voting and Elections.....	9
<b>CHAPTER FIVE</b> .....	<b>9</b>
<b>CONGREGATIONAL COUNCIL</b> .....	<b>9</b>
Section 20 General .....	9
Section 21 Composition .....	10
Section 22 Number of Congregational Councillors .....	10
Section 23 Period of Office and Election .....	10
Section 24 Induction and Pledge.....	11
Section 25 Official Duties of Congregational Councillors.....	11
Section 26 Retirement from Office .....	11
Section 27 Exclusion from Office .....	11
Section 28 Co-opting Members by Congregational Council .....	12
<b>Duties of Congregational Council</b> .....	<b>12</b>
Section 29 General Duties .....	12
Section 30 Management of Assets.....	13
<b>Offices and Duties of Congregational Council</b> .....	<b>13</b>
Section 31 Chairperson of Congregational Council .....	13
Section 32 Office of the Secretary.....	13
Section 33 Office of the Treasurer .....	13
Section 34 Status of the Secretary and the Treasurer .....	14
Section 35 Management .....	14
Section 36 Convening Meetings of Congregational Council .....	14
Section 37 Preparation of and Conduct of Congregational Council Meetings.....	14
Section 38 Participation in Meetings of Congregational Council.....	14
Section 39 Quorum .....	15
Section 40 Resolutions .....	15

Section 41 Exclusion from Deliberations and Voting .....	15
Section 42 Committees .....	15
Section 43 Special Responsibilities .....	16
Section 44 Minutes of Meetings .....	16
Section 45 Suspension of Implementation of Resolutions .....	16
<b>CHAPTER SIX .....</b>	<b>16</b>
<b>Filling of Pastor's Post and the Pastor .....</b>	<b>16</b>
Section 46 Filling the Post.....	16
Section 47 Election of Pastor .....	17
Section 48 The Pastor.....	18
<b>CHAPTER SEVEN .....</b>	<b>18</b>
<b>Visitation .....</b>	<b>18</b>
Section 49 Responsibility of the Church.....	18
Section 50 Preparation for the Visitation .....	19
Section 51 Execution of the Visitation .....	19
Section 52 Visitation Report.....	20
<b>CHAPTER EIGHT .....</b>	<b>20</b>
<b>Co-workers in the Congregation .....</b>	<b>20</b>
Section 53 Co-workers and their Duties .....	20
Section 54 Pledge and Induction.....	21
Section 55 Co-workers with Employee Status .....	21
Section 56 Lay Preachers .....	21
Section 57 Lay Readers.....	22
<b>CHAPTER NINE .....</b>	<b>24</b>
<b>LEGAL CAPACITY OF THE CONGREGATION .....</b>	<b>24</b>
Section 58 The Congregation as Legal Entity .....	24
Section 59 Management of Assets.....	24
Section 60 Property Disputes.....	25
<b>CHAPTER TEN.....</b>	<b>25</b>
<b>FINANCIAL ADMINISTRATION .....</b>	<b>25</b>
Section 61 Income .....	25
Section 62 Budget and Audits .....	25
Section 63 Requirements by SARS.....	26
<b>CHAPTER ELEVEN.....</b>	<b>27</b>
<b>DISSOLUTION.....</b>	<b>27</b>
Section 64 Decision to Dissolves and Liquidation .....	27
<b>CHAPTER TWELVE .....</b>	<b>27</b>
<b>FINAL PROVISIONS.....</b>	<b>27</b>
Section 65 Additional Regulations.....	27
Section 66 Amendments.....	27
Section 67 Commencement Date .....	28

## **CHAPTER ONE**

### **Foundation**

#### **Section 1      *General***

In this Code, unless the context indicates otherwise, singular shall include plural and vice versa, and masculine shall include feminine and vice versa.

#### **Section 2      *The Congregation***

- (1) The Church of Jesus Christ manifests itself in the congregation, on a local level. In the Church, the congregation, which is built up around Word and Sacrament, and the office which has been commissioned to preach the Gospel publicly and to administer the Sacraments, are interrelated, with Jesus Christ, its head, being the Lord of the Church.
- (2) In regard to this Code, the congregation is a community of Lutheran Christians, who meet regularly around Word and Sacrament. The office and ministries are performed in the congregation according to the confession and the laws of the Church.

The Basic Article of the Constitution states:

The Northeastern Evangelical Lutheran Church in South Africa is based on the Gospel of Jesus Christ, as revealed in the Holy Scriptures of the Old and New Testaments as the sole guide of faith, doctrine and life. Together with other Christian churches in the world it confesses its faith in the Triune God through the early Christian Creeds. As regards doctrine and life it subscribes to the Evangelical Lutheran Confessions, as set out in all the confessional writings of the Evangelical Lutheran Church, especially in the Augsburg Confession of 1530 and the Small Catechism of Dr Martin Luther.

- (3) The congregation is a member of NELCSA and acknowledges that the Church's Constitution and all laws, regulations and resolutions, passed in terms thereof, are binding upon it.

#### **Section 3      *Commission and Sphere of Activity of the Congregation***

- (1) The sphere of activity of the congregation is determined by the commission which the congregation of Jesus Christ received from its Lord.
- (2) In accordance with this the congregation is charged with proclaiming the gospel, serving God's people and furthering and shaping congregational life through the co-operation of all its members, guided by the Pastor and Congregational Council. In particular it shall abide by the proper order in the proclamation of the gospel and in the administration of the Sacraments, promote Christian instruction, practice Christian love, advocate Church discipline and contribute to the accomplishment of the missionary task in this world.
- (3) The congregation participates in the life of the Church and, through representation in Circuit Conference and Church Synod, it participates in the management of the Church and subjects itself to its laws.

- (4) The obedient fulfilment of its commission is the right and duty of the congregation. In this obedience the congregation must arrange and administer its affairs in its own responsibility and independently within the scope of the Church Laws.
- (5) In fulfilment of this commission all members of the congregation receive the service of the Church in Word and Sacrament, as well as in pastoral care and instruction.
- (6) All members of the congregation share in the responsibility of fulfilling this commission. For this reason, they all assist according to their gifts, faithfully attend worship services, conduct a Christian lifestyle, practise Christian neighbourly love, accept offices and duties within the congregation where possible and, subject to certain conditions, they have a right to vote and a right to be elected and the duty to raise the necessary resources.
- (7) In order to fulfil its commission (Section 2), the congregation supports one or more Pastor's post.
- (8) The decision to establish, partition and dissolve a Pastor's post is taken by the General Meeting. The resolution is subject to confirmation by Circuit Council and Church Council. (See Constitution, Section 21).
- (9) The congregation has the right to elect its Pastor.

## **CHAPTER TWO**

### **MEMBERSHIP IN THE LEGAL SENSE**

#### ***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, is a member of the congregation.
- (2) Any member of another Christian church who has been baptized in the name of the Triune God, who has been instructed in the Lutheran doctrine as stated in the Basic Article of the constitution of NELCSA and has expressed adherence thereto, may become a member of the congregation.
- (3) The clergy and full-time co-workers who have been called into the ministry are members of the congregations in which they serve.
- (4) Minors, who have been baptised, are part of the body of Christ and thus are part of the congregation. Full membership rights cannot, however, be bestowed on them until they have joined the congregation in accordance with Section 5. They are to be encouraged to participate in congregational life according to the opportunities available and within the scope of the legal requirements applicable to them.

#### ***Section 5      Membership in the Legal Sense***

- (1) Membership must be applied for in writing. A prerequisite for membership is that the applicant confesses to the Lutheran doctrine and is 18 years old. Membership confers the right to vote and to be elected.

- (2) If the applicant was formerly a member of a congregation of the United Evangelical Lutheran Church in Southern Africa, a letter of transfer by the Pastor of that congregation is required.
- (3) Congregational Council shall decide on the application for membership.
- (4) If Congregational Council grants the application it must ensure that the applicant is enrolled as member, it must confirm his membership to him in writing and shall submit to him a copy of this Code and The Order of Church Life.
- (5) Congregational Council may reject the application, stating the reasons.
- (6) The applicant may appeal to Circuit Council against the rejection of his application. After hearing Congregational Council, the Circuit Council shall make a final decision on the matter.
- (7) New members shall be introduced to the congregation in the manner customary in the congregation.

**Section 6**      ***Termination of Membership***

- (1) Membership in a congregation and membership in the 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 2 years.  
 The person concerned may within one month of the decision having been conveyed to him, object thereto to Congregational Council, who is obliged to hear him. If the objection is not resolved, the person may, within a further month, appeal to the Circuit Council, whose decision shall be final. The objection does not suspend the termination.
- (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.

**Section 7**      ***Loss of Rights by a Member***

- (1) The rights of a member of the congregation to vote or to be elected may be withdrawn.
- (2) The procedure for withdrawing the right to vote and to be elected is regulated by the Rules for the Election of Congregational Council Members.

## CHAPTER THREE

### BOUNDARIES, NAME, SEAT AND INSTITUTIONS OF THE CONGREGATION

**Section 8      *Local Boundaries of the Congregation***

The boundaries of the congregation are determined by its traditional boundaries or by the decision of the Church Council of the NELCSA. (See Constitution Section 21).

**Section 9      *Name and Seat of the Congregation***

- (1) The name of the Congregation is: \_\_\_\_\_
- (2) The seat of the Congregation is: \_\_\_\_\_

**Section 10     *Organs of the Congregation***

The organs of the congregation are the General Meeting and the Congregational Council.

## CHAPTER FOUR

### THE GENERAL MEETING

**Section 11     *Unity***

The General Meeting embodies the unity within the congregation. Together with Congregational Council it carries the primary responsibility for life and service in the congregation.

**Section 12     *Composition of the General Meeting***

- (1) Membership of the General Meeting is made up of persons who are members by virtue of Section 4(3) and members whose membership is based on Section 5 insofar as they have not forfeited participation in the General Meeting in terms of Section 6.
- (2) Members of Church Council and of Circuit Council may participate in the deliberations of the General Meeting in an advisory capacity.
- (3) Congregational Council may invite guests to take part in the General Meeting. They participate in the deliberations without the right to vote.

**Section 13     *Sessions of the General Meeting***

- (1) The General Meeting shall be convened at least once a year for an ordinary session.

- (2) An extraordinary session of the General Meeting shall be convened if at least \_\_\_ of the members of the congregation with voting rights (Section 12(1)) request this in writing, stating reasons, or if Congregational Council deems it expedient to convene such a meeting.
- (3) The application in terms of Section 13 (2) shall be addressed to Congregational Council. It must contain the agenda proposed by the applicants. Congregational Council may supplement the agenda with items of its own choice.
- (4) The General Meeting may adopt standing rules of procedure for the conduct of meetings.

**Section 14      *Convening of Meetings***

- (1) General Meetings of the congregation shall be convened by Congregational Council.
- (2) Congregational Council determines the time and date of the meeting.
- (3) As a rule, Notice of Meeting shall be conveyed to the members of the congregation according to local custom at least 2 weeks prior to the date fixed for the meeting. It shall also be announced during worship services.
- (4) The Notice of Meeting shall include the agenda.

**Section 15      *Agenda***

- (1) The agenda for ordinary General Meetings shall include:
  - (a) discussion and approval of the minutes of the previous General Meeting as well as minutes of any previous extraordinary meetings;
  - (b) discussion and adoption of the annual report of Congregational Council;
  - (c) discussion and adoption of the annual report of the treasurer and the annual accounts;
  - (d) discussion and acceptance of the budget for the ensuing financial year;
  - (e) the election of Congregational Councillors, members of Synod and of the auditors;
  - (f) general;
  - (g) all matters reserved for resolution by the General Meeting in terms of the provisions of this Code.

**Section 16      *Chairship of the General Meeting***

- (1) The chair of Congregational Council shall preside over the General Meeting. The meeting shall be opened with scripture reading and prayer and concluded with prayer.
- (2) The secretary (Section 32(1)) shall be responsible for the keeping of minutes of the General Meeting.

**Section 17**      **Quorum**

A minimum of \_\_\_ voting members present shall constitute a quorum, provided that the meeting was properly convened in terms of Section 14.

**Section 18**      **Decision making**

Unless otherwise provided herein, resolutions of the General Meeting are adopted by simple majority. In the event of the votes being equal the motion shall be deemed to have been defeated.

**Section 19**      **Voting and Elections**

- (1) Voting shall be either by ordinary or by secret ballot. Voting shall be by secret ballot if Congregational Council demands this, or if the meeting so decides.
- (2) Pastors are elected in terms of Section 47, Congregational Council members in terms of the Rules for the Election of Congregational Council Members and Synod members in terms of the Rules for the Election of Synod Members. The elections shall take place by secret ballot. The election of a Pastor may be by ordinary ballot if only one nomination has been received and no objection is raised.
- (3) Committee members are, in general, elected by a show of hands unless the General Meeting decides otherwise.

**CHAPTER FIVE**

**CONGREGATIONAL COUNCIL**

**Section 20**      **General**

- (1) The congregation shall have a Congregational Council.
- (2) Congregational Council leads the congregation. It shall watch over the fulfilment of the congregation's obligations and protection of its rights.
- (3) The Pastor and Congregational Council are responsible for one another in the service of the congregation and owe one another their support. Therefore, the Pastor shall also discuss matters pertaining to the spiritual office which are of importance to the congregation with Congregational Council, to the extent that his office permits this.
- (4) Requests and suggestions by the congregation which promote Church life shall be examined by Congregational Council and shall be taken into account as far as possible.
- (5) Members of Congregational Council who violate their duties intentionally or through gross negligence, shall be liable to compensate the congregation for any loss it may suffer as a result thereof.

## **Section 21      *Composition***

- (1) Congregational Council comprises:
  - (a) Pastors, Pastors coll. and Deacons called to service in the congregation. Interns shall participate in Congregational Council meetings without a right to vote;
  - (b) Members elected or appointed as Congregational Councillors in accordance with the Rules for the Election of Congregational Council Members under Section 19 (3) of the Constitution.
- (2) Persons who have the right to vote, who are at least 18 years old and who earnestly strive to do justice to the requirements of Section 25 are eligible for election.
- (3) Spouses, parents, siblings and children may not serve on Congregational Council simultaneously. Circuit Council may, upon application by Congregational Council, make exceptions to this rule.
- (4) Co-workers who are in full-time employment of the congregation should not be Congregational Councillors.
- (5) Care must be taken in the election that the diversity within the congregation is adequately represented within the Congregational Council.
- (6) The following persons do not have a right to vote:
  - (a) members whose rights have been temporarily or permanently denied;
  - (b) members who are not admitted to partake in Holy Communion;
  - (c) members whose right to vote has been rescinded;
  - (d) members who have lost their right to vote in terms of Section 7;
  - (e) members who have been declared incapable of managing their own affairs or who have been placed under provisional guardianship or under trusteeship.
- (7) Additional provisions are contained in the Rules for the Election of Congregational Council Members.

## **Section 22      *Number of Congregational Councillors***

The General Meeting determines the number of Congregational Councillors.

## **Section 23      *Period of Office and Election***

- (1) Congregational councillors are elected for a term of office of \_\_\_ years. A term of office shall not exceed four years.
- (2) After two consecutive terms a Congregational Councillor 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.

**Section 24      *Induction and Pledge***

Congregational councillors are inducted into office during the main worship service in accordance with the Church Agenda. They commit themselves by pledge and handshake to conduct their office properly.

**Section 25      *Official Duties of Congregational Councillors***

- (1) The Congregational Councillor, being bound by Holy Scriptures and by the confession of the NELCSA, is obliged to conduct his office conscientiously in accordance with the Church Laws.
- (2) The Congregational Councillor shall set an example for the congregation by leading a Christian life-style and by his participation in Church activities. He shall be active in the congregation to the best of his ability and capabilities.
- (3) The Congregational Councillor is bound to secrecy on all issues which come to his knowledge during his term of office as well as after the termination thereof, which by their nature or by decree are required to be kept secret.
- (4) Congregational councillors and other office bearers perform their duties on an honorary basis and no compensation, whether monetary or in kind, shall be paid to them for the services rendered by them in the performance of their duties, except as reasonable compensation for expenses incurred in the execution of such duties.

**Section 26      *Retirement from Office***

- (1) A Congregational Councillor shall vacate his office if:
  - (a) he is no longer a member of the congregation, (Section 6);
  - (b) he has been deprived of his eligibility as a Congregational Councillor in accordance with the requirements of the Rules for the Election of Congregational Council Members;
  - (c) he has been declared incapable of managing his own affairs, has been placed under provisional guardianship or under trusteeship because of a mental affliction;
  - (d) he resigns from his office.
- (2) The fact that he has vacated his office shall be confirmed by Congregational Council.

**Section 27      *Exclusion from Office***

- (1) Congregational Council may expel a Congregational Councillor from his office if he:
  - (a) acts in a manner that is contrary to the Confession;
  - (b) causes the congregation offence by his life-style or other conduct;
  - (c) culpably and grossly neglects the duties of his office.

The decision may only be taken if the person concerned has been given a hearing by Congregational Council and if pastoral endeavours have failed.

- (2) The person concerned may within one month of the decision having been announced object thereto to Circuit Council, which is obliged to hear him. The decision of Circuit Council shall be final. The objection does not suspend the expulsion.
- (3) A Congregational Councillor who has been expelled loses eligibility for the duration of one term of office.

### **Section 28      *Co-opting Members by Congregational Council***

- (1) In the event of a Congregational Councillor being expelled in accordance with Section 26 or 27 or where a councillor has died, Congregational Council shall be entitled to augment itself to fill the vacancy. This augmentation shall remain effective until a by-election for Congregational Councillors is held at the next General Meeting.
- (2) Congregational Councillors who are co-opted in accordance with Section 28 (1) shall be inducted and committed in terms of the provisions of Section 24. In exceptional cases the induction may take place during a meeting of the Congregational Council.

## **Duties of Congregational Council**

### **Section 29      *General Duties***

- (1) Congregational Council shall, within the framework of the Church Laws, particularly:
  - (a) deliberate on the form of worship services and the liturgical acts and shall determine the times of the services, in which due consideration is to be given to the mother tongue of the members of the congregation and the language of the community within which it is situated;
  - (b) assist by ensuring that the correct teachings are upheld, the Church Laws and Christian customs are maintained, Church life is promoted effectively and the sanctity of Sundays and Church festivals is observed;
  - (c) advise and decide on measures for the protection and promotion of religious instruction, specifically in Sunday school, religious instruction classes and Confirmation classes;
  - (d) decide on the utilisation of church buildings, specifically on the letting of church premises for special events;
  - (e) assist in filling the Pastor's post;
  - (f) participate in the allocation of tasks in congregations with several Pastors' posts;
  - (g) strengthen the awareness in the congregation of the diaconic and missionary duties, support work groups and institutions in particular to further Christian charity and the diaconic work of the congregation, activities directed at men's, women's and youth work, parent and

- family work, Church social work, Church music, evangelisation, ecumenical work, missionary work and work in the diaspora;
- (h) ensure that disputes in the congregation are settled promptly and in a brotherly manner;
  - (i) recruit co-workers for services in the congregation and Church;
  - (j) endeavour to further the tasks of the Church by means of donations and voluntary services.
- (2) Congregational Council has the duty to discuss important matters concerning the Church, especially to deliberate on how fundamental Church Orders affecting the congregation can be implemented and new institutions can be created, promoted or terminated.

**Section 30      *Management of Assets***

- (1) It is the duty of Congregational Council to manage and administer the assets and finances of the congregation.
- (2) In all actions and decisions regarding the management and administration of assets and finances, it must be borne in mind that they are to serve the commission of the congregation [Section 2] and that they are essentially determined thereby.

**Offices and Duties of Congregational Council**

**Section 31      *Chair of Congregational Council***

Congregational Council shall annually elect a chair and a deputy from among its members. The person who receives the majority of votes of the members of Congregational Council shall be elected. In the event of the votes being equal, lots shall be drawn to decide the election. A change of chairship occurs, if during a period of office, such is requested by two-thirds of the members of Congregational Council or if the chair resigns.

**Section 32      *Office of the Secretary***

- (1) Congregational Council shall elect a secretary and, if necessary, a deputy from among its members to attend to the correspondence of the congregation. The elections are held in accordance with Section 31.
- (2) All correspondence shall be conducted in the name of the congregation.
- (3) The secretary is responsible for the minutes of the meetings of Congregational Council. Subject to the provisions of Section 25(3) Congregational Council may appoint another person to assist the secretary.

**Section 33      *Office of the Treasurer***

- (1) Congregational Council shall elect a treasurer and, if necessary, a deputy from among its members to control budgeting, bookkeeping and accounting requirements of the congregation. The elections are held in accordance with Section 31.

- (2) The treasurer shall ensure that the budget is adhered to, that all income is collected in full and timeously, and that the expenses which are due, are paid from approved resources.
- (3) The treasurer is responsible for establishing and keeping the necessary books of account.

**Section 34      *Status of the Secretary and the Treasurer***

The secretary and the treasurer are subject to the directions of Congregational Council. The immediate supervision rests with the chair.

**Section 35      *Management***

- (1) The chair is responsible for ensuring that Congregational Council attends to the tasks assigned to it.
- (2) The chair manages congregational affairs. He is responsible for ensuring that Church Laws are observed. He shall ensure that the decisions of Congregational Council and of the General Meeting are implemented.
- (3) Simple matters of a routine management nature are conducted by the chair at his own discretion.

**Section 36      *Convening Meetings of Congregational Council***

- (1) As a rule, the chair convenes the Congregational Council meetings once a month or as often as circumstances require.
- (2) A meeting of Congregational Council shall be convened without delay if one-third of its members or the Pastor request this in writing stating the issues to be considered, or if Church Council or Circuit Council directs that a meeting shall be convened.
- (3) Notice of meeting, including the agenda, shall be given at least three days prior to the scheduled meeting.

**Section 37      *Preparation of and Conduct of Congregational Council Meetings***

- (1) The chair prepares the meetings and chairs them. He determines the agenda, which may be amended during the meeting. Opportunity for discussion of matters not appearing on the agenda shall be given.
- (2) Meetings of Congregational Council shall be opened with devotion and concluded with prayer. Deliberations shall, if possible, lead to consensus.

**Section 38      *Participation in Meetings of Congregational Council***

- (1) Congregational Council meetings are not open to the public.
- (2) For purposes of consultation Congregational Council may invite, without the right to vote:
  - (a) Church co-workers on matters concerning their sphere of responsibility;
  - (b) persons whose input may appear to be useful.

- (3) The Bishop or the Dean or a member of Church Council or of Circuit Council, delegated thereto by either of them, may participate in the deliberations, without voting rights. They have the right to address the meeting and to propose motions.

**Section 39      *Quorum***

- (1) At Congregational Council meetings a quorum shall be present if its members have been duly notified of the meeting, and if more than half of its members are in attendance and are entitled to vote.
- (2) If a quorum cannot be established due to insufficient participation, the chair shall arrange for another meeting, at which those members present shall constitute a quorum irrespective of the provisions of Section 39(1). This fact shall be recorded in the minutes of the meeting.

**Section 40      *Resolutions***

- (1) Resolutions shall be passed by a simple majority of votes. In the event of the votes being equal the motion shall be deemed to have been defeated.
- (2) Voting shall take place by a show of hands, unless, in exceptional cases, a ballot has been decided upon, or unless the chair or the Pastor demand this.
- (3) If a member, who is excluded from voting by virtue of Section 41, is present, the resolution is invalid, except if it is clear that the member's presence had no influence upon the results.

**Section 41      *Exclusion from Deliberations and Voting***

Members of Congregational Council shall not participate in deliberations or vote on matters in which they themselves or their immediate family have an interest, or where they may receive a direct advantage or disadvantage as a result of the decision, or if a natural or legal person whom they represent by operation of law or under power of attorney could receive a direct advantage or disadvantage, or if it affects them personally. Church undertakings and other Church institutions shall not be deemed to be juristic persons for purposes of this Section. The question of whether or not a matter falls within the ambit of this clause shall be decided by Congregational Council in the absence of the member concerned.

**Section 42      *Committees***

- (1) Congregational Council may appoint committees for certain matters or areas of responsibility, into which members of the congregation who are not members of Congregational Council, may be appointed.
- (2) As a rule, a member of Congregational Council, designated thereto by Congregational Council, shall chair such committee meetings. Congregational Council may authorise the committee to elect a chair from among its members.

**Section 43      *Special Responsibilities***

Congregational Council may entrust particular tasks to individual members of Congregational Council.

**Section 44      *Minutes of Meetings***

Minutes of meetings of Congregational Council are to be kept. The exact wording of the resolutions shall be recorded. The entire minutes shall, as far as possible, be confirmed and signed at the next meeting of Congregational Council.

**Section 45      *Suspension of Implementation of Resolutions***

- (1) The chair is obliged to suspend the implementation of resolutions passed by Congregational Council, which in his opinion or in the opinion of the Pastor:
  - (a) are not in accordance with the Confession of the Church;
  - (b) are in conflict with the rights and authority of the spiritual office;
  - (c) seriously threaten Church life;
  - (d) are in conflict with Church Laws and Regulations.
- (2) Resolutions, the implementation of which have been suspended, shall be submitted to Circuit Council forthwith.

**CHAPTER SIX**

**Filling of Pastor's Post and the Pastor**

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

d) 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) In case the congregation chooses to be presented with a candidate, Church Council shall present a candidate.

**Section 47      Election of Pastor**

- (1) The Pastor is elected by the General Meeting of the congregation in terms of Section 19(2).
- (2) The election shall be prepared and carried out by Congregational Council without being influenced by and in the absence of the officiating Pastor.
- (3) The Dean or his deputy or the Bishop or a member of Circuit Council or Church Council respectively, appointed thereto by them, may be requested to chair the preliminary discussions and to carry out the election.
- (4) At the General Meeting the Pastor is elected by secret ballot with an absolute majority of members present and voting. If more than one candidate stands for election, the candidate with the fewest votes shall be eliminated after each ballot. In cases where the number of votes cast for each candidate is equal, the ballot shall be repeated.
- (5) The election shall be confirmed by Church Council.
- (6) Church Council shall refuse to confirm the election if:
  - (a) mistakes which could have had an effect on the result were made during the election proceedings;
  - (b) the elected person was not eligible.
- (7) If Church Council refuses to confirm an election, it shall notify the congregation to hold a new election within a period of 6 months. This period may be extended on request.
- (8) If the congregation does not hold an election within this period, Church Council may appoint a Pastor from the list of applicants.
- (9) If the congregation has not held an election within 12 months after advertising the post, Church Council shall appoint a Pastor.
- (10) After a successful election or appointment Church Council shall call the Pastor to the new post.

- (11) The elected or appointed Pastor should take up the appointment within 3 months of the election or appointment.
- (12) If the elected or appointed Pastor had already had a permanent post within NELCSA, he shall take up the rights and obligations in the new Pastor's post, either upon relinquishing his current post or alternatively on the date of his induction.
- (13) The Dean shall induct the appointed Pastor into his new post during a worship service. The certificate of appointment shall be handed out during the service.

**Section 48      *The Pastor***

- (1) The Pastor, as the incumbent of the spiritual office, bears the professional responsibility of service in Word and Sacrament, and accordingly he bears responsibility for the spiritual leadership of the congregation. He shall proclaim the Word of God contained in the Holy Scriptures of the Old and New Testaments according to the confession of the Evangelical Lutheran Church, administer the Sacraments according to the Laws of the Church and shall set an example to the congregation by leading a Christian life.
- (2) His duties consist mainly in conducting the public worship services according to the Rules of the Church, the occasional duties, pastoral care and religious instruction of the youth.
- (3) Subject to his commitment to his ordination vows within the framework of Church Laws, the Pastor is independent in the performance of his ministry.
- (4) The conditions of service of the Pastor are regulated by the Law on Pastors.

**CHAPTER SEVEN**

**Visitation**

**Section 49      *Responsibility of the Church***

- (1) The Church realises its responsibility for the proclamation of the Word of God according to the scriptures and for the proper administration of the Sacraments, as well as the complete service within the congregation through the visitation.
- (2) The purpose of the visitation is to strengthen the congregations and in particular their Pastors and the others who have been called to service in the congregations through encouragement, recognition, consolation, admonition, instruction and examination, and also to promote and strengthen the fellowship of the congregations amongst one another.
- (3) The visitation in each congregation shall take place once in six years. A congregation or its Pastor may request a visitation.
- (4) In terms of Section 44(2) of the Constitution of NELCSA the visitation is one of the special tasks entrusted to the Bishop. As a rule, the Dean visits the congregations of his Circuit in terms of Section 55(2) of the Constitution of NELCSA.

- (5) The Circuit Council participates in the visitation. The Dean may entrust its members with carrying out certain of the duties of the visitation. Additional persons may be co-opted.
- (6) In the congregation of the Dean, the Bishop or an ordained member of Church Council appointed by him conducts the visitation.

**Section 50**      ***Preparation for the Visitation***

- (1) The Congregational Council is informed of the planned visitation at least 6 weeks before its commencement. The Visitor determines the program for the visitation in conjunction with the Congregational Council.
- (2) Before the visitation takes place the Congregational Council shall conduct a meeting, to discuss the visitation and the planned events and to provide the Visitor with an interim report on the status of the Church life within the Congregation. It shall complete the questionnaire for the visitation and submit it at least 2 weeks before the visitation.
- (3) Together with the announcement of the visitation, the Visitor may, in terms of Section 50(1), request that the Pastor submits a sermon to him, as well as a short summary of his confirmation class. The Visitor may prescribe the text for the sermon from the pericopes of the day of the visitation.
- (4) The congregation is to be reminded of the visitation during each service on both Sundays prior to the visitation and is to be invited to all the services and meetings or events.
- (5) The length and the implementation of the details of the visitation are determined by local circumstances.

**Section 51**      ***Execution of the Visitation***

- (1) The Visitor participates in the service during which the Pastor of the congregation preaches.
- (2) Where there is more than one Pastor, Deacon or Pastor coll. in a congregation, it shall be agreed with the Dean who will lead the various services. The Visitor shall address the congregation during the service or during a congregational meeting.
- (3) The day of the visitation provides a special opportunity for the Visitor to celebrate Holy Communion with the congregation.
- (4) The Visitor shall convince himself of the status of the catechistic teaching, Church music, singing in the services and the work of the choirs.
- (5) The Visitor shall devote his attention to the Church groups, the diaconic work within the congregation, as well as the external mission and possible mission groups within the congregation.
- (6) During the course of the visitation, the Visitor shall conduct in depth discussions with each Pastor, Deacon and Pastor coll., concerning their overall performance, with special attention being given to their preaching.
- (7) The Pastor shall be given the opportunity to discuss the things that give him personal pleasure and grief and possible difficulties within the congregation.

- (8) The Visitor, or a member of the Circuit Council, alternatively the Church Council, appointed thereto by him, shall examine:
  - (a) the church buildings and facilities of the congregation;
  - (b) the registry of the congregation. Particular attention is to be given to the minute book of the Congregational Council and the Church records.
- (9) The accounting methods are to be examined.
- (10) During a meeting with the Congregational Council the Visitor shall discuss matters concerning Church life and the discharge of office of all who have been called to serve in the congregation. The Visitor shall chair this meeting.
- (11) The Visitor shall discuss, in an appropriate manner, the discharge of office by the Pastor with the Congregational Council, and the discharge of their office as councillors with the Pastor. This may take place in the absence of the persons involved. Thereafter a joint discussion shall take place to clear up matters that were raised and to put things right.
- (12) As a rule, the visitation shall be concluded with a meeting between the congregation and the Visitor. During this meeting the Visitor shall, as he deems advisable, discuss special tasks and difficulties of the congregation; he shall advise it of the situation within the Church and shall point out to the congregation its responsibility towards the Church as a whole.
- (13) The congregation being visited, is responsible for the local costs. All other costs are borne by the Circuit or the Church.

## **Section 52      *Visitation Report***

- (1) Within one month of the visitation, the Visitor shall submit a written report on the visitation to Circuit Council. After its adoption by Circuit Council the report must be forwarded to the Church Council for noting.
- (2) The report shall be forwarded to Congregational Council within a further two weeks. Congregational Council shall record this report in the minute book.
- (3) Based on this report the Visitor may address the congregation, and this address may also be read out during divine service.
- (4) As a rule, a follow-up meeting within 6 months of the visitation shall take place between the Visitor and the Congregational Council to determine what has transpired regarding the proposals and suggestions made at the visitation.

## **CHAPTER EIGHT**

### **Co-workers in the Congregation**

## **Section 53      *Co-workers and their Duties***

- (1) The talents and capabilities available within the congregation should unfold themselves in such a manner that the congregation can largely fulfil its

tasks through voluntary and honorary co-operation of members of the congregation.

- (2) The congregation may appoint full-time or part-time co-workers, if necessary.
- (3) Co-workers shall mainly perform duties in proclaiming the gospel, in worship and in Christian instruction, in bringing together members of the congregation and its youth, in missionary and diaconic work and in administration.
- (4) The chair of Congregational Council shall call a meeting of the co-workers at least once a year to promote orderly co-operation. Members of Congregational Council are ex officio members of such meeting.

#### **Section 54**      ***Pledge and Induction***

- (1) Both full-time and part-time co-workers shall pledge that they will conscientiously perform their duties and abide by Church Laws, either in their contract of employment or verbally. The fact that this pledge has been given, shall be recorded in the minute book of Congregational Council.
- (2) As a rule, co-workers are inducted into their post during a worship service.
- (3) All co-workers, including honorary workers, shall maintain secrecy against outsiders on confidential matters with which they become acquainted during the course of their duty in the congregation.

#### **Section 55**      ***Co-workers with Employee Status***

- (1) Conditions of service shall be agreed to with co-workers who are employed full-time or part-time by the congregation. The relevant laws of the country shall be observed.
- (2) Posts for co-workers with employee status shall be incorporated in the budget of the congregation.

#### **Section 56**      ***Lay Preachers***

- (1) Congregation members may take over duties of public preaching during worship services as Lay Preachers. They are appointed by Church Council. Lay Preachers 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 Preacher shall complete a training course under the supervision of Church Council. Lay Preachers are obliged to participate in in-service training courses.
- (3) Lay Preachers 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 Preacher.
- (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 Preacher 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 Preacher shall be heard.
- (6) The local Pastor supervises the Lay Preacher.
- (7) Lay Preachers 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 Preachers may use the pulpit and altar for their service.
- (9) With their consent Lay Preachers may be commissioned by Church Council to lead a congregation and/or to administer the Sacraments.
- (10) Lay Preachers may be invited to attend Pastors' Conventions.
- (11) Lay Preachers are bound by the constitution and laws of the Church and Rules of the Congregations in which they perform their services.

**Section 57      *Lay Readers***

- (1) Lay Readers are congregation members who have been appointed to conduct services by making use of prepared sermons, or who conduct portions of the liturgy. They must be suitable for this service and be eligible to become Congregational Councillors.
- (2) The appointment is made by Congregational Council. It must be preceded by a period of training, for which Congregational Council is responsible.
- (3) Lay Readers are inducted into office by the local Pastor, and are subject to his supervision.
- (4) If Lay Readers occasionally perform duties in another congregation than their own, no additional induction in that congregation is necessary. In this case they will merely be introduced by a member of the local Congregational Council.
- (5) The appointment is valid for 4 years.
- (6) The appointment may be cancelled with immediate effect if the local Congregational Council; so, decides. No reasons for its decision need be given. The local Pastor, who may propose the cancellation of the appointment, must in any event be requested to give his opinion.
- (7) Lay Readers may decline the appointment. Congregational Council must be informed.
- (8) The appointment may be renewed on request. In this case it is not necessary to repeat the induction.
- (9) For the duration of their appointment, Lay Readers may perform their service in any congregation of the Church, if the respective local Pastors agree=

- (10) Lay Readers may use the pulpit and altar for their service.
- (11) Lay Readers are bound by the constitution and laws of the Church and Rules of the Congregations in which they perform their services.
- (12) Lay Readers 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.
- (13) Lay Readers may alter prepared sermons where expressions or examples are used which may not be applicable or which appear difficult to be understood. Any other changes should first be discussed with the local Pastor.
- (14) Lay Readers are obliged to participate in in-service training courses from time to time.

### **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.

## **CHAPTER NINE**

### **LEGAL CAPACITY OF THE CONGREGATION**

#### **Section 58      *The Congregation as Legal Entity***

- (1) The congregation is a legal entity, whose existence is independent of the change in its membership and it may acquire rights, enter into obligations and may institute and/or defend any court action in its own name.
- (2) In consultation with Church Council in accordance with Section 20(7) of the Constitution, but without limiting the powers aforesaid by the following enumeration, the congregation may, in order to fulfil its tasks and responsibilities:
  - (a) purchase, rent, lease, borrow, acquire and hold movable and immovable property of any kind as well as sell, alienate, encumber or otherwise dispose of, bind itself as security of mortgage or otherwise to let, lease and hire it out;
  - (b) acquire movable and immovable property donated or bequeathed to it and to accept other bestowals in cash or in kind;
  - (c) undertake all other legal acts, and to conduct legal business transactions.
- (3) The legal domicile of the congregation is \_\_\_\_\_
- (4) The liability of members for obligations of the congregation is limited to the payment of unpaid contributions and to the settlement of other existing obligations entered into with the congregation.
- (5) The congregation shall avail itself of its powers to acquire rights and incur liabilities only to the extent that it serves to fulfil its tasks.

#### **Section 59      *Management of Assets***

- (1) Congregational Council shall elect at least three persons from among its own ranks (trustees), who shall sign all documents and certificates, as well as undertake all legal actions contemplated in Section 58. Two persons should always sign.

- (2) The Trustees have signing powers for the duration of their terms of office.
- (3) As a rule, the chair and his deputy together with the treasurer have signing powers for the duration of their term of office. In exceptional cases Congregational Council may authorise one or more persons, who are not members of Congregational Council, to perform certain legal acts.
- (4) Immovable property shall be registered in the name of:  
 Die jeweiligen Treuhänder für die \_\_\_\_\_ (name of the congregation), or  
 The Trustees for the time being of the \_\_\_\_\_ (name of the congregation), or  
 Die Trustees vir tyd en wyl vir die \_\_\_\_\_ (name of the congregation).
- (5) Dispositions of whatever nature in respect of such immovable property shall be legally effective if signed by the relevant Trustees. Proof of appointment of such Trustees shall be rendered on behalf of Congregational Council by means of a certificate signed by a member who is not himself a Trustee. Furthermore, Section 20(2) of the Constitution of NELCSA shall be observed.
- (6) Verbal declarations in Court, before public bodies or in other instances shall be legally binding only if they are made by the chair and another member of Congregational Council after prior approval by Congregational Council.

**Section 60      *Property Disputes***

If, a restructuring of the congregation in terms of Section 21(1) of the Constitution of NELCSA has taken place and the rights and obligations in regard to existing church buildings, institutions and establishments are to be regulated, or if existing assets are to be re-regulated, then provided the parties concerned come to an amicable agreement and Church Council agrees, such agreement shall become binding. Failing this the decision shall rest with Church Council.

**CHAPTER TEN**

**FINANCIAL ADMINISTRATION**

**Section 61      *Income***

- (1) The income of the congregation shall comprise members' contributions, offerings and other bestowals by members of the congregation or third parties.
- (2) The congregation shall maintain one or more banking accounts, through which all its income and expenditure shall be conducted.
- (3) Income and property of the congregation shall not be distributed in any way to its members or office bearers.

**Section 62      *Budget and Audits***

- (1) All income and expenditure of the congregation shall be assessed for one year at a time and shall be included in the budget. The budget shall be

drawn up by the treasurer and accepted by Congregational Council. It shall be submitted to the General Meeting for adoption.

- (2) Congregational Council may disburse unexpected expenditure that had not been included in the budget up to a maximum amount determined by the General Meeting from time to time.
- (3) Annual financial reporting
  - (a) The financial year coincides with the calendar year.
  - (b) The General Meeting shall appoint at least one person who is not a member of Congregational Council, or a registered auditor to review the annual accounts.
  - (c) Annual Financial Statements will consist as a minimum:
    - Balance Sheet – Inclusive of fixed assets and investments, liabilities, cash balances
    - Income and Expenditure
    - Fund and Reserve Statements if applicable.
  - (d) Annual Financial Statements shall be submitted to NELCSA on an annual basis within 6 months after financial yearend.

### **Section 63      *Requirements by SARS***

- (1) All activities of the congregation, or substantially the whole thereof shall be carried out for the benefit of persons within the Republic of South Africa.
- (2) At least three of the persons referred to in Section 59(1) and (2) shall accept fiduciary responsibility for the congregation. They shall not be connected persons in relation to each other, and no single person directly or indirectly shall control the decision-making powers of the congregation.
- (3) The funds of the congregation shall be used solely for the objects for which they were established, or they shall be invested with a financial institution as defined in Section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990) or in securities listed on a stock exchange as defined in the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985).
- (4) The congregation shall not carry on any business undertaking or trading activity unless specifically permitted in terms of Section 30(3)(b)(iv) of the Income Tax Act 1962 (Act No. 58 of 1962).
- (5) A copy of all amendments to the Congregational Code shall be submitted to the Commissioner for South African Revenue Services.
- (6) Each congregation shall submit the required annual returns of income tax together with the relevant supporting documents.
- (7) No remuneration shall be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the services rendered and has not and shall not economically benefit any person in a manner which is not consistent with the objects of the Church or its congregations.
- (8) All donations made to the congregation shall be irrevocable. They may not be subject to any conditions which could enable the donor to derive a direct or indirect benefit from the application of such donation.
- (9) In the event of the dissolution of a congregation any assets remaining after the dissolution shall be transferred to the NELCSA being an organisation with similar objects as this congregation.

- (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).

## **CHAPTER ELEVEN**

### **DISSOLUTION**

#### **Section 64      *Decision to Dissolves and Liquidation***

- (1) The dissolution of the congregation may only be decided by an extraordinary General Meeting convened for this purpose. The resolution shall be effective only if at least two-thirds of its members in a legal sense as referred to in Section 5, are present and of these at least two-thirds have voted in favour of the dissolution. Section 20(1) of the Constitution of the NELCSA shall apply.
- (2) Once the dissolution of the congregation has been resolved, the General Meeting shall issue directives concerning the liquidation of the assets of the congregation and shall appoint a committee to carry out the liquidation. The committee does this in accordance with the above-mentioned directives and in accordance with the relevant provisions of the laws of the country. Any assets remaining after the liquidation shall be transferred to NELCSA.
- (3) Should NELCSA also be dissolved or liquidated, then and in that event only, any assets remaining after liquidation shall be transferred to another Church, which is also a Non-Profit Organisation, having similar objectives as NELCSA. The extraordinary General Meeting, as referred to in Section 64(1), shall in terms of this provision decide to which organization the remaining assets will be transferred.

## **CHAPTER TWELVE**

### **FINAL PROVISIONS**

#### **Section 65      *Additional Regulations***

- (1) The congregation may frame additional regulations for its area of jurisdiction (Section 26 of the Constitution NELCSA).
- (2) These additional regulations shall, however, not alter the numerical sequence of the Sections of this Code.

#### **Section 66      *Amendments***

- (1) A Church Law, in terms of Section 61(1) of the Constitution of NELCSA is required to amend this Code. Such amendments shall be binding on the congregations.

- (2) Amendments of additional regulations in terms of Section 65 shall be by way of a resolution of the General Meeting with a two-thirds majority vote of eligible members present at the meeting.

**Section 67      *Commencement Date***

- (1) This Code shall come into effect on \_\_\_\_\_ in accordance with the resolution of the General Meeting on \_\_\_\_\_.
- (2) The previous Rules of the Congregation \_\_\_\_\_ dated \_\_\_\_\_ and any amendments thereto, are repealed with effect from the same day.
- (3) The existing membership of the congregation remains unaffected by the coming into force of this Code

# **RULES ON THE ELECTION OF THE BISHOP**

of the

## **NORTHEASTERN EVANGELICAL LUTHERAN CHURCH IN SOUTH AFRICA**

**{Abbreviated name: NELCSA}**

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>RULES ON THE ELECTION OF THE BISHOP</b> .....	<b>3</b>
Section 1 General .....	3
Section 2 Eligibility .....	3
Section 3 Term of Office .....	3
Section 4 Nominations .....	3
Section 5 List of Nominations.....	3
Section 6 Election Procedure.....	4
Section 7 Induction into office .....	4
Section 8 Hand-over of duties .....	4
Section 9 Bishop’s Deputy .....	4
Section 10 Commencement Date .....	4

## **RULES ON THE ELECTION OF THE BISHOP**

### **Section 1      *General***

In these Rules, unless the context indicates otherwise, singular shall include plural and vice versa and masculine shall include feminine and vice versa.

### **Section 2      *Eligibility***

- (1) The Bishop shall be elected by Church Synod from amongst the Pastors in active service of NELCSA 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 NELCSA 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.

### **Section 3      *Term of Office***

The Bishop is elected by Church Synod and may be re-elected once.

- (1) Candidates 56 years and younger are elected for 6 years.
- (2) Candidates 57 years and older are elected for a period up to the Synod following the candidate's retirement age.
- (3) Exceptions may be permitted by Church Synod.

### **Section 4      *Nominations***

- (1) Every Pastor in active service of NELCSA and every congregation of NELCSA has the right to nominate a candidate.
- (2) Nominations shall be submitted to Church Council in writing within the stipulated time frame. Nominations require a seconder as well as the written consent of the nominee, according to Section 16 of the Rules of Procedure of Church Synod.
- (3) Church Council may make an additional nomination.

### **Section 5      *List of Nominations***

- (1) Having satisfied himself of the validity of the nominations, the President of Church Synod shall compile a list of names of all nominees.
- (2) The list of nominations shall be sent to each Synod Member at the latest together with the invitation to the Synod meeting at which the election will take place.
- (3) Church Synod may make up to three additional nominations.

**Section 6**      ***Election Procedure***

- (1) The election shall be by secret ballot and requires a two-thirds majority of all members present. The result of each ballot shall be announced.
- (2) If more than two candidates are nominated and a two-thirds majority is not achieved in the first two ballots, the candidate with the least number of votes drops out until only two candidates remain.
- (3) Should a two-thirds majority not be obtained by either of the remaining two candidates in three further ballots, the election shall be postponed to the following day.
- (4) Synod may re-open the list of candidates in accordance with the provisions of these Rules and the Constitution of NELCSA.
- (5) Should a two-thirds majority also not be obtained in two further ballots, the Bishop will then be elected by an absolute majority in the final ballot.

**Section 7**      ***Induction into office***

The term of office of the Bishop commences with his induction, which shall take place during the closing devotion of the Synod Meeting during which he was elected.

**Section 8**      ***Hand-over of duties***

The hand-over of the official duties to the new Bishop shall take place not later than on the 1<sup>st</sup> day of the 4<sup>th</sup> month following his election. During this time the outgoing Bishop shall initiate the newly elected Bishop into the affairs of the Church and shall, in consultation with him, conduct the affairs of the Church until the official hand-over.

**Section 9**      ***Bishop's Deputy***

- (1) The Bishop shall have a deputy. Church Synod shall elect the deputy for a period of six years from amongst the Pastors in active service of the NELCSA. The deputy may be re-elected once. Exceptions may be permitted by Church Synod.
- (2) An alternate for the deputy shall be elected. He may be re-elected once. Exceptions may be permitted by Church Synod.
- (3) The elections in terms of this Section shall be by absolute majority.

**Section 10**      ***Commencement Date***

These Rules shall come into effect on the 13<sup>th</sup> October 2019.

# **RULES FOR THE ELECTION OF SYNOD MEMBERS**

of the

## **NORTHEASTERN EVANGELICAL LUTHERAN CHURCH IN SOUTH AFRICA**

**{Abbreviated name: NELCSA}**

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>Rules for the Election of Synod Members</b> .....	<b>3</b>
Section 1 General .....	3
Section 2 Basic Provisions.....	3
Section 3 Election of Lay Members of Synod .....	3
Section 4 Election of Ordained Members of Synod .....	4
Section 5 Commencement Date .....	4

## **Rules for the Election of Synod Members**

### **Section 1      *General***

In these Rules, unless the context indicates otherwise, singular shall include plural and vice versa and masculine shall include feminine and vice versa.

### **Section 2      *Basic Provisions***

- (1) Members of Synod of NELCSA are elected by the congregations in terms of Section 33(1) of the Constitution of NELCSA for a Synod period of six years.
- (2) After two periods in office a Synod member shall retire for the duration of at least one Synod period. Church Council may permit exceptions.
- (3) Synod members or their alternates who move away from their Congregation or Parish thereby relinquish their position as Synod members.
- (4) The relevant provisions for nominations and the election procedure of the Rules for the Election of Congregational Council Members also apply to the election of Synod Members.

### **Section 3      *Election of Lay Members of Synod***

- (1) Subject to the provisions of Section 3(2), each congregation or parish elects one Synod member.
- (2) The additional election entitlement of a congregation is determined by an election entitlement factor.
- (3) The calculation of the election factor is determined by applying the ratio of one third each of its membership, its financial contributions to NELCSA and the average attendance at services of its members to the relevant aggregate figures of the Church.
- (4) The number of additional members of Synod a congregation may elect is determined by the sum of the relevant election entitlement factors and shall not exceed two additional members.
- (5) The following basic provisions apply to the elections:
  - (a) Candidates must declare their willingness to stand for election either verbally or in writing.
  - (b) A deputy shall be elected for each Synod member.
- (6) If a Synod member relinquishes his position, his deputy shall take his place. The resultant vacancy shall be filled by election at the next General Meeting. This shall also apply where there is no existing deputy.
- (7) Synod members and their deputies are determined according to the number of votes that are cast in their favour and whenever a vacancy occurs, they shall move up in that sequence too.
- (8) If an elected Synod member is elected to Church Council, his deputy shall become Synod member. Section 3(7) shall apply accordingly.

- (9) If a member appointed in terms of Section 32(1) (e) of the Constitution of NELCSA is elected to Church Council, Church Council may appoint another person.

**Section 4      *Election of Ordained Members of Synod***

- (1) The number of ordained Synod members per Circuit is determined by the election entitlement for each Circuit.
- (2) The election is held by the Pastors' Convention of each Circuit before Synod.
- (3) Section 3(7) to(9) shall apply.

**Section 5      *Commencement Date***

These Rules shall come into effect on the 13<sup>th</sup> October 2019.

# **RULES FOR THE ELECTION OF CONGREGATIONAL COUNCIL MEMBERS**

of the

## **NORTHEASTERN EVANGELICAL LUTHERAN CHURCH IN SOUTH AFRICA**

**{Abbreviated name: NELCSA}**

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>RULES FOR THE ELECTION OF CONGREGATIONAL COUNCIL MEMBERS</b> .....	<b>3</b>
Section 1 General .....	3
Section 2 Basic Provisions .....	3
Section 3 Eligibility .....	3
Section 4 Revocation of Rights .....	4
Section 5 Appeal against Revocation.....	4
Section 6 Rescission of Revocation .....	4
Section 7 Scheduling of Elections .....	4
Section 8 Nominations .....	4
Section 9 Election Procedure.....	5
Section 10 Announcement of Election Results.....	5
Section 11 Objections against the Election .....	5
Section 12 Commencement Date .....	5

# **RULES FOR THE ELECTION OF CONGREGATIONAL COUNCIL MEMBERS**

## **Section 1      *General***

In these Rules, unless the context indicates otherwise, singular shall include plural and vice versa and masculine shall include feminine and vice versa.

## **Section 2      *Basic Provisions***

- (1) The number of Congregational Council members to be elected and their term of office is determined by Section 22 and 23 of the Congregational Code.
- (2) In the election, due consideration is to be given to the diversity within the congregation.

## **Section 3      *Eligibility***

- (1) All congregation members who have reached the age of 18 years on the day of the election and who are registered members of the congregation have the right to vote.
- (2) Election of Congregational Council members shall be arranged so that not more than half of the total number of councillors stand for election. In the case where a Congregational Councillor is co-opted in accordance with Section 28 of the Congregational Code, the number of Congregational Councillors to be elected shall be increased accordingly.
- (3) Members who have the right to vote, who are at least 18 years old and who earnestly strive to do justice to the requirements of Section 25 of the Congregational Code are eligible for election as Congregational Councillor.
- (4) According to Section 21(3) of the Congregational Code, spouses, parents, siblings and children may not serve on Congregational Council simultaneously. Circuit Council may, upon application by Congregational Council, make exceptions to this rule.
- (5) According to Section 21(4) of the Congregational Code, employees of the congregation are not eligible as Congregational Councillor.
- (6) A Pastor, to whom a Pastor's post has been assigned, is not eligible as a Congregational Councillor.
- (7) The following do not have a right to vote:
  - (a) members whose rights have been temporarily or permanently denied;
  - (b) members who are not admitted to partake in Holy Communion;
  - (c) members whose right to vote has been rescinded;
  - (d) members who have lost their right to vote in terms of Section 7 of the Congregational Code;
  - (e) members who have been declared incapable of managing their own affairs or who have been placed under provisional guardianship or under trusteeship.

**Section 4      *Revocation of Rights***

- (1) Congregational Council may revoke a member's right to vote in terms of Section 7 of the Congregational Code if the member substantially violates his duties. The Congregational Council shall give the member a hearing prior to the revocation.
- (2) The decision, stating the reasons, shall be communicated to the member in writing.

**Section 5      *Appeal against Revocation***

- (1) The member involved may submit a written appeal against the decision, setting out his reasons, to the Dean within 7 days after receipt of the decision. Circuit Council shall make the final decision.
- (2) The appeal does not suspend the effect of the decision.

**Section 6      *Rescission of Revocation***

- (1) If the conditions giving rise to the revocation have fallen away, Congregational Council shall either on application or officially rescind the revocation. This decision shall be communicated to the member.
- (2) If Congregational Council rejects the application to rescind the revocation, the member involved may submit a written appeal against the decision, setting out his reasons, to the Dean within 7 days after receipt of the decision. Circuit Council shall make the final decision.
- (3) If an application to rescind the revocation has been rejected, it may only be re-submitted after one year.

**Section 7      *Scheduling of Elections***

Elections are scheduled by Congregational Council and customary notice thereof is given accordingly. They are conducted within the framework of a General Meeting and are included in the Agenda in terms of Section 15(e) of the Congregational Code.

**Section 8      *Nominations***

- (1) Every member who is entitled to vote has the right to nominate candidates.
- (2) Nominations shall be submitted to Congregational Council in writing within the stipulated time frame. Nominations require a seconder as well as the written consent of the nominee.
- (3) Nominees shall be clearly identified, so as to exclude any confusion.
- (4) Congregational Council announces the names of the candidates in the customary manner.

- (5) Additional persons may be nominated by the General Meeting.
- (6) The chair shall determine whether the nomination has been seconded and whether the nominee is prepared to accept the nomination.

**Section 9      *Election Procedure***

- (1) The election is open for congregation members.
- (2) At the General Meeting, Congregational Council members are elected by secret ballot with a simple majority of members present and voting. The General Meeting may adopt a supplementary provision to the Congregational Code, in order to apply the principle of absolute majority.
- (3) Proxy votes are not permissible.
- (4) If the number of candidates nominated is equal to or less than the number of councillors to be elected, an election shall nevertheless be conducted.
- (5) The quorum shall be established prior to the election.
- (6) During the election each voter shall enter no more names of candidates onto the ballot paper than the number of councillors to be elected.

**Section 10      *Announcement of Election Results***

- (1) Counting of votes shall follow immediately after the vote and the chair shall announce the result of the election.
- (2) The election is won by those candidates who have received the required number of votes.
- (3) The names of elected members shall be recorded in the minutes of the General Meeting.
- (4) Ballot papers shall be destroyed immediately after the General Meeting.

**Section 11      *Objections against the Election***

Objections against the election may only be raised during the General Meeting. The final decision in such case rests with that General Meeting.

**Section 12      *Commencement Date***

These Rules shall come into effect on the 13<sup>th</sup> October, 2019.

# **RULES OF PROCEDURE OF CHURCH COUNCIL**

of the

## **NORTHEASTERN EVANGELICAL LUTHERAN CHURCH IN SOUTH AFRICA**

{Abbreviated name: NELCSA}

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>1</b>
<b>Introduction</b> .....	<b>2</b>
Section 1 General .....	3
Section 2 Decision Making.....	3
Section 3 Preparation and Convening.....	3
Section 4 Opening, Quorum, Public .....	3
Section 5 Minutes of Meeting.....	4
Section 6 Commencement Date .....	4

## Introduction

Church Council has adopted the following Rules of Procedure in terms of Section 51 (5) of the Constitution of NELCSA.

### **Section 1      *General***

In these Rules, unless the context indicates otherwise, singular shall include plural and vice versa and masculine shall include feminine and vice versa.

### **Section 2      *Decision Making***

- (1) Church Council passes its resolutions during ordinary meetings.
- (2) Outside of ordinary meetings agreements may be reached in writing, provided at least 5 members agree to this method.
- (3) If a decision cannot be postponed until the next meeting, or cannot be taken in writing in terms of Section 2(2) without damage to the cause, the chair may take the necessary decision. If possible, he should consult his deputy on this matter. The decision shall be conveyed to the other members of Church Council without delay and the matter shall be placed on the agenda of the next meeting. This meeting may confirm, amend or rescind such decision.

### **Section 3      *Preparation and Convening***

- (1) Church Council meets as and when necessary, but at least four times per annum. A meeting must be convened if at least five members demand such a meeting.
- (2) The chair determines time and place of the meeting, inasmuch as it has not been determined by Church Council, and convenes the meeting.
- (3) The Bishop or his deputy, chairs the meetings of Church Council. If neither of them is able to do so the President of Church Synod shall take the chair.
- (4) The chair prepares the provisional agenda, taking into account decisions of Church Council and proposals of its members.
- (5) A notice of meetings shall contain the provisional agenda and possible submissions.
- (6) Notice shall be given to members at least two weeks prior to the intended meeting.

### **Section 4      *Opening, Quorum, Public***

- (1) Each meeting shall be opened and concluded with a devotion.

- (2) A quorum is established if more than half of its members are present, of whom at least two shall be ordained and three lay members.
- (3) The quorum is determined at the beginning of the meeting.
- (4) The agenda may be supplemented and is then finalised.
- (5) Church Council passes its resolutions by a simple majority of members present. In case of a tied vote the motion fails.
- (6) Meetings of Church Council are not open to the public.
- (7) The chair may invite experts for discussion of specific points on the agenda, provided that not more than three members of Church Council object.
- (8) Members shall maintain confidentiality on all discussions and matters voted on, even after they have relinquished their membership of Church Council. The commitment to secrecy also applies to decisions, the nature of which is in itself confidential or has been expressly declared to be so.
- (9) The chair may hand over chairship to any member of Church Council.

**Section 5**      ***Minutes of Meeting***

- (1) Minutes of meetings of Church Council shall be kept and shall record general discussions and the wording of decisions taken.
- (2) Draft minutes are to be forwarded to members of Church Council as soon as possible.
- (3) The draft minutes shall be discussed and adopted, with possible amendments at the next meeting and shall be signed by the chair and another member.
- (4) The signed minutes shall be filed with the records of NELCSA.

**Section 6**      ***Commencement Date***

- (1) These Rules shall come into effect on the 13<sup>th</sup> October, 2019.

# **RULES OF PROCEDURE OF CHURCH SYNOD**

of the

## **NORTHEASTERN EVANGELICAL LUTHERAN CHURCH IN SOUTH AFRICA**

**{Abbreviated name: NELCSA}**

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>1</b>
<b>Introduction</b> .....	<b>3</b>
Section 1 General .....	3
Section 2 Constituting Synod .....	3
Section 3 Members .....	3
Section 4 Participation at Sessions .....	3
Section 5 Chairmanship .....	4
Section 6 Preparation and Convening.....	4
Section 7 Opening, Quorum, Public .....	4
Section 8 Subjects for Deliberation .....	4
Section 9 Procedure .....	5
Section 10 Deliberations .....	5
Section 11 Sequence of Speakers .....	5
Section 12 Motions on Points of Order.....	6
Section 13 Conclusion of Debate and List of Speakers.....	6
Section 14 Voting.....	6
Section 15 Proposal to refer a Matter to a Committee.....	7
Section 16 Elections .....	7
Section 17 Committees .....	8
Section 18 Minutes of Meetings .....	9
Section 19 Commencement Date .....	9

## Introduction

Church Synod has adopted the following Rules of Procedure in terms of Section 42 (2) of the Constitution of NELCSA:

### **Section 1      *General***

In these Rules, unless the context indicates otherwise, singular shall include plural and vice versa, and masculine shall include feminine and vice versa.

### **Section 2      *Constituting Synod***

Church Synod is constituted anew every six years or after it has decided on its dissolution in accordance with Section 34 of the Constitution.

### **Section 3      *Members***

- (1) Synod is composed of ex officio members, elected members and delegates nominated to it in accordance with Section 32(1) of the Constitution.
- (2) Membership of Synod shall terminate when:
  - (a) the conditions of eligibility or conditions under which appointments were made in terms of Section 32(1) (e) and Section 32(3) of the Constitution fall away.
  - (b) an elected or appointed member renounces his membership. Church Council is to be informed of the renunciation.
- (3) Congregations shall advise Church Council of the results of elections of Synod members.
- (4) Where doubts exist as to the validity of the election or of the appointment of any member of Synod, or about the continued eligibility of such membership, Synod Council shall instruct a committee of Synod to re-examine the membership. After submitting the committee's findings, Synod shall make a final decision.

### **Section 4      *Participation at Sessions***

- (1) It is compulsory for Synod members to attend Synod meetings.
- (2) If members of Synod are prevented from attending a meeting of Synod or a meeting of a committee of which they are members, Church Council, Synod Council or the chair of the committee is to be notified.
- (3) All Synod members shall record their attendance in an attendance register provided for that purpose. Members leaving a session prior to its conclusion are to inform Synod Council thereof.
- (4) Travel costs of Synod members are borne by the relevant congregation. Travel costs of Synod members appointed by Church Council are borne by the Church. Guests are responsible for their own travel costs.

**Section 5      *Chairship***

Synod is chaired by the President of Synod in accordance with Section 39 of the Constitution. The President may hand over chairship on particular aspects of deliberations to any member of the Synod appointed by the President.

**Section 6      *Preparation and Convening***

- (1) Meetings of Church Synod are prepared and convened by Church Council in accordance with Section 36 of the Constitution, provided that the requirements of Sections 35 (1) or (2) or 34 (4) are fulfilled.
- (2) Church Council schedules divine services and devotions as well as other business of Church Synod.

**Section 7      *Opening, Quorum, Public***

- (1) Every meeting of Synod commences with a divine service and ends with the closing divine service. Every day shall be opened and closed with devotion.
- (2) During the opening service of the first session of each Synod period the members of Synod are commissioned by the Bishop and thereafter the Bishop is commissioned by the President in accordance with the existing Church Order.
- (3) Members who were not present at the commitment referred to in Section 7(2) shall be commissioned during the session as soon as possible after they have arrived.
- (4) At the commencement of the Synod meeting a quorum is established by roll call in accordance with Section 40 of the Constitution. It is the responsibility of Synod Council to advise Synod if the number of members present no longer constitutes a quorum.
- (5) Sittings of Synod are open to members of NELCSA. Synod may exclude the public.

**Section 8      *Subjects for Deliberation***

- (1) The subjects for deliberation are:
  - (a) Motions, which include in particular:
    - decisions pertaining to the scope of the Church's responsibilities in terms of Sections 30(2) and 31(1) of the Constitution;
    - draft laws in terms of Section 60 of the Constitution;
    - opinions by the Ecclesiastical Council in terms of Section 68(1) of the Constitution;
    - results of the work of committees.
  - (b) Resolutions of Church Synod and of Church Council.
  - (c) Motions, requests and suggestions by members of Synod, congregations, Pastors' Conventions, Ecclesiastical Council and Church Council.

- (2) The report on the activities of Church Council in terms of Section 46(4) of the Constitution shall be presented to Synod on the first day of a meeting. The report is to be tabled in writing before deliberation thereon takes place.

**Section 9      *Procedure***

- (1) Subjects for deliberation are dealt with in accordance with the agenda or at the discretion of Synod Council.
- (2) All motions, with the exception of motions on points of order, must be submitted in writing.
- (3) Independent motions (motions which do not pertain to the amendment of motions or to points on the agenda) may be submitted during the session by any member of Synod. They shall be handed to Synod Council, who shall announce them to Synod. The motion must be seconded by at least five members of Synod. If the required number of seconders have not already signed the motion, then the President shall call for seconders. If the motion has been properly seconded, it shall be dealt with as a formal motion.
- (4) Dependent motions (motions that pertain to the amendment of proposals or to points on the agenda) may be put by any member of Synod. Motions must be seconded.
- (5) Motions exceeding the competence of Synod shall not be allowed by the President.

**Section 10      *Deliberations***

- (1) The President opens discussion on each subject matter to be discussed.
- (2) In cases where major motions have been proposed, a general discussion shall take place initially; thereafter a detailed debate on individual points and individual resolutions shall take place. After this debate has been concluded a vote on the complete motion shall be taken.
- (3) Synod may restrict the time for deliberations on any subject matter.

**Section 11      *Sequence of Speakers***

- (1) Persons presenting reports to Synod and proposers of independent motions in terms of Section 9(3) have the right to address Synod at the start of deliberations.
- (2) Members who wish to speak to the motion must record their names on the list of speakers kept for this purpose by a member of Synod Council and they will be accorded their right to speak in the sequence that their names are recorded.
- (3) The following have the right to speak outside the list of speakers, but they may not interrupt a speaker:
  - (a) members of Church Council;
  - (b) members of the Ecclesiastical Council;
  - (c) persons presenting reports to Synod;

- (d) proposers of independent motions.
- (4) The President of Synod may accord the right to speak to invited visitors.
- (5) Persons presenting reports to Synod and proposers of independent motions may, at their request address Synod after conclusion of a debate.
- (6) Personal remarks are only permitted to be made at the end of a debate. A speaker may only refute personal attacks or clarify his own statements. The President may allow exceptions.
- (7) If the President of Synod wishes to take part in a debate, he shall relinquish the chairship for the duration of the debate.
- (8) A speaker may only be interrupted by the President. The President shall prevent digressions from the subject matter and repetitions and shall, where necessary request the speaker to respect the debating procedures. If this is not adhered to, the President shall withdraw the right to speak from the speaker.

**Section 12**      ***Motions on Points of Order***

Motions on points of order may be raised outside the sequence of speakers. Such motions may not exceed 5 minutes.

**Section 13**      ***Conclusion of Debate and List of Speakers***

- (1) The President closes the debate on a subject matter once all speakers have been heard.
- (2) If a proposal is made to close the debate, the President shall first call for a seconder. If the proposal is seconded by at least five members the President shall then call for a vote on the proposal without further debate. If the proposal is rejected the debate shall continue.
- (3) If a proposal is made to close the speakers' list the President shall first call for a seconder. If the proposal is seconded by at least five members the President shall read out the names of the speakers still appearing on the speakers' list and then shall call for a vote on the proposal without further debate. If the proposal is rejected the speakers' list remains open.
- (4) If both proposals stand together, the vote to close the debate shall take precedence.
- (5) A proposal to close the debate or to close the speakers' list may only be made after the subject matter has already been discussed and may only be made by such members who have not yet spoken on the matter. This proposal shall be deemed to be a point of order in terms of Section 12.

**Section 14**      ***Voting***

- (1) Once all speakers have spoken and the debate has been closed the President expressly puts the motion to the vote.
- (2) A motion shall be framed in such a manner, that it can be answered with "Yes" or "No". Questions are to be put in the affirmative; a negative question shall only be allowed to cross-check the result.

- (3) A motion on a point of order concerning the framing of questions may be put until the motion has been put to the vote. If there is an objection to the wording of the motion, Synod shall decide on the wording.
- (4) The President shall direct in which order the motions will be put to the vote. In principle the motion which has the widest effect shall be put to the vote first.
- (5) Voting shall be by a show of hands. Synod may decide on another method of voting.
- (6) Unless the Constitution provides otherwise, Synod shall adopt its resolutions by simple majority of members present. In case of a tied vote the motion fails.

**Section 15**      ***Proposal to refer a Matter to a Committee***

- (1) A proposal to refer a matter to a committee shall be discussed in conjunction with the subject matter being debated.
- (2) If the matter is referred to a committee, it shall deal with that motion as well as all other proposals made in regard thereto. The motions are deemed to be completed upon presentation of the committee report to Synod.

**Section 16**      ***Elections***

- (1) Church Council appoints a nominations committee, comprising a chair and four Synod members. Each of the four Circuits as well as the body of pastors shall be represented on this committee.
- (2) Church Council shall prepare documentation for the nominations and elections.
- (3) Properly completed nominations on the prescribed forms shall be handed to the nominations committee.
- (4) The nominations committee may also nominate, even from within its own ranks.
- (5) The nominations committee shall:
  - (a) confirm that nominations comply with these rules;
  - (b) reject nomination forms which have not been completed properly;
  - (c) normally compile and publish a list of candidates for the relevant positions on the day before the elections but not later than four hours before the beginning of the ballot. This list shall include more names than the number of posts to be filled. The nominations committee shall take cognisance of suggestions made by Synod.
  - (d) ensure that, where a person has been nominated for more than one position, and has been elected into one of these positions, this name is removed from the list of nominations for all subsequent elections.
  - (e) accept additional nominations from members of Synod, if they are supported by at least five members;

- (f) close the list of candidates at least one hour before the beginning of the ballot;
  - (g) prepare the final ballot papers.
- (6) The nominations committee initiates the elections and:
    - (a) announces each election and the relevant candidates;
    - (b) explains the voting procedure;
    - (c) explains that spoilt ballot papers and abstentions are recorded but are not taken into account for the vote;
    - (d) explains that number of votes cast for each candidate shall not to be announced.
  - (7) The nominations committee shall conduct the elections by secret ballot. A ballot by a show of hands is permissible if there is only one nomination and no objection is raised.
  - (8) Candidates who have received more than half of the votes cast shall be declared to have been elected. If a majority is not obtained, a further ballot shall take place between twice the number of candidates necessary to fill the posts, being those who obtained the highest number of votes in the first ballot. In case of a tied vote the ballot has to be repeated according to these provisions.
  - (9) Those candidates who obtain the next highest number of votes during the final ballot shall be declared to be deputies.
  - (10) Committee members are elected by simple majority.

## **Section 17      Committees**

- (1) In terms of Section 42(1) of the Constitution Church Synod may form committees to assist it in decision making and may even assign to them other matters for deliberation during and between Synod meetings. Synod determines the number of committee members. As a rule, a committee shall consist of at least three members.
- (2) Committee members shall elect a chair and his deputy from among their own ranks. Members of the committee distribute the tasks amongst themselves. The chair convenes the meetings and presides over them. In general, the committees perform their tasks in terms of the principles laid down in these rules.
- (3) The committees take their decisions with a simple majority of votes. In case of a tied vote the motion fails.
- (4) Deliberations of the committees are not open to the public. The President, the Bishop, their respective deputies or other members of Synod Council or of Church Council delegated thereto shall have the right to attend meetings in an advisory capacity.
- (5) The committees may co-opt experts to act as advisers.
- (6) The committees shall submit their reports to Synod.

**Section 18**      **Minutes of Meetings**

- (1) Those members of Synod Council who have been designated secretaries are responsible for the minutes. The President may request other members of Synod to assist.
- (2) The minutes shall reflect the conduct and main results of Synod's deliberations. In particular they shall include:
  - (a) the names of those in attendance, those who have tendered their apologies and those who are absent without leave;
  - (b) confirmation that the members of Synod have been duly commissioned;
  - (c) the text of drafts, motions and resolutions as well as the results of voting and elections;
  - (d) official announcements by the President, the Bishop and Church Council.
- (3) Draft minutes shall be forwarded to all Synod members within 60 days after the end of a Synod meeting. If objections to the wording of these draft minutes are raised within a further period of 30 days, the President shall cause the secretaries to comment thereon, and where necessary, shall cause a correction to be made.
- (4) The final text of the minutes shall be confirmed by Church Council and signed by the Bishop and the President of Synod.
- (5) The minutes shall be forwarded to members of Synod and to the Circuit Councils.

**Section 19**      **Commencement Date**

These Rules shall come into effect on the 13<sup>th</sup> October, 2019

# **RULES OF PROCEDURE OF THE PASTORS' CONVENTION**

of the

## **NORTHEASTERN EVANGELICAL LUTHERAN CHURCH IN SOUTH AFRICA**

**{Abbreviated name: NELCSA}**

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>INTRODUCTION</b> .....	<b>3</b>
Section 1 General .....	3
Section 2 Offices.....	3
Section 3 Meetings .....	3
Section 4 Participation in Conventions.....	3
Section 5 Meetings .....	3
Section 6 Minutes .....	4
Section 7 Costs.....	4
Section 8 Commencement Date .....	4

## INTRODUCTION

The Pastors' Convention of the ... Circuit has adopted the following Rules of Procedure in terms of Section 58(5) of the Constitution of NELCSA:

### **Section 1      *General***

In these Rules, unless the context indicates otherwise, singular shall include plural and vice versa and masculine shall include feminine and vice versa.

### **Section 2      *Offices***

- (1) Every year the Convention elects a chair and a secretary from within its own ranks. Re-election is possible.

### **Section 3      *Meetings***

- (1) As a rule, meetings take place at three-monthly intervals.
- (2) A Convention lasting several days shall take place annually except if the General Pastors' Convention takes place.
- (3) The Dean issues invitations to the meetings, but he can delegate this duty to the chair or the secretary. The provisional agenda shall be attached to the notice of meeting.

### **Section 4      *Participation in Conventions***

- (1) Participation in Conventions is compulsory in terms of Section 19(3) of the Law on Pastors.
- (2) Absence will only be granted on good cause. The Dean shall be advised thereof stating the reasons. Occasional Services do not constitute grounds for absenteeism.
- (3) In cases where distance is an impeding factor, the absence shall be arranged with the Dean in such a way that participation in at least four Conventions per year, including the annual Convention, is possible.

### **Section 5      *Meetings***

- (1) Meetings are opened and closed with devotion.
- (2) Meetings of the Convention are not open to the public.
- (3) Members shall maintain confidentiality on all discussions and matters voted on, even after they have relinquished their membership of the Convention. The commitment to secrecy also applies to decisions, the nature of which is in itself confidential or has been expressly declared to be so.
- (4) The Dean, in consultation with the chair, decides whether to invite guests and which guests are to be invited.

**Section 6        Minutes**

- (1) The secretary shall keep minutes of the meetings of Conventions. The minutes shall include topics discussed, schedules agreed on and the wording of resolutions taken.
- (2) Minutes shall be forwarded to members of the Convention timeously before the next meeting. The chair shall table the minutes for discussion at the next meeting. If there are no motions to amend, the minutes shall be deemed to be confirmed and shall be signed by the chair and the secretary.
- (3) The Dean shall file the signed minutes. The Bishop shall receive a copy.

**Section 7        Costs**

- (1) Travelling costs are paid for by the congregations.
- (2) The Circuit can contribute to the costs of lunch.
- (3) On request the costs of Conventions lasting several days are borne by NELCSA.

**Section 8        Commencement Date**

- (1) These Rules shall come into effect on the 13<sup>th</sup> October, 2019.

**As true copy**

Signed in *Bonaero Park* on this 1<sup>st</sup> day of *November* 2019



Horst Muller [Bishop]



Vernon Reinhard Filter [Treasurer]