

Kirkcaldy Congregational Church

(Scottish Charity: SC002321)

Constitution

(Adopted: 06 May 2018)

1 Adoption of the Constitution

The Church and its property will be administered and managed in accordance with the provisions in this Constitution.

2 Name

2.1 The Church is called Kirkcaldy Congregational Church (the Church).

3 Our Tradition

- 3.1** The Church stands in the broad tradition of Scottish Congregationalism and in direct succession to the original Kirkcaldy Congregational Church founded in 1800.
- 3.2** The Church is Trinitarian in faith, and finds its guidance for doctrine and practice in the Bible, consisting of the Old and New Testaments. The Church is theologically progressive, not insisting on conformity to a particular creed, but rather encouraging honest enquiry and openness to fresh understandings of Christian faith. The Church seeks simplicity in its approach to worship and in its organisation, which will be Congregational in form.

4 Purpose and Values

- 4.1** The purpose of the Church is to gather people from diverse backgrounds into a community of faith which exists to celebrate the love of God.
- 4.2** The Church is a community of faith which seeks to live in the image of God, revealed in Christ by the Holy Spirit. We affirm that every person bears the image of God and has worth. The Church is an inclusive community, welcoming all people into all aspects of the Church's life, regardless of ability, age, gender, race or sexual orientation. We affirm that the Church is called to be an agency of reconciliation, standing against all forms of discrimination, promoting inclusiveness and actively pursuing justice and peace.

5 Objects

5.1 The Church's Objects (the Objects) are:

- 5.1.1** The advancement of religion, and specifically the Christian faith, primarily in Kirkcaldy, but also throughout Scotland and the rest of the world, through worship, ministry, mission, prayer, education and community service;
- 5.1.2** the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage through supporting organisations or agencies involved in the relief of poverty or other social needs and the promotion of social justice.

6 Powers

6.1 In pursuance of the Objects set out above, the Church shall have the following powers:

- 6.1.1** To purchase, take on lease, hire, or otherwise acquire, any properties which are suitable for the Church's activities;
- 6.1.2** to improve, manage, develop, or otherwise deal with, all or any part of the property of the Church;
- 6.1.3** to sell, let, hire out, license, or otherwise dispose of, all or any part of the property of the Church;
- 6.1.4** to borrow money, and to give security in support of any such borrowings by the Church;
- 6.1.5** to employ such staff as are considered appropriate for the proper conduct of the Church's activities, and to make reasonable provision for the payment of pension and/or other benefits for Members of staff;
- 6.1.6** to engage professional advice as may be considered appropriate from time to time;
- 6.1.7** to effect insurance of all kinds (which may include Trustees' liability insurance);
- 6.1.8** to invest any funds which are not immediately required for the Church's activities in such investments as may be considered appropriate (and to dispose of, and vary, such investments);
- 6.1.9** to liaise with other voluntary sector or statutory bodies with a view to furthering the Objects;
- 6.1.10** to establish and/or support any other charitable body, and to make donations for any charitable purpose falling within the Objects, consistent with section 7 of the Charities and Trustee Investment (Scotland) Act 2005 which is also regarded as a charitable purpose in relation to the applications of the Taxes Acts;
- 6.1.11** to take such steps as may be deemed appropriate for raising funds for the Church's activities;
- 6.1.12** to accept grants, donations and legacies of all kinds (and to accept any reasonable conditions attaching to them);
- 6.1.13** to do anything which may be incidental or conducive to the furtherance of the Church's Objects.

7 Church Membership.

- 7.1** The Church will consist of Members who freely seek admission to membership on profession of faith in Jesus Christ. Application to join the Roll of Members will be made in the first instance to the Minister or one of the Deacons. The Minister and Deacons will follow up every application and make recommendation to the Church Meeting.
- 7.2** In addition to the Roll of Members, a Supplementary Roll will be maintained. This will include Members who formerly were involved in the Church's life, but are no longer so, as well as adherents who wish to identify with the Church but not become full Members. This will provide for ongoing pastoral support where this is deemed appropriate.
- 7.3** Members are encouraged to express their faith by:
- 7.3.1** Attendance at worship, including Communion;
- 7.3.2** supporting the work of the Church financially and where possible through practical service in the Church and the wider community;
- 7.3.3** living a life which is consistent with the purpose and values of the Church.
- 7.4** If, without clear reason (for example age, illness or caring responsibilities), a Member ceases to maintain involvement in the life of the Church for twelve months or more, the Deacons may recommend to the Church Meeting their transfer from the Roll of Members to the Supplementary Roll, or removal altogether.
- 7.5** The Church Meeting will confirm admission to and removal from the Roll of Members and the Supplementary Roll.
- 7.6** The Church observes two Sacraments:
- 7.6.1** Baptism may be administered in infancy or at any age of responsibility upon profession of faith in Jesus Christ, providing the person has not been previously baptised. When administered to an infant, the child is placed under the nurture of the Church until s/he is able to make their own profession. In cases where parents do not wish their child to be baptised, a service of thanksgiving may be offered;
- 7.6.2** Communion or "The Lord's Supper" is observed by the Church as part of worship, normally on a monthly basis, and at other times throughout the Christian year. The Church holds firmly that the communion table is open to all who are seeking deeper fellowship with Christ and his people, and a deeper understanding of faith, and that that communion is available to adults and children.

8 Church Leadership

- 8.1** The Church may appoint a Minister, with the appointment being made in accordance with Appendix 1 to this Constitution.
- 8.2** The Church will appoint Deacons, to form a Diaconate which will oversee the spiritual and administrative affairs of the Church, with appointment being made in accordance with Appendix 2 to this Constitution.
- 8.3** Office Bearers and Trustees:
- 8.3.1** The Deacons shall nominate from among their number a Secretary, a Treasurer and a Property Convener whose nomination shall be submitted to the Church Members for appointment at the Annual General Meeting;
- 8.3.2** the Office-Bearers of the Church shall be the Minister, Secretary, Treasurer and Property Convener;
- 8.3.3** the Office-Bearers shall be the Trustees of the Church and they shall hold, manage and administer all heritable properties and other assets on behalf of the church, including the power to dispose of the church's assets in accordance with Section 13.5;
- 8.3.4** the Deacons shall meet at least 4 times per annum. The quorum for the meetings shall be 50% of the Deacons;
- 8.3.5** the Deacons may regulate their proceedings as they think fit, subject to the provisions of this Constitution.
- 8.4** Safeguarding:
- 8.4.1** The Deacons shall have oversight of safeguarding issues within the Church;
- 8.4.2** They will ensure that an appropriate safeguarding policy exists, which is administered appropriately and reviewed regularly.

9 Church Meetings

- 9.1** Church meetings shall be held at least every six months, normally in Spring and Autumn, with the Minister presiding (although it will be competent for the meeting to elect an alternative Chair).
- 9.2** One meeting each year shall be designated as the Annual General Meeting (AGM).
- 9.3** Church meetings will be open to non-Members; however only those on the Roll of Members may form a quorum and vote.
- 9.4** Business at Church meetings shall include:

- 9.4.1 A statement of the Church's finances, including presentation to the AGM of full accounts prepared in accordance with clause 10.4;
- 9.4.2 an update on any property matters;
- 9.4.3 consultation about the Church's work and policy;
- 9.4.4 the pastoral care of Members and business remitted from the Diaconate;
- 9.4.5 applications for Church Membership.
- 9.5 Should the need arise, a Special Church Meeting may be called at any time by the Diaconate or by ten Members, but only after due notice in accordance with 9.9.1.
- 9.6 Each Member shall have one vote.
- 9.7 A vote is carried if it receives at least 50% of the votes cast, except for the following decisions, when at least 75% of votes cast is required:
 - 9.7.1 Appointment of a Minister;
 - 9.7.2 appointment of Deacons;
 - 9.7.3 amendment of this Constitution, or
 - 9.7.4 dissolution of the Church.
- 9.8 Normally voting will be done by a show of hands. If the business is of a personal nature, or if at least 10 Members present request it, the Chair may arrange a private ballot.
- 9.9 Notice for Church meetings:
 - 9.9.1 Notice of any Church meeting must be given at the service on at least two Sundays prior to the meeting;
 - 9.9.2 the notice must specify the date, time and place of the meeting and the general nature of the business to be transacted;
 - 9.9.3 members wishing to introduce new business at a meeting are required to give one week's previous notice in writing to the Church Secretary;
 - 9.9.4 no business shall be transacted at any Church meeting unless a quorum is present;
 - 9.9.5 a quorum shall be 15% of the Roll of Members;
 - 9.9.6 if a quorum is not present within half an hour from the time appointed for the meeting or if during a meeting a quorum ceases to be present, the meeting shall be adjourned to such time and place as the Office Bearers shall determine;
 - 9.9.7 the Office Bearers shall reconvene the meeting and shall give notice at the service on at least one Sunday prior to the reconvened meeting, stating the date, time and place of the meeting;
 - 9.9.8 if no quorum is present at the reconvened meeting within fifteen minutes of the time specified for the start of the meeting the Members present at that time shall constitute the quorum for that meeting;
 - 9.9.9 clause 9.9.8 will not apply when the business is the appointment of a Minister, the alteration of this Constitution or the dissolution of the Church.

10 Property and Finance.

- 10.1 All heritable properties and other assets of the Church shall be held, managed and administered on behalf of the Church by the Trustees.
- 10.2 None of the Church's assets may be distributed or otherwise applied (on being wound up or at any other time) except to further its charitable purposes.
- 10.3 The Trustees shall ensure that proper accounting records are maintained in accordance with all applicable statutory requirements.
- 10.4 Prior to the Annual General Meeting (AGM) the Trustees shall ensure the preparation of the Church accounts and the accounts of all the organisations of the Church, including details of salaries or other remuneration and allowances paid to the Church's staff and of expenses reimbursed to such staff and/or to other Members of the Church, complying with all relevant statutory requirements. If an audit or examination is required under any statutory provisions or if the Trustees otherwise think fit, they shall ensure that an audit or examination of such accounts is carried out by a qualified auditor or independent examiners.
- 10.5 The Church's financial year shall end on 31st March.
- 10.6 The signatures of two signatories appointed by the Trustees shall be required in relation to all operations (other than lodgement of funds) on the bank and building society accounts held by the Church.
- 10.7 Items of expenditure exceeding £500 must be specifically authorised by the Trustees unless made in implementation of a budget or other decision approved by the Church Meeting.

11 Declaration of personal interest and Remuneration.

- 11.1** A Trustee, Deacon or any other Member who has a personal interest in any transaction or arrangement which the Church is proposing to enter into, must declare that interest at a Church meeting and must not vote on any such proposal. Similarly, a Trustee or Deacon must make such a declaration of interest at a Trustees' or Deacons' meeting.
- 11.2** Any remuneration paid to a Trustee must satisfy the criteria laid down in Section 67 of the Charities and Trustee Investment (Scotland) Act 2005 and/ or any other applicable legislation.

12 Amendments to the Constitution.

- 12.1** Any provision contained in this Constitution may be amended provided that:
- 12.1.1** Any proposal of amendment is brought before the Church either by the Trustees or by a minimum of 10 Members;
- 12.1.2** a Special Church Meeting to consider the proposal of amendment is called by notice being given on at least two preceding Sundays (as per clauses 9.9.1 and 9.9.2), and by letter to all Members;
- 12.1.3** the notice of the Special Church Meeting includes a statement of the resolution setting out the terms of the amendment proposed;
- 12.1.4** a quorum of 15% of Members entitled to vote is required to be present (clause 9.9.8 will not apply). Any resulting resolution will be passed with a majority of at least 75% of votes cast;
- 12.1.5** no amendment shall be made that would have the effect of making the Church cease to be a Church at law;
- 12.1.6** consent to the amendment shall be obtained from the Office of the Scottish Charity Regulator (OSCR) if required;
- 12.1.7** the Trustees shall keep a copy of any such amendment with this Constitution.

13 Dissolution of Church.

- 13.1** If 15% or more of the Members are of the view that it is necessary or advisable to dissolve the Church, the Trustees shall call a Special Church Meeting of all the Members. Not less than 21 days' notice of the meeting shall be sent to all Members by post, enclosing a full statement of the resolution to be proposed.
- 13.2** A quorum of 15% of Members entitled to vote is required to be present (clause 9.9.8 will not apply). Any resulting resolution will be passed with a majority of at least 75% of votes cast.
- 13.3** In the event of the Church being dissolved or otherwise ceasing to exist, the winding-up process shall be carried out in accordance with the procedures set out under the Charities and Trustee Investment (Scotland) Act 2005 or any other applicable legislation. The Trustees shall remain in office as trustees and be responsible for winding up the affairs of the Church.
- 13.4** Liability of Members
- 13.4.1** If the Church is dissolved, the Members have no liability to pay any sums to help to meet the debts (or other liabilities) of the Church; accordingly, if the Church is unable to meet its debts, the Members will not be held responsible;
- 13.4.2** the Trustees have certain legal duties under the Charities and Trustee Investment (Scotland) Act 2005. Clause 13.4.1 does not apply to any personal liabilities they might incur if they are in breach of those duties.
- 13.5** Disposal of assets
- 13.5.1** The Trustees shall ingather all the assets of the Church and shall make provision for all the liabilities of the Church;
- 13.5.2** The Trustees shall apply the residual assets of the Church for charitable purposes which reflect the Objects stated in Section 5 of this Constitution (consistent with section 7 of the Charities and Trustee Investment (Scotland) Act 2005 which is also regarded as a charitable purpose in relation to the applications of the Taxes Acts), including the possible sale or transfer of any property.

Appendix 1 - Appointment of Minister

- i.** On the position of Minister becoming vacant, the Church Meeting will establish a Search Committee with a Membership of eight. This will include the Church Secretary, Church Treasurer and Property Convener, three Deacons and two Members appointed by the Church Meeting. The Search Committee will appoint one of their number as Chair, and normally the Church Secretary will keep a record of any meetings.
- ii.** Before commencing any search for a Minister, financial planning will be undertaken to ascertain whether the position will be full time, part-time or non-stipendiary. This will be made clear to any candidate, as will any restrictions to the length of any appointment and the level of stipend anticipated.
- iii.** The Search Committee will arrange to advertise the position, will consider applications, and after consideration, meet with one preferred candidate.
- iv.** Following an informal interview, an invitation may be given to preach.
- v.** After a candidate has preached, the Search Committee will meet to further consider its view.
- vi.** If at least 75% of the Search Committee is agreed, then the candidate will be invited to preach as sole nominee.
- vii.** If the candidate accepts the invitation, at least three weeks' notice will be given by letter to all Members, of the agreed date for preaching, and of a Church Meeting immediately following this service.
- viii.** At the Church meeting the recommendation will be brought by the Search Committee, and following discussion and questions, a vote will be taken.
- ix.** For a call to be issued, at least 75% of Members present must vote in favour of the candidate.
- x.** The Church Secretary will contact the candidate with the result of the vote and the decision of the Church Meeting immediately afterwards.
- xi.** The reply from the candidate regarding the call will be given to the Membership on the following Sunday and, if the call is accepted, the Search Committee will be dissolved.
- xii.** If the decision was not to issue a call or if the call is declined, the Search Committee will continue its search.
- xiii.** Any appointment will not be confirmed until at least two satisfactory references have been received.
- xiv.** Any appointment will not be confirmed until the candidate provides evidence of up to date Membership of the Protecting Vulnerable Groups (PVG) scheme or its equivalent.

Appendix 2 - Appointment of Deacons

- i.** Normally a minimum of eight active Deacons shall be appointed, but this number may be varied by the Church Meeting.
- ii.** Deacons shall be at least 18 years of age and shall be Members of the Church.
- iii.** Deacons shall be appointed either by election by the Church Meeting or by co-option by the Diaconate (see **viii** below).
- iv.** Elected Deacons shall serve for a term of three years. After every three years, re-election will be required.
- v.** If a Deacon has served for at least three terms (nine years) but is no longer able to be active, they may be invited to become an Honorary Deacon. Honorary Deacons may participate in some aspects of the Church's life (for example serving communion or stewarding duties), but will not be involved in the administration of the Church.
- vi.** When a vacancy arises on the Diaconate, potential candidates will be approached by one of the office bearers. If they are willing to stand, their name will be brought to the Diaconate, and if agreed, the Diaconate will bring a recommendation to the Annual General Meeting of the Church.
- vii.** Deacons shall be elected when at least 75% of Members in attendance vote in favour.
- viii.** If for any reason the number of Deacons falls below that set by the Church Meeting, the Diaconate may fill the vacancies by co-option. Co-opted Deacons may serve only until the next AGM, when they may stand for election to the Diaconate.
- ix.** Deacons will be required to be in Membership of the Protecting Vulnerable Groups (PVG) scheme or its equivalent.

This constitution was adopted by the Church Meeting, on 06 May 2018

Rev. Kevin Flett, Minister

David Fairgrieve, Secretary

James Kelly, Treasurer

Date: 06 September 2018