

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA
(CAPE CHURCH)

CONSTITUTION

PREAMBLE

Whereas the "Deutsche Evangelisch-Lutherische Synode Sudafrikas" (German Evangelical Lutheran Synod of South Africa), as hitherto existing, has resolved:

- (a) to become an independent Church, and
- (b) in future to bear the name "Evangelical Lutheran Church in Southern Africa (Cape Church)",

the said Church, henceforth to be known as the Evangelical Lutheran Church in Southern Africa (Cape Church), hereby adopts the following Constitution:

BASIC ARTICLE

The Evangelical Lutheran Church in Southern Africa (Cape Church) is founded on Holy Scripture, consisting of the Old and New Testament, as the revealed Word of God and as the only norm and guide for faith and life. It testifies its faith by means of the three Creeds of the ancient Church and by means of the Confessions of the Evangelical Lutheran Church.

BASIC PROVISIONS

Article 1

The Evangelical Lutheran Church in Southern Africa (Cape Church) is an association of Lutheran congregations in Southern Africa, mainly of German origin, which, with a view to one future Lutheran Church in Southern Africa, are called to make joint profession and to act in uniformity.

1. The Church is a registered Non-Profit Organization registered in terms of Act 71 of 1997 as amended (NPO Act).
2. The Church is registered as a Public benefit organization in terms of section 30 of the Income Tax Act No. 58 of 1962 as amended.

Article 2

1. The Evangelical Lutheran Church in Southern Africa (Cape Church) seeks and fosters fellowship with all churches, synods and congregations of like confession.
2. The said Church endeavours to engender a brotherly relationship with the other Protestant Churches of Southern Africa and strives for co-operation with the Churches of the Ecumene.
3. The said Church affirms its fellowship with all German-speaking Protestant Christians and is conscious of its bond with the "Evangelische Kirche in Deutschland" (Evangelical Church in Germany).
4. The said Church is particularly concerned to preserve the spiritual theological bond with the "Vereinigte Evangelisch-Lutherische Kirche Deutschlands" (United Evangelical Lutheran Church of Germany).

Article 3

1. The Evangelical Lutheran Church in Southern Africa (Cape Church) bears witness to the message of the Gospel of Jesus Christ, to Christians and non-Christians, by means of the true preaching of the Word of God, by administering the Sacraments according to Scripture and by practicing Christian charity.
2. In consequence of the foregoing, the said Church has the following principal tasks:-
 - (a) to uphold the divine service as well as Church custom and order as practiced in the Evangelical Lutheran Church;
 - (b) to strengthen fellowship with one another and to foster Christian upbringing in Church, school and home;
 - (c) to gather young people, men and women for the fulfilment of their particular tasks;
 - (d) to render pastoral ministry and charitable service;
 - (e) to minister to dispersed Lutherans;
 - (f) to support the work of Lutheran missions and of the Churches that have emerged out of such work;
 - (g) to share the responsibility for promoting and training prospective clergy;
 - (h) to testify publicly to the will of God.

CORPORATE MEMBERS**Article 4**

The congregations united in the Evangelical Lutheran Church in Southern Africa (Cape Church) constitute its corporate members.

Article 5**Acquisition of Membership**

Evangelical Lutheran congregations may apply for admission as bodies corporate within the Evangelical Lutheran Church in Southern Africa (Cape Church). Applications shall be in writing, be accompanied by a copy of the relevant constitution, and be directed to the Church Council. An application must include the following:

- (a) a request for admission to the Cape Church,
- (b) declaration that the applicant acknowledges the Constitution of the Cape Church,
- (c) a declaration that the applicant recognises all laws, regulations and resolutions of the Cape Church as binding and will comply with them.

The Synod of the Cape Church shall decide upon the application for admission. (CL 6/77)

Article 6**Cessation of Membership**

1. A congregation shall cease to be a member of the Evangelical Lutheran Church in Southern Africa (Cape Church) through secession, expulsion or dissolution.
2. A congregation wishing to secede from the Evangelical Lutheran Church in Southern Africa (Cape Church) shall give six months written notice to the Church Council, such notice to state the reasons for its proposed secession.
3. The expulsion of a congregation shall be effected by a resolution of the Synod carried by a two-thirds majority of all synodal members entitled to vote, such resolution to be in writing, and setting out in full the reasons for expulsion. The expulsion procedure shall be regulated by Church law.

THE CONGREGATION**Article 7**

1. The congregation unites members of the Church of Jesus Christ in fellowship founded on Scripture and Sacrament. It is the duty of the congregation to hold regular public divine services in accordance with the order of the Evangelical Lutheran Church, to ensure the true preaching of the Gospel, to administer the Sacraments according to Scripture, to provide religious instruction, to extend Christian charity in welfare work and on the mission field, and to maintain Church discipline and order.
2.
 - (a) The congregation recognises its responsibility for providing pastoral care for all Christians of the Evangelical Lutheran faith living within its reach and, especially, those of German origin.
 - (b) The congregation also recognises its responsibility towards such Protestant Christians as belong to a confession recognised by the "Evangelische Kirche in Deutschland" (Evangelical Church in Germany), but who, being unable to join a German-speaking congregation of their confession within reach of their places of residence, are received into its fellowship and have pastoral care extended to them. The pastor, in his/her pastoral ministrations, shall decide on their admission to Holy Communion.
3. Subject to its adherence to Scripture and Confession, and subject to its acting in accordance with the rules of the Church, more especially the Order Governing Congregations enacted by Church law, the congregation administers its own affairs and performs its tasks on its own responsibility. For this purpose the congregation establishes and fills the requisite organs and offices and
4. makes provision for the discharge of all other necessary services. Each congregation is its own juristic person.
5. The congregation provides the necessary places of worship and other accommodation.
6. The congregation conscientiously applies the means entrusted to it, solely to the fulfillment of its task.

Article 8

The congregation participates in the life of the Church and, through its representation in the Circuit Conference and the Synod, in the government of the Church. The congregation also contributes to the fulfilment of the collective tasks of the Church to the best of its ability. (CL 4/87)

Article 9

1. Any decision relating to the formation, alteration, dissolution or merger of congregations shall be taken by the Church Council after representations by the affected parties, each being juristic persons in their own right, have been heard and their consent obtained. The decision of the Church Council is subject to confirmation by the Synod.
2. In the event of agreement not being reached, the matter is decided by Synod.

Article 10

1. The annual financial statements of congregations are to be submitted to the Church Council and may be scrutinized by the said Council.
2. Upon dissolution of a congregation the trustee shall, in liquidating its assets, act in consultation with the Church Council. The appointment of the trustee shall be governed by the provisions of the constitution of the congregation concerned or, if such provisions do not exist, by the Church Council and must comply with section 23 of the NPO Act. The residue of such assets, after payment of all liabilities, accrues to the Church for the furtherance of its work. (CL 3/74)

THE MINISTRYArticle 11

Without derogating from the Christian duty of every member of the congregation to bear witness to the Gospel, the public preaching of the Gospel is carried out by the Church through the office specially instituted for this purpose. As bearers of this office, pastors are charged with the task of preaching the Word of God, of administering the sacraments of Baptism and Holy Communion, of hearing confession and granting absolution. They are further charged with the task of conducting all other ecclesiastical acts such as confirmations, marriages and funerals, and of safeguarding pure doctrine.

Article 12

1. The appointment of a pastor shall take place in accordance with the provisions of the Order Governing the Service of Pastors. In the case of a pastoral post within a congregation, the provisions of the Order Governing the Election of Pastors shall also be observed. (CL 7/77)
2. Only such pastors are eligible, or may be appointed as temporary substitutes ("locum tenentes"), who have made the following declaration in writing:

"I hereby solemnly promise before God that in the office entrusted to me of preaching and teaching in the Evangelical Lutheran Church in Southern Africa (Cape Church), I shall preach and teach nothing except what is taught by Holy Scripture and the Confessions of the Lutheran Church, namely the Apostolic, the Nicene and the Athanasian Creeds, the Unaltered Augsburg Confession and its Apology, the two Catechisms of Dr. Martin Luther, the Smalcald Articles and the Formula of Concord; that I shall live and conduct myself according to the Word of God and that I shall faithfully administer the Holy Sacraments in accordance with their institution by our Lord Jesus Christ.

I promise also that I shall conduct my office faithfully and conscientiously in accordance with the orders of the Evangelical Lutheran Church in Southern Africa (Cape Church), that I shall devote my time and energy to my office as a pastor with in the Evangelical Lutheran Church in Southern Africa (Cape Church) and that I shall abstain from all party political activities."

Article 13

1. The mutual rights and obligations between the pastor and congregation are regulated by the Order Governing the Service of Pastors. (CL 1/89)
2. Within the framework of existing Church orders, the pastor shall be independent in the conduct of his/her spiritual office.

THE ORGANS OF THE EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA

(CAPE CHURCH)

Article 14

The organs of the Evangelical Lutheran Church in Southern Africa (Cape Church) are:

- (a) the Synod,
- (b) the Circuit Conferences,
- (c) the Convocation of Pastors
- (d) the Church Council.

A. THE SYNOD

Article 15

1. The Synod is the legislative organ of the Evangelical Lutheran Church in Southern Africa (Cape Church) in so far as no other competent authority is provided for in this Constitution.
2. The Synod is called upon to strive towards the fulfilment of the mission of the Church and the tasks the Church has set itself in its basic provisions (Article 3). (CL 1/89)

Article 16

The Composition of the Synod

1. The Synod consists of ordinary and extraordinary members. The ordinary members have the right to vote, the extraordinary members only the right to speak.
2. Ordinary members of the Synod are:
 - (a) the members of the Church Council,
 - (b) the pastors of the Evangelical Lutheran Church in Southern Africa (Cape Church), who occupy a pastoral post within the area of the Cape Church, (CL 7/77)
 - (c) the delegates elected by the congregations,
 - (d) where feasible, representatives of Church institutions and services designated by Church Council, not exceeding seven in number. (CL 1/79)
3. Extraordinary members of the Synod are:
 - (a) the pastors of the Evangelical Lutheran Church in Southern Africa (Cape Church), who have been honourably pensioned,
 - (b) pastors, who, although not belonging to the Evangelical Lutheran Church in Southern Africa (Cape Church), are serving in a pastorate of one of its congregations as temporary substitutes ("locum tenentes")
 - (c) one representative of each of the member Churches of the United Evangelical Lutheran Church in Southern Africa, (CL 2/75)

- (d) one representative of each of the Evangelical Lutheran sister Churches within the area of the Evangelical Lutheran Church in Southern Africa (Cape Church).
(CL 2/75)
4. The Church Council is entitled to invite guests to the meetings of the Synod; for the purpose of participating in the proceedings, the right to speak may be accorded to them by the Synod.
 5. The Synod shall elect from among its members a presiding committee comprising the Chairperson of the Synod, his/her deputy and two further members. The period of office of the chairperson is governed by Article 36.2; the other members hold office in accordance with Article 18.1.

Article 17

Delegates of Congregations

1. Delegates of a congregation are elected in a General Meeting of their congregation for each synodal period.
2. Congregations with
 - up to 25 voting members elect 0 delegate;
 - 26-200 voting members elect 1 delegate;
 - 201 -400 voting members elect 2 delegates.
 - 401 or more voting members elect 3 delegates (CL 1/1969, 2/1975, 2/2003)
3. In the case of a delegate ceasing to be a member of his /her congregation or laying down his/her office or, for any other reason, becoming incapable of exercising his/her office, before the expiration of the respective synodal period, the General Meeting of the congregation shall elect substitutes equal in number to the requisite number of delegates. The order of the substitutes taking the place of the elected delegates shall be determined by the number of votes they received. If none of the elected substitutes is available, the Church Committee shall nominate a substitute/substitutes. (CL 2/75)
4. A certified copy of the minutes pertaining to the election of delegates and substitutes, or to the nomination of substitutes, shall be forwarded to the Church Council without delay. (CL 2/75)
5. Only persons eligible as Church wardens may be elected as delegates. (CL 2/75)
6. In the fulfillment of their duties delegates shall be appreciative of the trust placed in them by their congregations, but shall not be bound by any directives or instructions. In speaking and acting as members of the Synod, the delegates shall be motivated only by their responsibility for the whole Church as defined by their vow of office. (CL 2/75)

Article 18**The Period of Office of the Synod (Synodal Period)**

1. The synodal period is four years. It begins with the opening of the first synodal meeting of the synodal period, and ends with the opening of the first synodal meeting of the next synodal period.
2. A synodal period shall be opened with a divine service.
3. During the opening service, all ordinary members of the Synod shall take the following vow of office:

"I promise before God and this Christian congregation that I shall, as a member of the Synod, in obedience to God's Word and true to the Confession of the Evangelical Lutheran Church, strive for the growth of the Church in unity of faith and in community of love towards Him, who is the head, Christ."

Article 19**Meetings of the Synod**

1. As a rule, an ordinary meeting of the Synod shall take place every two years.
2. Synodal meetings shall be convened by the Church Council.
3. The Church Council shall determine the time and place of a meeting and inform the congregations accordingly three months in advance, at the same time providing them with the preliminary agenda.
4. Invitations to meetings shall be forwarded to delegates one month in advance, and be accompanied by a copy of the agenda.
5. The congregations, Circuit Conferences, Pastors' Conferences, Convocation of Pastors and members of the Synod may request that matters they wish to raise, be included in the agenda. Such requests are to be submitted to the Church Council in writing at least two months before the opening of a synodal meeting. The Church Council shall decide on the inclusion of the matters proposed. In the event of an adverse decision, the applicant may appeal to the Synod. (CL 2/75)
6. Similarly, the Synod may allow the inclusion of requests received after the aforesaid stipulated period, provided the timely submission was prevented on important grounds.

Article 20

1. An extraordinary meeting of the Synod shall be convened:
 - (a) if requested in writing by one-third of the congregations; or
 - (b) if requested in writing by a Circuit Conference; or
 - (c) if deemed necessary by the Church Council.
2. A request in accordance with (a) or (b) shall be submitted to the Church Council, stating the matters to be dealt with. The Church Council may add other matters to the agenda.
3. In cases of special urgency or when an emergency situation arises, the Church Council is not bound by the time provisions of Article 19.

Article 21

Provision for the defrayal of travelling, accommodation and other expenses incidental to organizing synodal meetings shall be made in the budget of the Cape Church. (CL 1/89)

Article 22

1. Meetings of the Synod shall be open to members of congregations of the Evangelical Lutheran Church in Southern Africa (Cape Church), subject to the right of the Synod to decide otherwise for particular sessions.
2. The Afrikaans, English and German languages may be used in the deliberations of the Synod.

Article 23

1. For the fulfillment of special tasks, the Synod may appoint committees for the duration of one synodal period.
2. The Synod shall elect a Finance Committee consisting of at least three members.

Article 24

The Synod shall lay down its own Standing Orders.

B. THE CIRCUIT CONFERENCES**Article 25**

- 1 The congregations of the Church shall be grouped into circuits on a regional basis. The organs of these circuits are the Circuit Conferences. (CL 1/89)
- 2 The Circuit Conferences are called upon, with due regard to their respective circumstances, to fulfil in a uniform manner the mission of the Church as expressed in Article 3 of the Constitution and those tasks referred to them by the Synod or Church Council. (CL 4/87, 1/89)
- 3 To this end they may:-
 - (a) in accord with the Church Council adopt resolutions which shall be binding on the congregations of their respective regions;
 - (b) submit proposals to the Synod and the Church Council. (CL 1/89)

Article 26

1. Each Circuit Conference is composed of ordinary and extraordinary members. The ordinary members have the right to vote, the extra-ordinary members only the right to speak.
2. Ordinary members are:
 - (a) the members of the Church Council belonging to a congregation of the circuit;
 - (b) the pastors of the circuit;
 - (c) the delegates elected by the congregations of the circuit;
 - (d) the members of the Circuit Committee in so far as they are not delegates; (CL 2/75)
 - (e) where feasible, one representative each of the Church institutions and services of the circuit, to be designated by the Circuit Committee. (CL 2/75)
3. Extraordinary members are:
 - (a) the honourably pensioned pastors of the Evangelical Lutheran Church in Southern Africa (Cape Church) residing within the circuit;
 - (b) one representative of the other Circuit Conference;
 - (c) one representative each of the Evangelical Lutheran sister Churches within the circuit; (CL 2/75)
 - (d) congregational delegates to the Synod who are not ordinary members. (CL 4/87)
4. The Circuit Committee may invite guests to the meetings; for the purpose of participating in the proceedings, the right to speak may be accorded to them by the Conference.

Article 27

1. The delegates are elected by the General Meeting of their congregation for a synodal period from the members of the congregation. (CL 2/75)
2. Congregations with up to 75 voting members shall send 2 delegates, 76-150 voting members shall send 3 delegates, 151 or more voting members shall send 4 delegates. These should include the delegates to the Synod. (CL 2/75)
3. Only persons eligible as Church wardens may be elected as delegates.

Article 28

1. As a rule, ordinary meetings of the Circuit Conferences take place annually.
2. Extraordinary meetings shall be convened:
 - (a) if requested by three Church Committees that include at least two pastors;
 - (b) if requested by the Church Council;
 - (c) if deemed necessary by the Circuit Committee.
3. The meetings are convened by the Circuit Committee which also determines the time and place, unless this has been decided by the Circuit Conference.

Article 29

Proposals for the agenda are submitted to the Circuit Committee at least five weeks before the meetings and are forwarded by it to all the congregations of the Circuit at least three weeks before the meeting. (CL 2/75)

Article 30

Travelling and accommodation expenses incurred by the members of Circuit Conference are defrayed out of the circuit treasury, in so far as these expenses are beyond the means of the congregations concerned. (CL 1/89)

Article 31

Meetings of the Circuit Conference are open to all members of congregations of the Evangelical Lutheran Church in Southern Africa (Cape Church) unless a meeting decides otherwise.

Article 32

1. The Circuit Committee is the executive and administrative organ of the Circuit Conference. It shall consist of no fewer than three members, i.e. a chairperson, vice-chairperson and a secretary, one of whom is to be appointed as treasurer; it may, either as a temporary or a permanent measure, be enlarged to include a separate treasurer, additional members consisting of a delegate of every congregation not already represented among the office-bearers, as well as the chairpersons ex officio of all the other committees of the Circuit Conference. The Circuit Committee is elected at the first ordinary meeting of the Circuit Conference in a synodal period. In case of vacancies, the Circuit Committee has the right of co-option. (CL 4/87, 1/89).
2. For the fulfillment of particular tasks, the Circuit Conference may appoint separate committees.

Article 33

Standing Orders for the Circuit Conference are laid down by the Synod.

C. THE CONVOCATION OF PASTORSArticle 34

1. The pastors form the Convocation of Pastors.
2. The Convocation of Pastors is entrusted with the task of fostering the brotherhood amongst the pastors and of furthering true orientation of their office in life and teaching through theological work, practical suggestions and fraternal discipline. The Convocation of Pastors shall, as far as possible, assemble annually. Details shall be provided for in the Order Governing the Convocation of Pastors. (CL 7/77)
3. As a rule the pastors of a circuit meet every other month in conference to devote themselves, in their region, to the tasks allocated to them by the Order Governing the Convocation of Pastors.

D. THE CHURCH COUNCIL**Article 35**

The Church Council is the administrative and executive organ ("management committee") of the Evangelical Lutheran Church in Southern Africa (Cape Church). It shall be responsible for all tasks that have not been assigned to other organs and may take on the power and authority it believes it needs to be able to achieve the objectives as set out in the Constitution and Orders of the Church. (CL 2/05)

General Rules**Article 36**

1. The Church Council is composed of seven members, at least three of whom shall be pastors. Each Circuit should be fairly represented in the Church Council. The Bishop, is the chairperson of the Church Council. He, the Vice-Chairperson of Church Council, and the Chairperson of the Synod are ex officio members of the Church Council. The other members of the Church Council are elected by the Synod at the first meeting in a synodal period, one of them being appointed Treasurer by the Synod. (CL 3/74, 3/89)
2. The term of office of the members of the Church Council shall begin at the end of the respective synodal meeting at which the election took place, and terminate at the end of the meeting of the Synod at which the successors in office are elected. The Synod may, however, determine a different date for the transfer of office. (CL 1/77, 1/89)
3. If a member of the Church Council retires from office before the end of his/her term, the remaining members, even if they do not form a quorum, shall nominate a substitute. Such a nomination is subject to the confirmation by the Synod at its next meeting. If such confirmation is refused, the Synod shall provide a replacement for the remainder of the term of office of the retired member.
4. Unless the Synod decides otherwise, inductions are held at the end of the meeting of Synod in which the election took place (cf. article 36.2). The Bishop is inducted by his/her predecessor or, if he/she is unable to perform or is prevented from performing this task, then by another suitable person designated by the Synod. All other members of Church Council are inducted by the Bishop. (CL 3/89)

Article 37

The Church Council shall appoint a lawyer as its permanent adviser in matters of a legal nature; it may invite him/her and other experts to its meetings. (CL 1/89)

Article 38

Meetings of the Church Council are convened by the Chairperson whenever necessary, but at least twice a year, and at the request of at least three members.

Article 39

The Church Council lays down its own Standing Orders, which require approval by the Synod.

Article 40

The Church Council shall inform the Circuit Conferences annually and report formally to the Synod at every ordinary meeting on its activities and the life of the Church in general. (CL 1/89)

Article 41

The Church Council may, for the purpose of performing its duties, establish an administrative office and shall enjoy full powers of employing and dismissing the requisite staff subject to the Basic Conditions of Employment Act 75 of 1997, as amended.

The Office of BishopArticle 42

1. The Bishop is the spiritual leader of the Church. He/She and the Vice-Chairperson of Church Council are elected by the Synod at the second ordinary meeting of a synodal period, for a term of four years. (CL 3/89)
2. In the case of a temporary absence (e.g. abroad) or inability of the Bishop (e.g. in case of serious illness) to perform the duties of his/her office, the Vice-Chairperson of Church Council shall, where necessary, and as far as possible in consultation with the Bishop, be responsible for conducting the official duties of the Bishop. (CL 1/77, 3/89)
3. Should the Bishop leave the Evangelical Lutheran Church in Southern Africa (Cape Church), or should he /she resign or for other reasons be permanently unable to perform or be prevented from performing the duties of his/her office, his/her place shall be taken, with immediate effect and until the next ordinary meeting of the Synod,

by the Vice-Chairperson of Church Council as Acting Bishop. On the strength of his/her responsibilities in terms of the office of spiritual leader of the Church, the Acting Bishop shall wear the official pectoral cross and be addressed as "Bishop". No special induction is required. Should the Acting Bishop be elected to the office of Bishop at the next meeting of Synod, a normal induction will take place in accordance with the orders of the Church. Article 42.1 is not affected. Should the Vice-Chairperson of Church Council leave the Church, resign or for other reasons be unable to perform or be prevented from performing the duties of his /her office as Acting Bishop, his/her place shall be taken by another clerical member of Church Council elected by the members thereof. Should none of the clerical members be able to perform the duties of this office, new elections shall be held by the Synod. (CL 1/77, 3/89)

Article 43

1. Without prejudice to the powers of the Church Council, the particular duties of the Bishop shall be:
 - (a) to represent the Evangelical Lutheran Church in Southern Africa (Cape Church) internally in relation to its congregations and pastors, and externally in relation to the Ecumene, the state and the public;
 - (b) to visit the congregations and pastors in accordance with the provisions of the Order Governing Visitations;
 - (c) to ordain and induct pastors.
2. The Bishop or a representative of the Church Council designated by him/her may at all times participate in the deliberations of Church committees and in General Meetings of congregations, and shall have the right to speak and to propose motions.
3. The Bishop may, with the consent of the Church Council, entrust individual pastors with particular tasks pertaining to the whole Church.

CHURCH LAWS, REGULATIONS, GUIDELINES AND SUGGESTIONS**I. CHURCH LAWS****Article 44****Areas of Legislation**

1. The Synod shall have the power to make Church laws regarding:
 - (a) the introduction, repeal or amendment of divine service books, catechisms, hymnals and textbooks for Christian instruction;
 - (b) the introduction, repeal or amendment of orders governing Church life (Order for Christian Living);
 - (c) the model constitution of a congregation and the Order Governing Congregations; (CL 1/89)
 - (d) the regulation of the legal position and the remuneration of pastors;
 - (e) the levies of the congregations payable to the Cape Church; (CL 1/89)
 - (f) any matter that according to any section of this Constitution requires regulation by a Church law;
 - (g) any matter that serves the welfare of the Church.
2. Without prejudice to Article 44.1 and Article 53, the legislative powers of the Cape Church shall not extend to the assets of the congregations. (CL 3/74)

Article 45**Bills**

1. Bills may be introduced by the congregations, by the Circuit Conferences or by the Church Council. (CL 2/75)
2. Bills submitted by a congregation shall be drawn up by the Church Committee. They shall be forwarded to the Church Council for inclusion in the agenda not later than two months prior to the commencement of the synodal meeting. The respective Circuit Committee shall also be notified. (CL 2/75)
3. Bills submitted by a Circuit Conference shall be passed by the Circuit Conference and submitted by the Circuit Committee to the Church Council not later than two months prior to the commencement of the synodal meeting. (CL 2/75)
4. Bills submitted by the Church Council shall be communicated to the Circuit Committees and forwarded to the congregations not later than the date on which they are notified of the time and place of the synodal meeting. (CL 2/75)
5. Bills shall be accompanied by written motivation which shall also be included in the

agenda. (CL 2/75)

Article 46

Procedure for the Enactment of Church Laws

1. Bills shall be read twice, the second reading to take place not earlier than the day following the day upon which the first reading was completed.
2. Amendments to the Constitution require the affirmative vote of two-thirds of the ordinary members present at the Synod.

Article 47

Amendments to the Constitution

1. Amendments to the Constitution shall be effected only by Church law and shall be done in compliance with section 19 of the NPO Act.
2. The Basic Article is not subject to amendment.

II. REGULATIONS

Article 48

1. The Church Council may be empowered by Church law to pass regulations having the force of law. The content, purpose and extent of the powers granted shall be defined by the empowering law. Regulations shall refer to the empowering Church law.
2. The Church Council is authorized to pass regulations in respect of matters normally requiring to be passed by Church law, provided the Synod is not in session, it is impossible to convene a meeting, and the matter is of such urgency that it should not be delayed. Unless repealed previously by the Church Council, a regulation passed in pursuance of this paragraph shall automatically lapse at the end of the synodal meeting following its promulgation.
3. This article shall not affect Article 47.

III. GUIDELINES AND SUGGESTIONS

Article 49

The Church Council and the Synod may provide guidelines and make suggestions in furtherance of uniformity in the work and life of the Church.

IV. PROMULGATION AND COMMENCEMENT OF CHURCH LAWS AND REGULATIONS

Article 50

1. The Church Council shall inform all the congregations of the Evangelical Lutheran Church in Southern Africa (Cape) of all the Church laws and regulations made in accordance with the provisions of this Constitution.
2. The promulgation shall state the date of commencement.

LEGAL CAPACITY, FINANCES, BUDGET AND ADMINISTRATION

Article 51

1. The Evangelical Lutheran Church in Southern Africa (Cape Church) is a juristic person whose existence is independent of any change in its membership. It can in its own name acquire rights, enter into contracts, sue and be sued.
2. Without limitation upon the generality of the aforesaid powers, the Evangelical Lutheran Church in Southern Africa (Cape Church) may
 - (a) purchase, hire, rent, borrow, acquire and own movable and immovable property of any kind whatsoever, as well as sell, barter, alienate, cede, encumber, let, lease and lend the same;
 - (b) accept donations of any kind;
 - (c) perform juristic acts of any nature whatsoever.

3. (a) Members or office bearers of the Evangelical Lutheran Church in Southern Africa (Cape Church) have no rights over any money, property or other assets belonging to the Church. (CL 2/05)
- (b) The Church may not give any of its money, property or other assets to its members or office bearers except as reasonable remuneration for services rendered, reimbursement for duly authorised costs incurred on behalf of the Church or as charitable support for indigent members in furtherance of its aims. (CL 2/05)
4. The liability of the corporate members of the Evangelical Lutheran Church in Southern Africa (Cape Church) for obligations of the Evangelical Lutheran Church in Southern Africa (Cape Church) is limited to the settlement of outstanding levies, and to the fulfillment of other existing obligations to the Evangelical Lutheran Church in Southern Africa (Cape Church).

Article 52

The Evangelical Lutheran Church in Southern Africa (Cape Church) shall use its power to acquire rights and to enter into obligations only in so far as the fulfillment of its tasks is served thereby.

Article 53

The income of the Evangelical Lutheran Church in Southern Africa (Cape Church) comprises levies by the congregations, as determined by Synod, Church collections, investment returns and bestowments. (CL 3/74, 1/89)

Article 54

1. A budget for a period of two years is passed by the Synod and enacted by means of Church law.
2. Responsibility for the preparation and implementation of the budget and for the administration of the finances and assets of the Church rests with the Treasurer and with the whole Church Council.
3. The financial transactions of the Church shall be conducted by means of a banking account. (CL 2/05)
4. The accounts shall be closed at the end of each calendar year and be audited by a registered public auditor. (Good governance practice)
5. The Church Council shall lodge a report at the Synod accounting for its entire financial administration during the relevant budgetary period.

DISSOLUTION**Article 55**

1. The dissolution of the Evangelical Lutheran Church in Southern Africa (Cape Church) may be resolved only at an extraordinary session of the Synod convened for such purpose.
2. Article 46.2 of this Constitution shall apply to a resolution to dissolve the Church.
3. (a) When the dissolution of the Evangelical Lutheran Church in Southern Africa (Cape Church) has been resolved, the Synod shall issue directions as to the liquidation of the assets of the Evangelical Lutheran Church in Southern Africa (Cape Church) and appoint a committee to carry out the liquidation. The said committee shall, in liquidating the assets of the Church, act in terms of the aforementioned directions duly supplemented by South African law.
(b) The residue of the estate shall be transferred to one or several Evangelical Lutheran Churches or Church institutions within South Africa. (CL 2/81). The dissolution is subject to section 23 of the NPO Act.

TRANSITIONAL AND FINAL PROVISIONS**Article 56**

1. On the day on which this Constitution comes into force, all rights and obligations of the "Deutsche Evangelisch-Lutherische Synode Sudafrikas" (German Evangelical Lutheran Synod of South Africa) shall vest in the Evangelical Lutheran Church in Southern Africa (Cape Church).
2. Until the first Synod, convened according to the provisions of this Constitution, assembles, its powers are exercised by the last Synod convened according to the synodal regulations of the "Deutsche Evangelisch-Lutherische Synode Sudafrikas".
3. The first Synod to be constituted in terms of this Constitution shall be convened by the Church Council.

Article 57

The "Revidierte Ordnungen der Deutschen Evangelisch-Lutherischen Gemeinden in Siidafrika" (Revised Rules and Regulations of the German Evangelical Lutheran Congregations in South Africa) with their amendments and additions are hereby repealed. Decisions and orders made under the "Revidierte Ordnungen" (Revised Rules and Regulations) remain in force in so far as they are not in conflict with this Constitution.

Article 58

1. The ecclesiastical relationship with the Protestant Christendom in Germany is regulated by an agreement between the Evangelical Lutheran Church in Southern Africa (Cape Church) and the "Evangelische Kirche in Deutschland" (Evangelical Church in Germany).
2. Agreements shall be concluded in order to foster existing ties with the "Vereinigte Evangelisch-Lutherische Kirche Deutschlands" (United Evangelical Lutheran Church of Germany) and the "Evangelisch-Lutherische Landeskirche Hannovers" (Evangelical Lutheran Church of Hanover).

Article 59

The legal position of those pastors who have been sent by the mother-church shall be governed, in so far as this Constitution does not provide otherwise, by the relevant provisions of the "Kirchengesetzes iiber das Verhaltnis der Evangelischen Kirche in Deutschland mit ihren Gliedkirchen zu evangelischen Kirchengemeinschaften und Gemeinden, Pfarrern und Gemeinde-gliedern deutscher Herkunft ausserhalb Deutschlands vom 18.3.1954" (Church Law Regarding the Relationship of the Evangelical Church in Germany and its Member-Churches with Evangelical Church Communities and Congregations, Pastors and Members of Congregations of German Origin Outside Germany, of March 18th, 1954). ("Amtsblatt" of the Evangelical Church in Germany, 1954, pages 110 seqq.), as well as by the agreement to be concluded in terms of Article 58 of this Constitution with the Office for Foreign Relations of the "Evangelische Kirche in Deutschland".

Article 60

The existing relevant rules and regulations of the "Deutsche Evangelisch-Lutherische Synode Sudafrikas" shall remain in force until the Church laws provided for in this Constitution have been enacted.

Article 61

1. Congregations of the "Deutsche Evangelisch-Lutherische Synode Sudafrikas" (German Evangelical Lutheran Synod of South Africa) are deemed to be congregations of the Evangelical Lutheran Church in Southern Africa (Cape Church) without having to make prior application.
2. Existing congregational constitutions shall be altered in so far as they are in conflict with the provisions of this Constitution.

Article 62

The Evangelical Lutheran Church in Southern Africa (Cape Church) continues the existing membership of the "Deutsche Evangelisch-Lutherische Synode Südafrikas" (German Evangelical Lutheran Synod of South Africa) in the "Deutscher Kirchenbund Süd- und Südwestafrikas" (German Lutheran League of Churches of South and South West Africa) as well as in the Council of Churches on Lutheran Foundation and in the Board of Trustees for Lutheran Extension Work.

Article 63

The provisions of this Constitution referring to the Office for Foreign Relations of the "Evangelische Kirche in Deutschland" shall be effective only as long as the respective treaties or agreements are in force.

Article 64

The interpretation of this constitution rests with the Church Council. Objections to its interpretation may be submitted to Synod whose decision shall be final.

Article 65

This Constitution comes into force on the day on which it has been validly adopted.

The German original of this Constitution was validly adopted by the German Evangelical Lutheran Synod of South Africa at its 17th ordinary meeting at Paarl on July 1st, 1961, and signed by its chairman, Pastor Th. Schanz, at Worcester, July 20th, 1961.

In accordance with the authority granted to it by the Synod of the Cape Church at King William's Town on November 20th, 1967, an English translation was edited and passed by the Church Council and signed by its chairman, Praeses H. von Delft, at Stellenbosch, September 25th, 1968. It was subsequently certified a "true and correct translation" by Dr. R. Gernholtz, sworn translator of the Supreme Court of South Africa, in Cape Town under the date 1983-04-19, thereby becoming the legally binding text of the Constitution. This position was implicitly ratified by the Synod through Resolution 5/1983.

This revised, edited and amended version of the Constitution, incorporating the amendments effected by the Church laws 1/69, 3/74, 2/75, 1/77, 6/77, 7/77, 1/79, 2/81, 4/87, 1/89 and 3/89, was adopted by the Vllth Synod of the Evangelical Lutheran Church in

Southern Africa (Cape Church) at its second ordinary meeting held at Bellville on 1989-04-16.

Further minor editorial changes were effected by Church Council at its meeting in Cape Town on 4-6 February 1991. The revised constitution was unanimously adopted by the Synod at its meeting in Sutterheim on 21.4.1991.

Amendments by Synod at Paarl 2005 as Church Law 2/2005 to Articles 35, 51, 54 included.

Changes to the constitution to ensure compliance with the NPO act as well as other changes to ensure gender equity were accepted by the Philippi second ordinary meeting of the XII Synod of the Cape Church as Church Law No 2 of 2009.

Changes to the constitution to change the composition of church council were accepted by the Stutterheim first ordinary meeting of the XIII Synod of the Cape Church as Church Law No 1 of 2011.



N.J. Rohwer, Bishop



C. Johl, Chairperson of Synod

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)

C O R P O R A T E M E M B E R S

The following congregations are members of the Cape Church in terms of Article 4 of the Constitution. They have duly lodged their constitutions with the Church Council in accordance with Art. 5 of the Constitution, or Synod Resolution 6b/1969. They are identified by their full official name, as appearing in their constitutions, the year of their founding as a corporate legal body, and the year of adoption of the currently valid constitution or the last amendment thereto. They are listed in the chronological order of their founding and under the respective circuit to which they belong in terms of Art. 25.1 of the Constitution.

CONGREGATIONS IN WESTERN CIRCUIT

1861	German Evangelical Lutheran St. Martini Congregation Cape Town (Deutsche Evangelisch-Lutherische St. Martini Kirchengemeinde Kapstadt)	1974
1876	German Evangelical Lutheran St Peter's Congregation Paarl (Deutsche Evangelisch-Lutherische St. Petri-Gemeinde Paarl)	1970
1883	Evangelisch-Lutherische St. Johannis Gemeinde Wynberg	1969
1883	Deutsche Evangelisch-Lutherische Heilige Dreifaltigkeits- gemeinde zu Worcester (German Lutheran Church Worcester)	1969
1884	Evangelies-Lutherse Gemeente Philippi Kaapse Vlakte (Evangelisch-Lutherische Kirchengemeinde Philippi-Vlakte am Kap) (waarby die Gemeente Neu-Eisleben in 1978 ingelyf is)	1971
1890	Deutsche Evangelisch-Lutherische Kirchengemeinde Bellville (Duitse Evangelies Lutherse Kerk Bellville)	1975
1952	Deutsche Evangelisch-Lutherische Gemeinde Stellenbosch (Duitse Evangelies-Lutherse Gemeente Stellenbosch)	1973
1978	Evangelisch-Lutherische Gemeinde George	1978

CONGREGATIONS IN EASTERN CIRCUIT

1856	The Congregation of St. John's Evangelical Lutheran Church Dawn (East London) (Founded at Potsdam, relocated to Dawn in ?)	1981
1862	The Congregation of St. John's Evangelical Lutheran Church, King William's Town	1972
1864	The Congregation of St. Paul's Evangelical Lutheran Church, Stutterheim, C.P.	1982
1864	St. Peter's Evangelical Lutheran Church, Komga (Founded at Braunschweig , relocated to Komga in 1986)	1986

1866	The Congregation of St Crucis Evangelical Lutheran Church, Beacon Bay (Founded at Frankfort, relocated to Beacon Bay in 1980)	1987
1869	The Congregation of St. Matthew's Evangelical Lutheran Church-Berlin	1970
1872	The Congregation of St. Andrews Evangelical Lutheran Church, East London	
1874	Deutsche Evangelisch Lutherische Kirche St. Martini- Kimberley-Nordkap	1975
1875	The Evangelical Lutheran St Pauls Congregation Bloemfontein (Evangelisch-Lutherische St. Paulus-Gemeinde Bloemfontein-O.F.S.)	
1883	The Congregation of St. Paul's Evangelical Lutheran Church, Macleantown	1972
1901	Deutsche Evangelisch-Lutherische Kirchengemeinde Port Elizabeth	1968
1902	The Congregation of Luther Evangelical Lutheran Church, Brakfontein (since 1987; originally known as "The German Lutheran Church, Kwelegha" and "The German Lutheran Congregation at Kwelegha")	1989
1959	Evangelical Lutheran Congregation (Martin Luther Church), Welkom	1964
1983	The Congregation of St. Peter's Evangelical Lutheran Church, Queenstown	1983
	<u>FORMER CONGREGATIONS</u>	
1856	Deutsche Evangelisch-Lutherische St. Johannis Gemeinde Potsdam , C.P. relocated to Dawn 1967	
1864	St. Peter's Evangelical Lutheran Church Braunschweig , relocated to Komga in 1986	
1866	St. Crucis Lutheran Congregation Frankfort , relocated to Beacon Bay in 1980	
1872	Evangelisch-Lutherische St. Petrigemeinde (zu Keiskammahoek) (St. Peter's Evangelical Lutheran Congregation (at Keiskammahoek)), dissolved 1984	1970
1884	Mnxesha , dissolved 1967 (or merged with King William's Town?)	
1896	Evangelies-Lutherse Gemeente Neu-Eisleben , ingelyf by Gemeente Philippi Kaapse Vlakte in 1978	1974

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)

STANDING ORDERS FOR THE SYNOD

In accordance with Article 24 of the Constitution of the Cape Church the Synod of the Cape Church adopts the following Standing Orders:

CONVOCAATION**Article 1**

- 1 As soon as the conditions laid down in Articles 18-20 of the Constitution are fulfilled the Bishop, in consultation with the Church Council, shall convoke a meeting of the Synod by way of three months written notice to congregations and members of Synod (where applicable) in accordance with Article 19.3 of the Constitution, indicating the venue, the date and the preliminary agenda.
- 2 Not later than one month before the meeting, invitations shall be addressed in writing to the members of Synod and the respective church committees indicating the venue, the date and the final agenda. Documents already received for submission to the Synod shall accompany the invitation (cf. Article 19.4 of the Constitution).

PARTICIPATION**Article 2**

- 1 Congregational delegates to the Synod derive their standing from the minutes reflecting their election according to Article 17.1-5 of the Constitution. Certified extracts of such minutes shall be forwarded to the office by the announced due date and verified by Church Council prior to the meeting of the Synod.
- 2 If a delegate is prevented from attending a meeting of Synod he shall inform his pastor/ church committee and the office of the Cape Church timeously so that arrangements for a substitute can be made (cf. Art. 17.3 of the Constitution).
- 3 At the beginning of a synodal period ordinary members of Synod shall take the vow of office in accordance with Article 18.3 of the Constitution. They shall attend all meetings and sessions of the Synod as well as the meetings of the committees to which they may belong.
- 4 Ordinary members of Synod who leave a meeting of Synod or a synodal committee before its closure or who are unable, or unwilling, to attend individual sessions shall obtain the chairperson's consent in advance.

THE PRESIDING COMMITTEE**Article 3**

According to Article 16.5 of the Constitution the Presiding Committee of the Synod consists of the Chairman of the Synod, his Deputy (Vice-Chairman) and two other members (Assessors). The period of office of the Presiding Committee conforms with that of Church Council (Article 36.2 of the Constitution).

The election of the Presiding Committee may take place by secret ballot or, if there is no objection, by acclamation. In order to be elected a candidate must receive more than half the number of votes cast. If after a second ballot no candidate has received the required number of votes, a third ballot shall be held between the two candidates who received the highest number of votes in the second ballot. In case of a tie lots shall be drawn.

The Chairman shall preside over the proceedings of the Synod. He may from time to time delegate the chair to his Deputy or one of the Assessors.

The Assessors are responsible for keeping the minutes of the meeting, they note the speakers, count the votes at ballots, collect the motions and reports, establish the correct wording of the motions passed and may be assigned by the Chairman to special tasks.

The Chairman may call on other members of Synod to assist, especially with the minuting of the proceedings, or other tasks if no special committees have been appointed for the purpose (see Art. 9.1 below).

For special auxiliary services relating to the synodal meeting, or preparations for it, the Chairman may in consultation with the Treasurer engage special assistants, in so far as the office of the Cape Church or the hosting congregation are unable to provide such services.

DELIBERATIONS**Article 4**

Every meeting of the Synod shall be opened with a Divine Service, each day shall be started and concluded with a devotion.

At the beginning of the deliberations the total number of ordinary members of the Synod shall be established from the list of members. The quorum for the meeting, equivalent to two thirds of their number, shall be determined. Then the total number of ordinary members present (voting members) shall be established through a roll call. It shall be the duty of the Assessors to establish and communicate to the chairperson and the minute keepers the number of ordinary members present at the beginning of each session.

Minutes shall be taken of each session (see Guidelines for the Recording and Handling of Minutes of Meetings, a 121). Minutes shall be read and accepted at the beginning of the next session or as soon as possible thereafter. The adopted minutes shall be signed by the

respective minute keepers and the respective session chairperson. The Synod may authorize the Church Council to adopt the minutes of the last session as well as any other outstanding minutes.

- 4 The duration of a session shall be determined by the chairperson after consultation with the Presiding Committee and the hosting congregation.
- 5 The deliberations shall be open according to Article 22.1 of the Constitution, except when the Synod resolves otherwise for particular sessions.
- 6 The deliberations shall normally be conducted in English. Afrikaans and German are also permissible (cf. Article 22.2 of the Constitution).

MOTIONS

Article 5

- 1 The Synod may only deal with matters duly placed on the agenda and sent out in accordance with Article 1.2 above. The submission and acceptance of agenda items is regulated by Article 19.5 & 19.6 of the Constitution. Motions shall be submitted in writing together with an adequate motivation (CL 4/87). The Church Council may put matters on the agenda at its own volition.
- 2 Matters falling within the ambit of the agenda may be dealt with, on the basis of a majority vote, if handed in to the chairperson in writing before the close of the previous session.
- 3 Proposed amendments or expansions of motions may be submitted at any time before the close of the discussion. They are to be submitted in writing, except where they involve minor editorial changes of the motion under consideration (CL 6/75).
- 4 Every motion may be withdrawn by its proposer with the agreement of the seconder (CL 6/75).

RULES FOR DISCUSSIONS

Article 6

- 1 Movers of motions and presenters of reports shall speak at the beginning of the deliberations on the matter hi question, the other members in the order in which they have raised their hands and had their names recorded by the Assessors accordingly (see Art. 3.4 above).
- 2 Members of the Church Council, movers of motions and presenters of reports must be afforded the opportunity to speak during the discussions also outside the order of succession.
- 3 Without the consent of the chairperson no member may speak more than once to a motion or an amendment thereto, but the mover of the motion or amendment may reply to any discussion thereon.

- 4 If a speaker digresses from the subject under discussion, the chairperson may ask him to return to the point. In the case of repetition he may call him to order or withdraw his right to speak.
- 5 The chairperson may restrict the general time allocation for speaking, except when the Synod resolves otherwise.
- 6 The chairperson may extend the right to speak to extraordinary members and invited guests (cf. Article 16.3-4 of the Constitution).
- 7 On a point of order the right to speak must be given at all times, but without interrupting a speech. Motions on a point of order must be decided on at once, if so demanded by the proposer.
- 8 The ruling of the chairperson on any question or order or procedure for which no other provision is made, is final, unless immediately challenged by a member, upon which the matter must be put before the meeting, without any further discussion, for a final decision.

CLOSE OF DISCUSSIONS

Article 7

- 1 The discussions shall be closed by the chairperson when all members accorded the right to speak, have spoken or have renounced this right, or if the Synod has adopted a resolution to close the discussion.
- 2 If a motion to close the list of speakers has been adopted, only those members may speak whose names have already been put on the list (see Art. 6.1 above). Thereafter the chairperson shall close the discussion.
- 3 If a motion to close the discussion or the list of speakers has been submitted, the chairperson shall read out the names already on the list.

VOTING

Article 8

- 1 The chairperson shall put the matter to be voted on into a plain and definite form so that the motion can be answered by "yes or "no".
- 2 If a member of Synod thinks a motion must be changed then he/she may propose an amendment, which must be seconded. Voting on an amendment(s) takes place first. If the amendment is accepted, voting takes place on the amended motion. If the amended motion is rejected, voting takes place on the original motion.

Voting takes place by a show of hands, except when a different voting procedure is prescribed or adopted by the Synod.

Unless a specified majority is prescribed by the Constitution, a simple majority of votes cast is sufficient for a motion to be passed. A tie of votes means rejection of the motion. (See Article 10.4 below).

In regard to distinctly spiritual matters voting should be avoided by having the matter concerned clarified by a committee.

COMMITTEES

Article 9

For the duration of a synodal period, or during a synodal meeting the Synod may appoint committees for the discharge of special tasks.

The Synod may also empower its Chairman or Church Council to appoint committees to deal with tasks arising outside a synodal meeting (CL 2/87).

A synod committee should as a rule consist of at least three members of Synod one of whom shall be designated as convenor; non-members of Synod may also be elected. The number of members to be elected shall be decided by the Synod. If needed, non-members may be co-opted by Church Council as expert advisers.

Each committee elects from its members a chairperson, who assigns the tasks, convenes the meetings and presides thereat.

Committee resolutions require a simple majority of votes. A tie of votes means rejection of the motion (see Article 10.4 below).

Motions to Synod by committees shall be submitted to the Church Council in writing and shall include an adequate motivation (CL 4/87).

Unless specifically provided otherwise, the members of the Presiding Committee as well as the Church Council may at all times inform themselves about the position of the work of the committees, take part in their deliberations and address them.

Unless specified otherwise, ordinary members of Synod may attend committee meetings as observers. A committee chairperson may with the consent of the Chairman of the Synod convene *in camera* sessions.

ELECTIONS

Article 10

- 1 Elections due according to the Constitution shall be placed on the agenda and announced together with the invitation to the Synod meeting.
- 2 Nominations are prepared by the Electoral Committee in accordance with the Standing Orders for the Electoral Committee (a 123). The Synod is not bound by its recommendations.
- 3 After nominations have been made and the list of the nominees has been announced, the election takes place by ballot, or, if there is no objection, by acclamation. Ballot papers which contain more than the required number of names, or names not on the list of nominees, are invalid. The ballot papers shall be collected and counted by the Assessors with the assistance of the Chairman of the Electoral Committee. The chairperson announces the result of the elections.
- 4 As a rule, a simple majority of votes cast is decisive (cf. Article 9.4 above). Exceptions are:
 - a) the election of the Bishop, which requires a two-thirds majority, and
 - b) the election of the Church Council and the Chairman of the Synod, which require an absolute majority (the vote of more than half of the ordinary members present). (See Clarification of Voting Procedures, a 122.)

If there is only one candidate, a vote shall nevertheless be taken. If the candidate does not receive the required number of votes the meeting shall be adjourned to allow members an opportunity for informal discussion and submission of possible farther suggestions and nominations to the Electoral Committee. If no further nominations are presented to the meeting, the candidate shall be declared duly elected. If one or more additional nominations are made, the voting process shall be conducted as stipulated below.

If there are two candidates, the candidate who obtains the most votes shall be deemed to have been elected.

If there are three or more candidates and the required majority is not obtained in the first ballot, a second ballot shall be held between the two candidates who obtained the most votes. If even then no candidate obtains the required majority, a third ballot shall be taken and the candidate who obtains the most votes, shall be deemed to have been elected. In case of a tie lots shall be drawn.

EXTRACTS OF MINUTES [MEVUTES OF RESOLUTIONS]

Article 11

- 1 The Church Council shall communicate the laws and resolutions passed according to the provisions of the Constitution in writing to the congregations of the Cape Church and to the Church Council of the United Evangelical Lutheran Church in Southern Africa.
- 2 The respective documents shall be signed by the Chairman of the Synod and the Bishop of the Cape Church.

EXPENSES

Article 12

- 1 Expenses incurred by the Synod meeting shall be provided for in the budget of the Cape Church.
- 2 Travel and accommodation expenses of ordinary members of Synod attending a synodal meeting shall be met according to the relevant regulations (cf. Article 21 of the Constitution).

Addenda to the Standing Orders for the Synod:

- a 121 Guidelines for the Recording and Handling of Minutes of Meetings.
- a 122 Clarification of Voting Procedures.
- a 123 Standing Orders for the Electoral Committee.

Notes:

This Order was originally adopted, in German, by the Synod of the Cape Church at its second ordinary meeting at Stellenbosch, on 4 October 1965, and signed by its chairman, Prof A Heydorn.

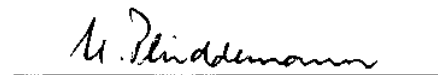
An English translation of the German original was accepted by the Church Council at its meeting in Berlin, C.P., on 29 April 1969, and signed by Praeses H von Delft.

This revised version was prepared by the Legal Committee and unanimously adopted by Church Council at its meeting in Stellenbosch on 17-19 February 2000 in terms of art. 48.2 of the constitution as Resolution 1/2000.

The Resolution was ratified by Synod at its meeting in Bellville on 1-3 June 2001 as Church Law No. 1/2001.

Signed. 

N J Rohwer, Bishop



U R R Plüddemann, Chairperson of Synod

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)GUIDELINES FOR THE RECORDING AND HANDLING OF MINUTES OF MEETINGS1. What should be recorded?

Generally, any decisions taken during a meeting - or matters pertaining thereto - should be recorded, including: -

- (a) time, date and place of meeting
- (b) names of all persons present and their capacities, and apologies
- (c) brief notes on relevant contributions during the meeting
- (d) all resolutions passed
- (e) any instructions to officials for action to be taken.

In order to be of value, minutes should be complete, accurate, void of any ambiguities, and impartial.

2. How should minutes be recorded?

- (a) Minutes normally follow the sequence of the agenda.
- (b) If any important resolution is proposed the wording thereof should be handed to the chairman and duly minuted by the recording secretary preferably with the names of the proposer and seconder.
- (c) Where a specific majority is required the number of votes for/against a proposal as well as the number of abstentions shall be minuted.
- (d) If it is not deemed necessary to record the number of votes for/against a resolution, it should nevertheless be mentioned in the minutes if a resolution is carried unanimously.
- (e) The minutes should be prepared as soon as possible after a meeting, preferably in consultation with the chairman.
- (f) It is customary to record minutes in past tense; present tense in Afrikaans and German.

3. How should minutes be kept?

- (a) Minutes should either be handwritten into a bound book, or typed pages should be pasted into a Minute Book. They should be authenticated by the chairman and another member - by signing at the end of the minutes and initialling each page of the minute book and, if applicable, partly on the typewritten minutes and partly on the sheet of the book.
- (b) It is advisable for a duly signed copy to be kept separately.
- (c) Under no circumstances should a page be removed from the Minute Book.
- (d) For better ordering and easy referencing, minutes and appended documents should be given appropriate file numbers. These should include some or all of the following elements, as the case may be:

A code for the body holding the meeting. Suggested codes:
 CC = Church Council FC(S) = Finance Committee
 (of Synod) LC = Legal Committee: RA =
 Rechtsausschuss CCW/E = Circuit Conference
 West/East; SKW = Streekkonferensie Wes CComW/E =
 Circuit Committee West/East SKomW = Streekkomitee
 Wes

PCE/W = Pastors' Conference East/West
 PC " = Pastors' Convention
 CCom = Church Committee
 KR = Kerkraad
 KV = Kirchenvorstand
 AGM = Annual General Meeting of Congregation;
 JGV = Jaarlikse Gemeentevergadering
 EGM = Extraordinary General Meeting of Congregation;
 BGV = Buitengewone Gemeentevergadering

The year in which the meeting was held, e.g. 89 (for 1989), or any other suitable reference to chronology, (e.g. date, or number of last synod meeting etc.)

- A serial number (if more than one meeting takes place per year)
 - Appendix number for documents (e.g. annual report of pastor, financial report and budget) which were dealt with at the meeting.
- (e) File numbers should always be written in the sequence e.g.
- CCom 89/07 = Church Committee meeting no. 7 of 1989
 - CCom 89/07-1 = Appendix 1 to minutes of Church Committee meeting no. 7 of 1989.

4. Verification of minutes

- (a) Normally, the minutes are read by the secretary at the next succeeding meeting. The chairman then asks the meeting whether, in its opinion, the read minutes represent a correct report of the proceedings. If the reply by the meeting is in the affirmative, the minutes are duly signed (see 3(a) above). The minutes recording this should read:
 "The minutes of meeting (file number) held on (date) were read, accepted, and duly signed."
 Alternatively, if the minutes had been distributed in advance and the next meeting had decided not have them read, this should be recorded as follows:
 "The minutes of meeting (file number) held on(date) were taken as read, accepted, and duly signed.'."
- (b) Minor alterations to minutes of a previous meeting should be added and initialled, and the minutes recording the adoption should read:
 "The minutes of meeting (file number) held on (date) were (taken as) read. After minor alterations had been made thereon and initialled, the minutes were accepted and duly signed."
- (c) Major alterations should be recorded in the minutes of the succeeding meeting in the following manner:
 "The minutes of meeting (file number) held on (date) were (taken as) read, accepted, and duly signed after the following alterations were adopted"
- (d) Since a period of twelve months usually runs between successive general meetings of congregations, and meetings of circuit conferences, and two years between synodal meetings, it may be advisable for a meeting to authorize its minutes to be verified at the next respective church committee, or circuit committee, or Church Council meeting.

5. Corrections of mistakes in adopted minutes

- (a) Once the minutes-- have been duly signed they are deemed to constitute a true reflection of the proceedings. Minutes once signed should never be altered or corrected.
- (b) Mistakes in minutes discovered after the minutes have been signed should be corrected by a resolution passed by a subsequent meeting. Such resolution should detail the corrections made.

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)

CLARIFICATION OF VOTING PROCEDURES

Voting at Synod is regulated by the respective articles of the Constitution of the Cape Church (a(100)) and the Standing Orders for the Synod (a 120). For the proper interpretation and application of the intention contained in these procedures, the following comments are offered by way of clarification.

1. Quorum

All voting is subject to the basic requirement that a meeting is quorate. For the synod this is specified in art. 4(2) of its Standing Orders: "The Synod is capable of accepting resolutions, if at least two thirds of the members entitled to vote are present."

2. Abstention and Spoilt Voting Papers

Abstention (Stimmenthaltung, stemonthouding) indicates that the person entitled to vote prefers not to make use of that right. ("... voting neither for nor against - because you can't decide or because you have decided neither side should be supported." - M. Lock: How to run committees and meetings.) The same applies to spoilt voting papers (ungultige Stimmzettel, bedorwe stembriefies).

In neither instance is it a case of a vote cast (abgegebene Stimme, uitgebragte stem).

3. Simple and Qualified Majorities

From the requirements of the Constitution and the Standing Orders for the Synod in this regard, when read together, the following coherent picture emerges; A distinction is made between simple majorities, for voting on items of "normal" business, and qualified majorities. The latter are specifically reserved for matters of particular importance, viz. Election of persons to key positions, e.g. bishop, members of church council and chairperson of the synod, and for amendments to the constitution, the dissolution of the church, and the expulsion of a congregation.

4. Tie of Votes

A tie of votes means rejection of the motion. (Confer art. 8 (3) of Standing Orders, a 120.

5. Votes Cast, Members Present, and All Members

1. A simple majority means a MAJORITY OF VOTES CAST, that is provided of abstentions or spoilt papers.
2. A qualified majority means a specified MAJORITY OF VOTES OF MEMBERS PRESENT AND ENTITLED TO VOTE (ordinary members), or of ALL SYNODAL MEMBERS ENTITLED TO VOTE.

An absolute majority means a majority vote of at least 50% of the ordinary members present (cf. Art. 10.4.b of Standing Orders, a 120, which would have to be amended accordingly.

A two-thirds majority of members present and entitled to vote is required for amendments to the constitution (cf. Art. 46.2 and 55.2 of Constitution, a 100) and the election of the bishop (art. 10.4.a of Standing Orders, a 120).

In one special instance the requirements are more stringent still: for the expulsion of a congregation from the Cape Church a two-thirds majority of all synodal members, entitled to vote is prescribed, that is irrespective of whether they are present or not (art. 6.3 of the Constitution).

U R.R. PLUDDMANN
26 April 1993

**EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA
(CAPE CHURCH)**

STANDING ORDERS FOR THE ELECTORAL COMMITTEE

(Refer Art. 23.1 of Constitution and Art. 9 &
10 of Standing Orders for the Synod)

Article 1

- 1 At the beginning of every synodal period Synod shall elect an Electoral Committee.
- 2 The committee shall comprise five members, at least two from each circuit. At least one member shall be a pastor. Members of Church Council are not eligible.
- 3 The committee shall nominate candidates for the election of office bearers as stipulated in the synodal agenda. It shall deal with nominations and suggestions in terms of this Order and/or make nominations of its own (CL 2/99).
- 4 The committee elects its own chairperson.
- 5 For the purpose of electing the Electoral Committee the Church Council shall perform the respective functions prescribed in this Order, with the necessary changes, with a view to an early election of the Electoral Committee (CL 2/99).

Article 2

- 1 At the beginning of a synodal meeting the chairman shall invite synodal members to submit formal nominations or informal suggestions, with motivations, for the filling of the various offices, to the Electoral Committee on an official form. Committee members are equally entitled to propose nominations and to make suggestions. The Electoral Committee must handle nominations for the full term of Synod and publish candidate lists at least a month in advance of the Synod. For the election of the Bishop and the Vice Chairperson of Church Council, the Electoral Committee should approach prospective candidates at least 3 months in advance of the Synod
- 2 Nominations must be signed by the proposer and a seconder and be countersigned by the nominee to confirm acceptance of nomination. All nominations thus put forward must be formally proposed to Synod indicating proposer and seconder.
- 3 Suggestions may be made either verbally or in writing. They do not require a seconder or the consent of the suggested candidate. Suggestions shall be treated confidentially. If the committee wishes to nominate the suggested candidate, it shall secure the nominee's acceptance of nomination. If the committee does not wish to propose a suggested candidate, the matter shall remain confidential to the committee. This does not prejudice the right of the candidate to be nominated from the floor.
- 4 A member of synod may be nominated to an office in his or her absence if prior

acceptance has been expressed, or if the committee is confident that the nominee is able and willing to accept office if elected_

Article 3

- 1 The committee may informally consult with or formally interview candidates and any other member of synod at its discretion. Interviews need not take place during Synod sessions, they can place between Synod meetings and can be done electronically. Costs for such interviews will accrue to the Cape Church.
- 2 Members of the Presiding Committee as well as of Church Council may at all times inform themselves about the position of the work of the committee. They may, with the consent of the committee, take part in the deliberations and address the committee on specific points. This does not apply in respect of positions where such a member is a candidate.
- 3 The committee may nominate more than one candidate for any office. Notwithstanding the respective provision of Art. 10.3 of the Standing Orders for the Synod (1969), nominations by the Electoral Committee need not be seconded from the floor.
- 4 The committee takes decisions in camera according to standing orders by majority vote.

Article 4

- 1 The committee shall report to the Synod preferably on the day prior to the elections, but not later than two breaks before the elections are due to take place.
- 2 Before the vote in respect of any office is taken the chairman shall give a final opportunity for nominations from the floor.

This *Standing Orders for the Electoral Committee* was promulgated by the Synod on 15 May 2011 and adopted by Synod as Church Law No. 6/2011 on 15 May 2011.



N. J. Rohwer, Bishop



C.P. Johl, Chairman of Synod

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)

NOMINATION FORM

TO ELECTORAL COMMITTEE

DATE:

NOMINATION / SUGGESTION FOR POSITION OF:

NOMINEE / SUGGESTED CANDIDATE:

(Please print)

PROPOSER:

IN THE CASE OF A FORMAL NOMINATION:

SECONDER:

NOMINEE'S ACCEPTANCE OF NOMINATION:

(Signature)

MOTIVATION (applies to both nominations and suggestions) - Please indicate preference:
To remain confidential to the Electoral Committee: YES / NO May be shared with
Synod meeting: YES / NO

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)**STANDING ORDERS FOR THE CHURCH COUNCIL**

In accordance with article 39 of the constitution the church council lays down for itself the following standing orders:

Article

According to Article 36 of the constitution the church council shall have a membership of seven, there being at least three who reside in the Eastern Circuit and three in the Western Circuit of the Cape Church respectively. (CL 3/74)

1. The church council is the managerial and executive organ of the Cape Church.
2. It operates under the chairmanship of the Bishop or his deputy.
3. It shall meet as often as required, but at least twice a year (cf. Article 38 of the constitution). Meetings shall be convened by the Bishop or his deputy by means of written invitations containing the agenda of the meeting at least eight days before the meeting. Between meetings it shall function by means of written communication among its members and, if necessary, take decisions in that way also. Postal consultations and even resolutions are permissible, provided that each member's decision has first been passed on to every other member of the church council. If two members so request decisions must be taken orally at a meeting.
4. The Bishop, as the spiritual leader of the church, acts in his own competence; he shall, however, take into account the counsel of the church council.
5. In his capacity as chairman of the church council the Bishop is bound by its resolutions.
6. He shall execute the resolutions of the church council and shall be responsible for the general administration. To this end the office of the Cape Church shall be at his disposal (cf. Article 41 of the constitution).

Article 2

1. The treasurer shall administer the treasury and the assets of the Cape Church (Article 36(1) Of the constitution).
2. He shall prepare the budget and make recommendation and proposals in connection therewith.
3. As regards the day to day administration of the treasury he shall execute the decisions of the church council to which he shall be held answerable.
4. All payments shall be made by cheque which shall be signed by the treasurer and the Bishop or another member of the church council. The church council is empowered to decide upon another ruling.

Article 3

1. The church council is competent to pass resolutions when at least four of its members, including the Bishop or his deputy, are present. (CL 3/74)
2. Resolutions of the church council shall be carried by a simple majority; in cases of equality of votes the chairman shall have the casting vote.
3. Such resolutions shall be documented in the minutes of the meeting.
4. The minutes shall be distributed to the members of the church council by the church office; they shall be deemed to have been adopted if no query is raised within fourteen days.
5. The church council decides which resolutions are to be made known and resolves upon the manner of such publication.
6. The church council is empowered to nominate working committees and to require written reports from them.
7. Sessions of the church council shall not be public; discussions shall be deemed to be confidential. The chairman is, however, empowered to invite - either of his own volition or in response to a request by a fellow-member of the church council - non-members to a session (e.g. experts, chairmen of working committees, guests from other Lutheran churches, etc.)
8. Expenses in connection with sessions of the church council shall be borne by the treasury. The measure of re-imburement to members of the church council shall be determined by the church council.

The original German version was adopted and signed by Praeses H. von Delft at Stellenbosch, 5 October, 1965.

This translation was accepted by the church council of the Cape Church at Cape Town on 8th May 1981

(Signed) C. Brandt
Praeses

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)STANDING ORDERS FOR THE CIRCUIT CONFERENCE

According to Article 33 of the Constitution of the Cape Church the Synod adopts the following Standing Orders for the Circuit Conference within the Cape Church.

CONVOCATIONArticle 1

1. As soon as the conditions for the convocation of the Circuit Conference are fulfilled (cf. Article 28 of the Constitution of the Cape Church), the Committee of the Circuit Conference shall convoke a meeting of the members.
2. The Committee decides upon the date and the venue of the meeting and shall notify the Congregations at least nine weeks in advance. The Congregations shall be requested to forward to the Committee the names of the Delegates, and shall also submit such motions and proposals (including motivations, ref. Art. 5(1) below) they wish to be placed on the Agenda of the meeting, at the latest five weeks before the meeting is due. (CL 3/1975, CL 3/2005)
3. The invitation of the members of the Circuit Conference shall be addressed in writing to the Delegates and the Church Committee concerned, mentioning the Agenda of the meeting. The invitation should reach the Congregations not later than three weeks before the meeting. Motions and proposals shall accompany the invitation to the Delegates. (CL3/2005)

PARTICIPATIONArticle 2

1. Ordinary members of the Circuit Conference have to take part at all meetings and sessions of the Conference and also at the sessions of the sub-committees on which they serve.
2. Should a Delegate be prevented from attending he shall, if possible, inform the Chairman of the Church Committee in due time thereof in order that the latter may, if need be, invite a substitute.
3. Delegates who leave the meeting before its termination, or who are unable to attend individual sessions, shall obtain the permission of the Chairman of the Circuit Conference in advance.

THE COMMITTEEArticle 3

1. The Presiding Committee of the Circuit Conference shall be constituted in accordance with Article 32 (1) of the Constitution. The period of office shall be four years running concurrently with the synodal period, and shall begin at the end of the session during which the new Committee was elected. (CL 4/87) (CL 3/75)

2. The election of the Committee of the Circuit Conference may take place publicly by show of hands, unless at least six members raise objections thereto. The person obtaining more than half of the votes cast, shall be deemed elected. If after a second ballot no person obtains the required majority of votes, a third ballot shall be taken between the two candidates who obtained the highest number of votes at the second ballot. In case of votes being even, drawing of lots shall decided the issue.
3. The Chairman shall preside over the proceedings and business of the Circuit Conference. The resolutions and motions passed according to the regulations of the Constitution shall be communicated in writing by the Committee to the Congregations of the Circuit, to the Church Council and to the Synod of the Cape Church.
4. The Chairman may occasionally delegate the chair to his Deputy or assign specific business matters to him.
5. The Secretary shall be responsible for the minutes, shall note the requests to speak, shall count the votes at ballot, shall collect the motions and reports, shall establish the correct wording of resolutions and shall be at the disposal of the Chairman. To assist him, the Circuit Conference shall elect a recorder from its members.
6. The Treasurer shall submit an audited financial report at each Circuit Conference. The Auditor shall be elected by the Circuit Conference.

DELIBERATIONS

Article 4

1. Every meeting of the Circuit Conference shall begin with a devotion. Should the day on which a meeting is held, fall on a Sunday, the members of the Circuit Conference shall attend the Divine Service of the congregation at which the local Pastor shall conduct the liturgy and another the sermon. Every meeting shall close with a devotion.
2. At the beginning of the deliberations the attendance of voting members shall be established through a roll call. Provided the Circuit Conference has been convened constitutionally (ref. Par. 1 of this Order), resolutions may be passed irrespective of the number of voting members present. It shall be the duty of the Secretary to record the attendance at each session.(CL 3/2005)
3. The minutes shall be forwarded to all participants in the Circuit Conference within six weeks after the close of the session with the request to return their comments on the same. If no written objections to the Minutes are received by the Presiding Committee of the Circuit Conference within three weeks of the date of dispatch, the same will be regarded as being accepted. After editing and finishing the minutes, the Presiding Committee of the Circuit Conference shall forward a copy to each of the Congregations. A report on the Circuit Conference, based on these minutes, shall be given by one of the Delegates at the next meeting of the Church Committee of his Congregation.
4. According to Article 31 of the Constitution, the deliberations shall be open to the public, unless the Circuit Conference resolves otherwise.
5. The deliberations shall be in German, Afrikaans and English.

MOTIONS**Article 5**

1. The Circuit Conference may only deliberate on matters which are placed on the Agenda. All motions shall be introduced in writing and shall include an adequate motivation. (CL 4/87)
2. Other matters may be discussed under the item: "Miscellaneous" on the Agenda, time permitting.
3. Matters to be discussed, and motions, may be brought before the Circuit Conference by the congregations, the Church Council, the Conference of Pastors, the Convocation of Pastors, the Board of Trustees of the "Friedrich-Schweizer-Kinderheim", the German Seaman's Mission, Cape Town and by members of the Circuit Conference. (CL 3/75)
4. Any motion may be withdrawn by its proposer.

RULES FOR DISCUSSION**Article 6**

1. Proposer and reporter may speak at the beginning of the deliberations on the matter in question; other members in the order in which they had their names put down.
2. Members of the Church Council, the proposers and reporters have the prerogative to speak during discussions outside the order of sequence.
3. If a speaker digresses from the subject matter of the discussion, the Chairman may ask him to return to the point, in case of recurrence, recall him to order or withdraw his right to speak.
4. The Chairman may limit the general time for speaking, unless the Circuit Conference decides otherwise.
5. The Chairman may extend the right to speak to extraordinary members and guests who have been invited to the Circuit Conference (cf. Article 26 (4) of the Constitution).
6. On a point of order the right to speak must be given at all times, but without interrupting a speech. Motions on a point of order must be decided forthwith, if the proposer so demands it.

CLOSE OF DISCUSSION**Article 7**

1. Discussions shall be closed by the Chairman when all members, accorded the right to speak, have spoken or renounced the right to do so, or if the Circuit Conference has adopted a resolution to close the discussion.

2. If a motion to close the list of speakers has been adopted, only members whose names already appear on the list shall be allowed to speak. Thereafter the discussion shall be closed by the Chairman.
3. If a motion to close the discussion of the list of speakers has been submitted, the Chairman shall read out the names still appearing on the list.

VOTING

Article 8

1. The subject to be voted on is to be formulated so plainly and precisely by the Chairman that it can be answered either by "yes" or "no". Counterproposals or amendments shall be put to the vote first.
2. Voting takes place publicly by show of hands, unless a different procedure is prescribed or adopted by the Circuit Conference.
3. When no precise majority has been specified by the Constitution, it shall be sufficient for a motion to be passed by a simple majority of votes cast. A tie of votes signifies rejection of the motion.
4. On matters spiritual, voting should be avoided by having the matter in question clarified by a Sub-committee.

SUB-COMMITTEES

Article 9

1. To discharge certain tasks decided upon during a Circuit Conference, Sub-committees may be appointed. Members of the Circuit Conference elect the members of the Sub-committee. Non-members may also be elected to such Sub-committees. The Sub-committees are responsible to the Presiding Committee of the Circuit Conference. (CL 3/75)
2. A Sub-committee, as a rule, should consist of at least three members of the Circuit Conference. The number of members to be elected shall be decided by the Circuit Conference.
3. Each Sub-committee elects from its members a Chairman who assigns the tasks, convenes the sessions and presides thereat.
4. Sub-committees resolutions require a simple majority of votes. A tie of votes signifies rejection of the motion.
5. Motions by Sub-committees shall be submitted in writing to the Chairman of the Circuit Conference and shall include an adequate motivation. (CL 4/87).
6. The members of the Presiding Committee of the Circuit Conference may at all times inform themselves about the position of the work of the Sub-committees, take part in their deliberations and address them.
7. Meetings of the Sub-committees shall not be open to the public.

ELECTIONSArticle 10

1. Elections due, according to the Constitution, shall be announced with the invitation to the Circuit Conference and placed on the Agenda.
2. Elections, as a rule, are prepared by an Electoral Committee that reports to the Circuit Conference. The Circuit Conference is not bound by its recommendations.
3. Any nomination must be seconded by another member. After nominations have been made and the list of the nominees has been announced, the election takes place by ballot, or, if there is no objection, by acclamation. Ballot papers showing too many names, or such that do not appear on the nomination roll, are invalid. The ballot papers shall be collected and counted for evaluation by the Secretary and another member. The Chairman announces the result of the election.
4. A simple majority of votes cast shall be decisive. In case of a tie, a second ballot shall be held between the two candidates who obtained the highest number of votes. (CL 3/75)

EXPENSESArticle 11

Section 30 of the Constitution provides for the travelling and accommodation expenses for members of the Circuit Conference.

AMENDMENTS OF THESE STANDING ORDERSArticle 12

Subject to a two-thirds majority of votes cast, amendments to these Standing Orders may be proposed by the Circuit Conference at a Synod.

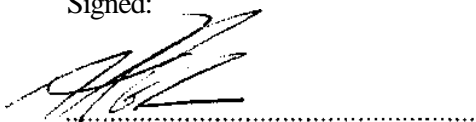
Notes:

The German original of these Standing Orders was adopted by the Synod of the Cape Church at its ordinary Meeting at King William's Town on 21st November, 1967.

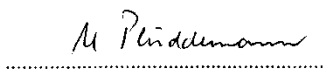
This translation was accepted 2nd April, 1970 by the Church Council, at Stellenbosch, signed by H. von Delft, Praeses.

The current version includes amendments to Articles 1 and 4 effected by the Synod meeting at Paarl through CL 3/2005, with date of commencement: 29 May 2005.

Signed:



N. J. Rohwer, Bishop



U. Plüddemann, Chairperson of Synod

CONSTITUTION
OF THE
UNITED EVANGELICAL LUTHERAN CHURCH IN
SOUTHERN AFRICA

CHAPTER I
BASIC RULES OF THE UNITED EVANGELICAL LUTHERAN CHURCH IN
SOUTHERN AFRICA

Article 1

- (1) The name of the Church is: United Evangelical Lutheran Church in Southern Africa (Vereinigste Evangelisch-Lutherische Kirche im Sudlichen Afrika; Verenigde Evangelies-Lutherse Kerk in Suider-Afrika), abbreviated as UELCSA (VELKSA).
- (2) The basis of UELCSA is the Gospel of Jesus Christ as revealed in the Holy Scriptures of the Old and the New Testaments, and as laid down in the Symbolical Books of the Evangelical Lutheran Church.
- (3) The UELCSA is an association of Evangelical Lutheran Churches, who in their preaching, administering of the Sacraments, as well as in matters of orders, administration and management, and in all actions of the Church, acknowledge to be Confession bound. It strives to promote the amalgamation of all Evangelical Lutheran Churches in Southern Africa.
- (4) Evangelical Lutheran Churches desiring to join the UELCSA may be accepted as members if they acknowledge the terms of this Constitution as binding upon themselves. The General Synod shall decide upon the application for admission. During a Synodal Period this decision can be taken by Church Council. This decision is to be ratified by General Synod.
- (5) Within the UELCSA there is pulpit and altar fellowship.

Article 2

- (1) The UELCSA is conscious of the bonds between herself and all the Evangelical Lutheran Churches in Africa and in the world.
- (2) She fosters fellowship with the other Evangelical Lutheran Churches in Southern Africa.
- (3) She participates in ecumenical work.

CHAPTER II THE
MEMBER CHURCHES

Article 3

The member Churches of the UELCSA retain their autonomy in worship, constitution, legislation and administration.

Article 4

- (1) Through their amalgamation they nevertheless manifest their desire toward greater uniformity.
- (2) The member Churches are at liberty to adhere to ecclesiastical traditions which have given them a distinctive character during their history, provided that they conform with Scripture and Confession.

Article 5

- (1) The UELCSA may make suggestions to member churches concerning their constitution, legislation and administration.
- (2) Member churches shall inform the UELCSA of intended legislation in the course of preparation, in order that it may be ascertained, whether uniform legislation within the whole Church is desirable.

CHAPTER III THE AIMS AND ORGANS OF
THE UELCSA

Article 6

In the fulfilment of her calling through the proclamation of the Gospel of Jesus Christ, the UELCSA has the following tasks:

- (1) To care for the preservation and deepening of the Evangelical Lutheran doctrine and the true administration of the Sacraments by promoting the Evangelical Lutheran theology and by guiding the member churches in matters of doctrine, worship, .. congregational life and to promote the training of Evangelical Lutheran pastors and other church workers by establishing and maintaining appropriate institutions.
- (2) To endeavour to attain the appropriate stance, which accords with Scripture and the Lutheran Confessions, regarding current problems and tasks.
- (3) To support the various forms of Christian Ministry, in particular social service and mission.
- (4) To represent member churches in matters of common concern, especially before the public, authorities, other churches and in the ecumene.
- (5) To undertake any other tasks which are in harmony with the basic provisions of this Constitution.



Article 7

The organs of the UELCSA are:

- a) The General Synod;
- b) The Church Council.

CHAPTER IV THE
GENERAL SYNOD

Article 8

- (1) The General Synod is the legislative organ of the UELCSA. It may give instructions and directives to the Church Council. It may issue declarations.
- (2) On proposal by the Church Council the General Synod shall decide on the admission of new member churches into the UELCSA. The decision shall require a two-thirds majority vote of the attending members.

Article 9

- (1) The General Synod shall consist of:
 - a) The members of the Church Council;
 - b) 18 members elected by the member churches.
- (2) Of the appointed delegates not more than 6 may be Pastors.
- (3) The number of delegates to be appointed by the respective member churches shall be determined by Church Council, with due regard to the baptized membership of the member churches.
- (4) The members of the General Synod act on their own responsibility.

Article 10

- (1) The General Synod is reconstituted every four years and convened for an ordinary meeting.
- (2) An extra-ordinary meeting shall be convened at the request of:
 - a) The Church Council; or
 - b) One-third of the members of the General Synod.

Article 11

- (1) At the beginning of a new Synodal Period the members of the General Synod shall take the pledge to abide by the Constitution of UELCSA.
- (2) The General Synod may allow guests to take part in its deliberations without the right to vote.

- (3) Two-thirds of the members entitled to vote shall constitute a quorum.

Article 12

- (1) Meetings of the General Synod are convened by the Church Council.
- (2) The Church Council shall determine the place and time for meetings and inform the member churches at least three months - in the case of an extraordinary meeting at least one month - in advance.
- (3) Members of the General Synod shall receive the invitation at least one month prior to the Synod meeting together with the final agenda.

Article 13

- (1) At the end of the ordinary meeting the General Synod shall elect a Chairman and a Treasurer to hold office for the duration of a Synodal period of four years (see Art. 10 (1)).
- (2) The Chairman of the Church Council and his Deputy are not eligible for these offices. The Chairman of General Synod and the Treasurer shall serve until the close of the meeting at which their successors in office have been elected.
- (3) At the beginning of the ordinary meeting the General Synod shall elect a Deputy Chairman and two Assessors.
- (4) The language medium is Afrikaans, English and German.
- (5) The General Synod shall lay down its own Standing Orders.

Article 14

- (1) At the end of the ordinary meeting the General Synod shall elect the spiritual leader of one of the member churches as Chairman of Church Council for the next four years. His election requires a two-thirds majority of the members present.
He is elected for four years and can be re-elected. He shall be inducted during the closing service of the General Synod by the eldest clerical member of the Church Council.
- (2) The Chairman of Church Council is the spiritual leader of the United Church.
- (3) After his induction he inducts the other members of Church Council into office.
- (4) The General Synod shall, by a simple majority, elect the spiritual leader of another member church as his Deputy.
- (5) If the Chairman resigns, his Deputy shall take over his office. If the latter also resigns, the senior spiritual leader of another member church shall act as Chairman.




a 200

Article 15

The General Synod may appoint committees to deal with special tasks. Such committees may continue with their work beyond the meetings of the General Synod. The members of these committees need not be members of General Synod. The committees report to General Synod or Church Council who reports to General Synod.

Article 16

Meetings of the General Synod shall be opened and closed by a divine service. All congregations shall remember the Synod meeting in their intercessions in their divine services.

Article 17

The Minutes of the meeting of the General Synod shall be dispatched to delegates and to member Churches as soon as possible after the close of the meeting.

CHAPTER V THE CHURCH COUNCIL

Article 18

- (1) The Church Council shall consist of the following members ex officio:
 - a) The Chairman of the Church Council;
 - b) his Deputy;
 - c) the Chairman of the General Synod;
 - d) the Treasurer;
 - e) the spiritual leader(s) of the member church(es) who has (have) not already been elected Chairman or Deputy Chairman of Church Council.
- (2) The term of office of the Church Council shall begin at the close of the meeting of the General Synod during which the election of the members elected by the General Synod took place and shall end after four years with the close of the meeting of the General Synod during which the successors in office are elected. If an elected member resigns during his term of office, the remaining members may, with due consideration of Art. 14 (5), co-opt a substitute for the unexpired period of the term of office of the member who has resigned.

Article 19

- (1) The Church Council shall meet whenever necessary but at least twice a year, at the invitation of the Chairman.
- (2) A meeting must be convened if requisitioned by three members.
- (3) At meetings all matters shall be decided by majority vote. In case of equality of votes, the Chairman has a casting vote.
- (4) Three members constitute a quorum.
- (5) The Church Council shall lay down its own Standing Orders.

Article 20

The Church Council is the administrative and executive organ of the UELCSA.

Article 21

The Church Council shall submit a report of the work to each meeting of the General Synod, which shall discuss the same.

Article 22

The Church Council is responsible for the training of Evangelical Lutheran ministers in Southern Africa, their examination and ordination, in so far as these matters are not regulated by the member churches themselves.

Article 23

For the performance of its tasks the Church Council may appoint the necessary staff according to a budget and plan of appointments to be determined by the General Synod.

Article 24

- (1) In exceptional circumstances when the General Synod is not in session and cannot be convened to enact a church law in a matter which cannot be postponed, the Church Council may deal with such matter by way of a regulation. Such regulation shall be submitted to the next meeting of the General Synod for ratification. The General Synod may by law ratify, amend or rescind such regulation.
- (2) Article 25, subsections 2 and 3 remain unaffected.

CHAPTER VI THE CHURCH LAWS

Article 25

- (1) Church laws shall be discussed and passed at two separate readings by the General Synod.
- (2) A church law amending this Constitution shall be valid only if it has been agreed to at both readings by not less than two-thirds of the members present, and a period of not less than twelve hours has elapsed between its first and second acceptances.
- (3) The Doctrinal Basis (Article 1 (2)) may not be altered. No church law may contain any contradiction thereof.
- (4) If, during a meeting of the General Synod, the Chairman of Church Council has doubts with regard to any proposal dealing with religious life or with the clerical office, and if such doubts cannot be removed by way of discussion in the Synod, the Synod cannot pass a resolution thereon and the proposal has to be referred to Church Council for further consideration.

Article 26

- (1) Bills may be presented to the General Synod by:
- a) The Church Council;
 - b) At least three members of the General Synod;
 - c) The member churches.
- (2) A bill shall contain the full wording of the proposed law and shall be accompanied by a motivation.

Article 27

The UELCSA may be empowered by the member churches to enact laws, which shall be binding on member churches, in respect of:

- a) Matters in which the need for uniform regularisation within UELCSA has been established;
- b) Matters which according to other provisions in this Constitution require regularisation by a church law.
- c) The budget.

Article 28

- (1) Laws and regulations passed in accordance with the provisions of this Constitution shall by way of promulgation be brought to the attention of the member churches. These promulgations shall be signed by the Chairman of the Church Council and by the Chairman of the General Synod.
- (2) Laws and regulations shall state the date of commencement. In the absence thereof the day on which they were passed shall be deemed to be the day of commencement.

CHAPTER VII
THE LEGAL STATUS OF UELCSA, ITS INCOME, EXPENDITURE, BUDGET AND
ADMINISTRATION

Article 29

- (1) The UELCSA is a legal persona unaffected in its status by any change in membership, and may in its own name acquire rights, incur obligations, sue or be sued in court.
- (2) Without in any manner placing limitation on its status by reason of the hereinafter mentioned powers, the UELCSA can, in pursuance of its objects:
- a) Buy, hire or rent, borrow, acquire or own moveable and immovable property of any kind; sell, exchange, abandon, pledge or mortgage, or give the same as security for its objects, or to let, hire and lend out the same;
 - b) Acquire by way of donation of testamentary bequest moveable and immovable assets, as also to accept gifts of goods and money;

c) Be a party to legal matters and business (such as entering into agreements and contracts).

- (3) The domicilium citandi of UELCSA is at 24 Geldenhuys Road, Bonaero Park.
- (4) The liability of the member churches and directly affiliated Congregations for the obligations of the UELCSA, is limited to the extent of their outstanding obligations due to the UELCSA in respect of unpaid membership fees and levies and other unredeemed obligations.
- (5) The UELCSA shall make use of her capacity to acquire rights and incur obligations to such extent only which is required to serve the attainment of her objects.

Article 30

- (1) The legal representatives (trustees) of the UELCSA are:
- a) The Chairman of the Church Council,
 - b) his Deputy and
 - c) the Treasurer.

All documents and deeds shall be signed by at least two legal representatives. In special cases the Church Council may empower one or more persons who are not members, to deal with or attend to any legal matter.

- (2) Oral statements before courts of law, the authorities or in other matters shall only be valid if made by at least two of the trustees, and after having been authorised thereto by the Church Council.

Article 31

- (1) The income of the UELCSA is derived from membership fees and other contributions.
- (2) The method of assessment of membership fees shall be established by the General Synod.
- (3) In case of substantial unforeseen special requirements, the Church Council may, after consultation with the member churches, impose special levies.

Article 32

- (1) The Treasurer shall prepare the budget in consultation with the treasurers of the member churches and manage the financial affairs and assets.
- (2) The annual budget shall be laid before the General Synod by the Church Council and shall be agreed to by the General Synod for a period of two years in each case. The budgets for the third and fourth years shall be dealt with by the Church Council by way of a regulation. Apart from the Treasurer the Church Council shall be responsible for the implementation thereof.
- (3) The financial year shall correspond with the calendar year.

Article 33

Only an extra-ordinary meeting of the General Synod specially convened for this purpose, may resolve that the UELCSA be dissolved. Such resolution shall only be effective if not less than two thirds of the members of the General Synod are present and two thirds of those members vote in favour of the dissolution.

Article 34

When the dissolution of the UELCSA has been resolved the General Synod shall give directions as to the disposal of the assets of the UELCSA and shall appoint a committee for the carrying out of the liquidation in accordance with the aforesaid directions as amplified by any relevant provisions of the South African law.

Article 35

In urgent cases in which it is not possible to convene a meeting of the Church Council on account of the time or cost involved, the Chairman of Church Council may bring about a resolution through written or oral consultation with the members of Church Council, which resolution is to be minuted at the next meeting.

Article 36

- (1) The resignation of a member church requires one year's notice.
- (2) The legal settlement of the resignation shall rest with the Church Council. For the rest the general provisions of South African law shall apply.

Article 37

The interpretation of this Constitution rests with the General Synod. In the interim the Church Council shall interpret the Constitution and report this interpretation to the General Synod.

The above amended constitution of the United Evangelical Lutheran Church in Southern Africa has been accepted on this 25th February 1995 and shall come into force on this 25th February 1996.

Signature of the
Chairman of General
Synod

Rino Atemann



23.4.96

Date

Signature of the
Chairman of Church
Council



Seal

UNITED EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA
Standing Orders for the General Synod

In accordance with Article 13, Par. 5 of the Constitution of the United Evangelical Lutheran Church in Southern Africa (dated 25 February 1996), the General Synod has adopted the following Standing Orders at its Ordinary Meeting of the VIII General Synod held from 29 April - 2 May 2004 in Pietermaritzburg.

Article 1 CONVOCATION

1. The Church Council shall convene an ordinary meeting of the General Synod in accordance with Art 10 of the Constitution every four years or an extra-ordinary meeting at the request of the Church Council or one third of the members of the General Synod.
2. The Church Council shall determine the place and time for meetings and inform the member churches at least three months in advance, and in the case of an extra-ordinary meeting at least one month in advance.
3. Members of the General Synod shall receive the invitation at least one month prior to the General Synod meeting together with the final agenda. Documentation already submitted to the General Synod shall accompany the agenda.

Article 2 MEMBERSHIP

1. The General Synod shall consist of:
 - a) The members of the Church Council
 - b) 18 members elected by the member churches
2. Of the elected members, not more than 6 may be pastors.
3. The number of delegates to be appointed by the respective member churches shall be determined by Church Council, with due regard to the baptized membership of the member churches.
4. The members of the General Synod act on their own responsibility.
5. At the beginning of a new Synodal Period the members of the General Synod shall take the pledge to abide by the Constitution of UELCSA.
6. The General Synod may allow guests to take part in its deliberations without the right to vote.

Article 3 QUORUM

1. Two-thirds of the members entitled to vote shall constitute a quorum.
2. At the opening of the meeting the quorum is established by roll call.
3. The establishment of a quorum is only repeated if it is doubted.

Article 4 ATTENDANCE

1. Members are obliged to attend all sessions of the General Synod and the commissions of which they are a member.
2. In the event of a member being unable to attend the General Synod, s/he has to inform the Chairperson of the General Synod well in advance in order that a substitute may be arranged for.
3. Any member who leaves the meeting before closing or who cannot participate in a session needs permission to do so from the Chairperson of the General Synod.

Article 5 MANAGEMENT

1. The Chairperson leads the General Synod together with a Deputy and two Assessors. Together they constitute the Committee of the General Synod.
2. The Chairperson chairs (he proceedings of the General Synod. S/he is responsible that resolutions are passed on to the member churches and directly affiliated congregations in

writing in accordance with the provisions of the Constitution. Copies shall be signed by him/her and by the Chairperson of the Church Council.

3. S/he may authorize the Deputy Chairperson or an Assessor to attend to matters.
4. The assessors take minutes of the sessions, note the speakers and motions, count votes and collect motions and, if necessary edit the wording of resolutions.
5. Members of the Synod may be tasked to take minutes.
6. Minutes are read and adopted at the beginning of each session. The minutes of the last session are adopted by the Church Council.
7. The Minutes of the General Synod shall be dispatched to members and to the member churches as soon as possible after the close of the meeting of the General Synod.

Article 6 OPEN PROCEDURES

1. Procedures of the General Synod shall be public unless otherwise decided.

Article 7 OPENING

1. Meetings of the General Synod shall be opened and closed with a Divine Service. Every day of the meeting shall be opened and closed with a devotion.

Article 8 PROCEEDINGS

2. The General Synod shall adhere to the agenda.
3. Matters not listed on the agenda may be dealt with by majority decision. Such matters shall be presented in writing to the Chairperson of the General Synod at least a day before the discussion is to take place.
4. Matters for discussion may be submitted by member churches through members of the Church Council or by members themselves. Such matters have to be submitted to the Chairperson by prior arrangement before commencement of the meeting.
5. Changes or additions to motions may be submitted at any time before the end of deliberations. They have to be in writing.
6. The official languages of the Synod are Afrikaans, English and German.

Article 9 ORDERS FOR PROCEDURES AND DEBATES

1. Proponents and reporters take the floor at the beginning of a debate and others follow in numerical order as per register.
2. Members of the Church Council, speakers and movers of motions may speak without being listed on the register, however, without interrupting the speaker.
3. It is the duty of the Chairperson of the General Synod to prevent digressions from the matter at hand and repetitions and to call the speaker to order or to refuse him/her to continue if the call is not adhered to.
4. The Chairperson of the General Synod determines the duration of deliberations unless otherwise agreed.
5. The Chairperson may permit guests to participate in deliberations without the right to vote.
6. Permission to speak with reference to the Standing Orders is granted without interrupting the speaker. Motions referring to procedures will be dealt with immediately.
7. The Chair concludes a debate when all registered speakers have had the floor or declined to comment on a subject under debate or when the General Synod approves a motion to close the debate.
8. The motion for closing the register may be made only after discussion on the subject and only by a member who has not yet taken part in the debate. The Chairperson then closes the debate.
9. After the motion to close the register, the Chairperson announces the names on the list.

Article 10 VOTING

1. The proponent of a motion is expected to formulate the motion in such a way that members can clearly either support or reject the proposal by either voting "yes" or "no".
2. Voting is done by a show of hands unless otherwise decided.
3. Unless laid down differently in the Constitution of UELCSA the General Synod passes its resolutions with a simple majority of the members present.
4. A motion is considered as rejected if there is an equality of votes.
5. Voting by secret ballot is done only after a proposal to this effect has been supported by at least one third of the members present.
6. Election of the Chairperson of the Church Council is conducted by secret ballot and without discussion. It requires a two-thirds' majority. In the event of a two-thirds' majority not being obtained during the first ballot, voting is repeated.

Article 11 ELECTIONS

1. At the end of an ordinary meeting the General Synod shall elect a Chairperson and a Treasurer to hold office for the duration of a Synodal period of four years. They will serve until the closure of the meeting at which their successors in office have been elected.
2. The Chairperson of the Church Council and his Deputy are not eligible for these offices.
3. At the beginning of the ordinary meeting the General Synod shall elect a Deputy Chairperson and two Assessors. They will act as Committee of the General Synod and serve for the duration of the meeting.
4. Election of the members for the Committee of the General Synod takes place by open vote unless more than 6 delegates request a secret ballot. A candidate is elected if s/he receives more than half the number of votes cast. If at a second vote there is still not a required majority, voting is repeated for a third time on only the two candidates with the highest votes. If this again results in an equality of votes, the matter is decided by the Chairperson or in the case of the election of the Chairperson, by the Chairperson of the Church Council by drawing lots.

Article 12 COMMISSIONS


1. For the duration of a Synod meeting or a Synodal period, the General Synod may appoint commissions to deal with certain matters or attend to certain tasks. Professionals or experts may be called in when necessary. The General Synod may also instruct the Church Council to deal with certain matters or appoint commissions. As a rule commissions should consist of at least three members.
2. Each commission will elect a Convener.
3. A commission passes its resolutions by simple majority of votes. Equality of votes means rejection of a motion.
4. Meetings of commissions will be conducted formally according to normal procedures.
5. The Chair of the General Synod and the Chairman of the Church Council are entitled to attend the meetings in an advisory capacity, to address the meeting of a commission and to put forward motions.
6. Members of the General Synod may attend these meetings as observers only.
7. With prior permission from the Chair of the General Synod, the Convener of such a commission may convene closed meetings.
8. Commissions working between Synod meetings are encouraged, where possible, to use modern electronic communication media (teleconference, e-mail). The Convener shall ensure that all members are included in the communications, and that proper records are kept.

Article 13 SECRETARIAT


1. The Chair of the General Synod, on instruction of the Church Council, will draw up the invitation and the agenda.
2. The Chairman of the Church Council will instruct his Office to act as secretariat regarding tasks concerning the invitation and bookings, and the printing, duplication and distribution of documents.
3. Preparations concerning the venue will be conducted by the office of the member church acting as host to the General Synod.

Article 14 TRAVELING AND ACCOMMODATION EXPENSES OF MEMBERS OF THE GENERAL SYNOD

1. Traveling and accommodation expenses of all members of the General Synod as well as invited reporters will be borne by UELCS A. Preference will be given to the shortest justifiable route and most economic method of traveling.
2. UELCSA will pay for accommodation expenses for all members to the General Synod from the opening to the end of the meeting, unless otherwise decided.



22/9/04.



22-9-2004

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CONSTITUTION
OF THE LUTHERAN COMMUNION IN SOUTHERN

AFRICA

(Version 1995)

PREAMBLE

Whereas, in their respective constitutions, the participating Lutheran Churches acknowledge the Holy Scriptures of the Old and New Testaments as the only source and infallible norm of all church doctrine and practice, and see in the three Ecumenical Creeds and in the confessional writings of the Lutheran Church, especially in the Unaltered Augsburg Confession and Luther's Small Catechism, a pure exposition of the Word of God;

And whereas, the participating churches are of the conviction that they could and should co-operate in closer communion to further the Lutheran witness by co-operating in matters of common interest and responsibility;

Now therefore, the participating churches do hereby establish and undertake to maintain an association governed by the following constitution.

Article 1. NAME AND NATURE

1.1. The name of the association shall be

LUTHERAN COMMUNION in SOUTHERN AFRICA, hereinafter referred to as" LUCSA ".

1.2.1. The nature of "LUCSA" is a voluntary association of autonomous and independently constituted Lutheran Churches in Southern Africa.

1.2.2. "LUCSA" shall only act as any member's agent if specifically called upon so to do. It shall not exercise a churchly function as such nor legislate for or prescribe to any of its members.

1.2.3. "LUCSA" is a legal persona, unaffected in its status by any change in membership; it may in its own name acquire movable and immovable property, acquire rights and incur obligations, sue or be sued in any court of law, lend and borrow money and generally execute any lawful act or deed, to buy, hire or rent, sell, pledge or mortgage, furnish and obtain security in whatever form, acquire or grant by donation and bequest in money and in kind.

1.2.4. The liability of the members of "LUCSA" is limited to the extent of outstanding obligations in respect of levies, dues or membership fees and other unredeemed obligations due.

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Article 2. OBJECTIVES

2.1. In Communion with Christ and in obedience to Him to promote Christian fellowship and to support diaconal, mission and ecumenical work.

2.2. As coordinator of co-operation to act, as instructed by the members from time to time, in all matters of common interest and benefit.

2.3. To foster reconciliation, promote social and economic justice and human rights and responsibility for creation.

2.4. To promote stewardship and self reliance, encourage the sharing of resources and skills within and among the member churches.

2.5. To co-operate with the Lutheran World Federation.

2.6. To generally undertake all such tasks and activities deemed necessary to achieve its objectives.

By-LawArt. 2.6. (1995)

2.6.1. With reference to 1 Corinthians 6:1ff, LUCSA offers a dispute resolution facility:

1. for such cases where there is a dispute or conflict between two or more member churches;

2. in case there is a dispute or conflict within one of the member churches.

2.6.1.1. In the first instance, LUCSA becomes involved if the parties who have a dispute, request LUCSA to arrange for arbitration and be willing to accept the recommendations of the arbitration committee as binding on the parties.

2.6.1.2. The LUCSA Officers Meeting appoints an arbitration committee in consultation with the parties involved.

2.6.1.3. In the second instance, LUCSA becomes involved, if the Church Council or the Church Synod / General Assembly of the particular member church requests LUCSA to arrange for arbitration and is willing to accept the recommendations of the arbitration committee as binding.

2.6.1.4. The LUCSA Officers Meeting appoints an arbitration committee in consultation with the parties involved

2.6.1.5. The external travelling costs for the arbitration committee will be born by LUCSA for two visits. All other costs however are to be born by the involved member churches.

Articles. MEMBERSHIP

3.1. The members shall be the constituent churches who have adopted this constitution.

3.2. A church in Southern Africa, which subscribes to the Lutheran Confession as described in the Preamble, may be admitted as a member upon acceptance of written application by a majority vote taken at the General Conference immediately following the date of such application or in the interim by the Executive, subject to confirmation by the General Conference.

By-law Art. 3.2.

A Lutheran church within the region of LUCSA may apply for an observer status, which shall however not exceed 4 years.

3.2.1.1. If accepted to observer status by the General Conference, the church may send its representatives to LUCSA meetings on invitation and subject to it bearing its own costs.

3.2.1.2. The observer may participate in the deliberations if the respective LUCSA meeting so decides. The observer shall not have voting rights.

3.3. The form of the written application and procedure to be followed in regard thereto shall be specified by "LUCSA" from time to time in by-laws.

By-law Art 3.3. (1995)

The application for membership shall be in writing; it shall be signed by the church leader on the strength of a resolution adopted by the relevant church body to make the application for membership.

The letter of application shall contain confirmation of acceptance by the applicant church of the LUCSA constitution and by-laws.

3.4. Termination of membership:

Membership in "LUCSA" may be terminated by withdrawal. It may also be terminated at the instance of the General Conference by a two thirds vote of the delegates to that effect.

The Procedures shall be as specified in the by-laws.

By-law Art. 3.4. (1995)

1. Withdrawal

A member church wishing to terminate its membership shall in writing advise LUCSA of the resolution adopted by the relevant church body to that effect.

The date of termination shall be either 30 June or 31 December of any year subject to the period of notice of termination being not less than six calendar months.

2. Termination

No motion to the General Conference for termination of membership of a church shall be put unless this is done in writing and is supported by at least six seconders.

3. Conditions

Upon termination of membership, irrespective whether this resulted from withdrawal or termination at the instance of the General Conference, the church whose membership has been terminated shall be obliged to settle all monetary and other obligations that it may have with LUCSA within 6 (six) months of the effective date of the termination.

Article 4. ORGANISATION

"LUCSA" shall exercise its function through the GENERAL CONFERENCE, the EXECUTIVE, and the OFFICERS.

Article 5. THE GENERAL CONFERENCE, THE EXECUTIVE, AND THE OFFICERS**5.1. THE GENERAL CONFERENCE****5.1.1. The GENERAL CONFERENCE shall consist of delegates representing the members of "LUCSA".**

The GENERAL CONFERENCE, shall, as the principal authority of "LUCSA", be responsible

- to uphold the constitution;
- to lay down all general policy matters;
- to elect the President and Vice President,
- to act on the reports of the President, the Executive Director and Treasurer;
- to attend to all such matters as will further the objects of "LUCSA".

5.1.2. The GENERAL CONFERENCE shall meet every three years. The venue, time and provisional agenda shall be determined by the EXECUTIVE.

Extraordinary meetings may be called by the EXECUTIVE or if this is required by at least one quarter of the members. Procedures in regard to meetings and all ancillary matters in regard thereto shall be as specified in the by-laws.

By-law Art. 5.1.2

1. The General Conference and other councils shall draft and adopt for themselves Rules of Procedure (appended to constitution as standing order, 4/95)
2. Due notice of meetings shall be given in writing at least 30 days prior to the meeting.
3. The notice of meeting shall include the proposed agenda of the meeting and determine the venue, date and time of the meeting.

5.1.3. The number of delegates of each member church shall be determined by the EXECUTIVE and as more fully specified in the by-laws.

Each member church shall have at least two delegates, of whom one is to be that church's leader.

By-law Art. 5.1.3

1. In determining the number of delegates of each member to the General Conference both the size of the member church and its contribution to the annual budget shall be kept in mind.
2. Each member shall advise the Executive in writing of the name and address of its delegates and changes from time to time.

5.2. THE EXECUTIVE**5.2.1. The EXECUTIVE shall consist of**

one delegate from each member church who is also a delegate to the General Conference. the President and Vice President who shall count among these and be elected by the GENERAL CONFERENCE by way of the majority of the votes cast in a written ballot. The Treasurer who shall be called by the EXECUTIVE and serve as an additional member.

5.2.2. The Executive Director shall have a seat on the EXECUTIVE without the right to vote.**5.2.3. Nomination, election and Co-option procedures shall be as specified in the by-laws.****By-law Art. 5.2.3**

1. Details in regard to the nomination, election and co-option of office-bearers shall be included specifically in the rules of procedure referred to in by-law 5.1.21.

5.2.4. The terms of office of the EXECUTIVE shall end at the close of the next General Conference. Office bearers shall be eligible for re-election. (1995)**5.2.5. The EXECUTIVE is responsible for the conducting of the business of "LUCSA" in the periods between GENERAL CONFERENCES. It shall convene annually. Extraordinary meetings may be called by the President in consultation with the Officers.****5.2.5.1. The EXECUTIVE shall appoint the Executive Director and prescribe his/her duties and conditions of employment.****5.2.5.2. It shall receive a comprehensive annual written report from the Executive Director.****5.2.5.3. It shall form or appoint standing committees or ad-hoc sub- committees as and when required and consult advisers or experts in any field in regard to "LUCSA'S" tasks and business.****5.2.5.4. It shall decide the annual budget and receive the audited accounts and approve these.**

By-law Art. 5.2.5

The Executive shall when accepting the budget also propose what amount each member church is to contribute as levy towards the budget and resolve on what date or dates these contributions are to be paid. The proposal to be decided by the General Conference.

5.2.5.5. It shall generally do or have done all such things and matters to ensure the effective and proper unctioing of "LUCSA

5.3. THE OFFICERS

5.3.1. The OFFICERS shall be the President, Vice President and Treasurer.

He/she shall oversee the life and work of "LUCSA" in consultation with the Executive Director and the other officers.

5.3.1.2. The Vice President shall act in the absence of the President.

5.3.1.3. The Treasurer shall oversee the financial activities and shall counsel the President and the Executive Director in this respect. He/she shall report on all financial matters to the General Conference and the Executive.

5.3.2. The Executive Director shall have a seat on the meetings of the Officers without the right to vote.

5.3.3. The OFFICERS shall constitute the Personnel and Finance Committee and serve as the Trustees for the time being of "LUCSA".

5.3.4. The OFFICERS shall keep the records of "LUCSA" and attend to proper bookkeeping of all "LUCSA'S" activities.

Articles. FINANCES

6.1. The Executive shall authorise an annual Statement of Needs.

6.2. The Officers shall ensure that proper books of accounts are kept, that an annual audit by a practising chartered accountant is done and that full financial statements are prepared annually.

Article 7. AMENDMENTS AND BY-LAWS

7.1. Amendments to the Constitution may be made by a two-thirds majority of the votes cast at any ordinary General Conference, provided that notice of intention to amend shall have been submitted through the Executive Director to the members at least three months before the Conference.
On resolving amendments to the Constitution the General Conference shall also determine the day upon which such shall become effective.

7.2. The Executive shall prepare and adopt the by-laws to this constitution and shall submit these to the General Conference for ratification with or without amendments.

7.3. The General Conference may from time to time amend or rescind by-laws by a simple majority of votes cast. On resolving such amendment or rescission the General Conference shall also determine the day upon which such shall become effective.

Articles. DISSOLUTION

8.1. The General Conference may resolve the dissolution of "LUCSA" by a two-thirds majority of votes cast at any ordinary General Conference, provided that notice of intention of such motion shall have been submitted through the Executive Director to the members at least three months before the meeting.

8.2. On resolving the dissolution the General Conference shall resolve the appointment of a liquidator, determine his mandate and which Lutheran Church/es or organisation/s shall be the recipients of remaining assets if any.

This constitution was accepted by the founding General Conference at Kempton Park on the 17th of May 1991 and signed by Rev. M. Wessels, President, Bishop Dr. H. Frederik, Vice President, A.P. Wustrow, Treasurer, and Rev. F. Graz, Executive Director

Amendments have been made by the second meeting of the General Conference at Harare, April 1995

(Next page: RULES OF PROCEDURE OF LUCSA MEETINGS)

RULES OF PROCEDURE OF LUCSA MEETINGS

1. Commencement of meetings

At each meeting the chair shall be taken at the time for which the meeting is convened and the business of the meeting shall immediately be proceeded with.

2. Order of business

The business at ordinary meetings shall be proceeded with in the following order.

1. Election of chairman, if necessary;
2. Roll call;
3. Extending the agenda, if necessary;
4. Approval of minutes;
5. Statements, communications or business brought forward by the chairman;
6. Matters adjourned from any preceding meeting;
7. Reports by officers, delegates or committees;
8. General business;

3. Attendance register

Every person present at a meeting shall sign his name in the attendance register which shall be available for that purpose.

4. Minutes

- (1) Minutes of the proceedings of every meeting shall be drawn up and printed or typewritten and shall be submitted for confirmation at the next ordinary meeting by the chairman.
- (2) The minutes shall be taken as read, for the purpose of confirmations, if a copy thereof was sent to each member at least forty-eight hours previously.

5. The chair

- (1) A speaker at a meeting and address the chair.
- (2) A speaker may not, except with the consent of the chairman, speak for more than five consecutive minutes on any subject.
- (3) The mover of an original motion or of any amendment may, however, speak for ten minutes on such motion or amendment.
- (4) The chair shall determine the order of speakers.
- (5) Whenever the chair wishes to speak the chairman shall be heard without any interruption.
- (6) Speakers shall direct their speech strictly to the motion or matter under discussion or to an explanation or question of order.
- (7) A ruling by the chair on a point of order, or on the admissibility of a personal explanation, shall be final and not open to discussion.
- (8) A ruling by the chair upon any point of order raised as to the interpretation of these rules shall be entered in the minutes.

6. Order of debate

When a motion is under debate no further motion shall be received except for the following:

1. To amend the motion; or
2. that consideration of the motion or the acceptance / rejection be postponed; or
3. that the debate be adjourned; or
4. that the motion be now put to vote.

7. Voting

Except as otherwise provided in these rules or resolved by the meeting the decision on any question before it shall be determined by voting through a show of hands.

8. Nomination, election and co-option

- (1) Nominations shall only be recorded after such nominations have been seconded.
- (2) Elections shall be by ballot.
- (3) Co-option shall be effected by all bodies as soon as co-option appears necessary in order to fill any vacancy on that body.
- (4) Only a person who qualifies to fill the relevant vacancy may be co-opted.
- (5) The co-option shall be limited in term until the next ordinary meeting of the body that elects or appoints persons to that body.

LWF Constitution

**CONSTITUTION
OF THE LUTHERAN WORLD
FEDERATION**

(as adopted by the LWF Eighth Assembly, Curitiba, Brazil, 1990)

NAME

The name of the body organized under this constitution shall be
The Lutheran World Federation.

II. DOCTRINAL BASIS

The Lutheran World Federation confesses the Holy Scriptures of
the Old and New Testaments to be the only source and norm of its
doctrine, life and service. It sees in the three Ecumenical Creeds
and in the Confessions of the Lutheran Church, especially in the
unaltered Augsburg Confession and the Small Catechism of Martin
Luther, a pure exposition of the Word of God.

III. NATURE AND FUNCTIONS

The Lutheran World Federation is a communion of churches which
confess the triune God, agree in the proclamation of the Word of
God and are united in pulpit and altar fellowship.

The Lutheran World Federation confesses the one, holy, catholic, and
apostolic Church and is resolved to serve Christian unity throughout
the world.

The Lutheran World Federation:

- furthers the united witness to the Gospel of Jesus Christ and
strengthens the member churches in carrying out the

The following sections:

**LWF Constitution
and LWF
Bylaws**

*also are available in French and Spanish
from the LWF Office for Communication Services.*

LWF Constitution**LWF Constitution**

missionary command and in their efforts towards Christian unity worldwide;

- furthers worldwide among the member churches diaconic action, alleviation of human need, promotion of peace and human rights, social and economic justice, care for God's creation and sharing of resources;
- furthers through cooperative study the self-understanding and the communion of member churches and helps them to act jointly in common tasks.

IV. SCOPE OF AUTHORITY

As instrument of its autonomous member churches the Lutheran World Federation may take action in matters committed to it by the member churches. It may act on behalf of one or more churches in such specific tasks as they commit to it. It may request individual member churches to assume tasks on behalf of the entire Communion.

V. MEMBERSHIP AND OTHER FORMS OF AFFILIATION 1.**Member Churches**

The Lutheran World Federation consists of churches which accept the doctrinal basis set forth in Article H of this Constitution.

Each church which applies for membership in the Federation shall declare its acceptance of this Constitution.

Reception into membership shall be decided by the Federation in the Assembly, or in the interim, by the Council.

Membership in the Federation may be terminated by withdrawal. Upon recommendation of the Council, the Assembly may suspend or terminate the membership by a two-thirds vote of the delegates.

Procedures relating to membership shall be governed by the Bylaws.

2. Recognized Churches, Councils and Congregations

The Lutheran World Federation may recognize as eligible to participate in the work of the Federation non-member churches, councils or congregations which accept the doctrinal basis set forth in Article n of this Constitution (Associate Membership).

The granting, conditions and continuation of such recognition shall be governed by the Bylaws.

VI. ORGANIZATION

The Lutheran World Federation shall exercise its functions through the Assembly, the Council, the Secretariat and appropriate instrumentalities of the member churches. In all these functions of the Federation, ordained and lay persons, men, women and youth shall be eligible to participate.

VII. ASSEMBLY

1. The Assembly shall consist of representatives of the member churches of the Federation. As the principal authority of the Lutheran World Federation, the Assembly shall:

- be responsible for the Constitution;

LWF Constitution

- give general direction to the work of the Federation;
 - elect the President and the members of the Council;
 - act on the reports of the President, the General Secretary and the Treasurer.
2. The Assembly shall normally be held every six years with the time, place and program to be determined by the Council.
- Special meetings of the Assembly may be called by the Council and shall be called at the request of one-quarter of the member churches.
3. The number of representatives to the Assembly and their distribution among the member churches shall be determined by the Council.
- Each member church shall have the right to have at least one representative in the Assembly.
- Due regard shall be given to the numerical size of member churches and their distributions by continents and countries.
4. The Council may invite representatives of the Lutheran congregations in union church bodies or of Lutheran associations and organizations to the Assembly in a consultative capacity if these are not represented by member churches.
- The number of these representatives shall be determined by the Council.

VIII. COUNCIL

1. The Council shall be composed of the President, the Treasurer, and 48 persons to be elected by the Assembly.

LWF Constitution

Upon nomination by the churches, 48 members of the Council shall be elected by the Assembly by a majority of the votes cast

The Assembly shall have the right to elect persons other than those nominated by member churches and other than those who are delegates to the Assembly provided the consent of the relevant member churches is given.

Election procedure and distribution of seats to the continents and countries shall be governed in the Bylaws. A due representation of ordained and lay persons, women, men and youth shall be observed.

The term of office of the Council shall end at the close of the next ordinary Assembly. Members of the Council shall be eligible for one reelection.

The Council is responsible for the business of the Federation in the interim between ordinary Assemblies; it should meet at least once a year.

The Council shall elect the General Secretary (*Article XII.*) and the Treasurer (*Article X.*) and prescribe their duties.

The term of office of persons elected by the Council may be terminated before expiration by a two-thirds vote of the members of the Council.

The Council shall decide on the structure of the Secretariat and present an annual report to the member churches.

Upon death or incapacity of the President, the Council shall elect a president within three months.

If a member of the Council can no longer be present for his/her term of office, the Council elects in consultation with the member church a deputy for the remaining term of service.

LWF Constitution**LWF Constitution**

The Council shall decide on the budgets of the Federation. It shall receive the audited accounts and approve them.

The Council shall elect the Vice-Presidents from among its members taking into consideration the seven geographical areas.

The Council shall elect from among its members an Executive Committee and Program Committees as required and appoint their chairpersons.

The Executive Committee shall be composed of the following persons: The President, the Vice-Presidents, the Treasurer and the chairpersons of the Program Committees.

For the Program Committees the Council elects for its term of office up to 30 advisers with voting rights in the committees.

The Council may appoint Standing Committees or *ad hoc* sub-committees as required.

The Executive Committee shall pursue the duties assigned to it by the Council to ensure the proper functioning of the Federation.

Among other things, it determines who is entitled to sign on behalf of the Lutheran World Federation within the Council or the administration.

The Executive Committee shall serve as the Personnel Committee. It shall also serve as the LWF Board of Trustees.

IX. NATIONAL COMMITTEES

The member churches in each country may constitute a National Committee to coordinate the relationships to the Federation. The right of direct communication between the member churches and the LWF shall be retained. Each National Committee shall present to the Council an annual report on its activities.

X. OFFICERS**1. President**

The election of the President by the Assembly shall be by a majority of the votes cast in a written ballot.

The President shall assume office immediately after the close of the Assembly at which the election was held. He/she shall hold office until the close of the following ordinary Assembly and shall not be eligible for a second term.

The President shall be the chief official representative and spokesperson of the Federation. He/she shall be the presiding officer of the Assembly, the Council and the Executive Committee.

The President shall oversee the life and work of the Federation, in consultation with the Treasurer and General Secretary.

2. Treasurer

The Treasurer shall be elected by the Council at its constituting meeting and shall hold office until the close of the following ordinary Assembly.

The Treasurer shall oversee the financial activities and shall counsel the President and the General Secretary in this respect.

XI. SECRETARIAT

The Federation shall have a Secretariat adequate to carry out its tasks.

The Council shall authorize the structure and the Terms of Reference of the Secretariat.

XII. GENERAL SECRETARY

Without delay following the close of each ordinary Assembly the Council shall elect the General Secretary who shall devote full time to this office and who shall serve until his/her successor has taken office. The General Secretary shall be eligible for reelection.

The General Secretary shall be responsible to the Council for his/her work. He/she shall conduct the business of the Federation and carry out the decisions of the Assembly and the Council.

The General Secretary shall report to the Assembly and the Council.

XIII. FINANCES

The Council shall authorize the Statement of Needs for transmission to the member churches. National Committees and other agencies, commending it for support through designated and undesignated contributions.

The Council shall allocate membership fees to be paid by member churches. The Council shall receive the auditor's report and adopt

the annual financial report. The member churches shall receive an annual financial report.

XIV. AMENDMENTS AND BYLAWS

1. Amendments

Amendments to this Constitution may be made by a two-thirds majority of the votes cast at any ordinary Assembly, provided notice of intention to amend shall have been submitted through the General Secretary to the member churches, three months before the Assembly.

Amendments shall become effective one year after their adoption by the Assembly unless objection has been filed with the Council by at least one-third of the member churches.

2. Bylaws

The Council shall adopt Bylaws to this Constitution. Such Bylaws adopted or amended by the Council shall become effective one year after their adoption unless objection has been filed with the Council by at least one-third of the member churches.

The Assembly may adopt, amend or rescind Bylaws by a majority of the votes cast. Such decisions shall become effective after one year unless objection has been filed with the Council by at least one-third of the member churches.

b 100 (Stellenbosch, June 2005)

CONSTITUTION OF THE CONGREGATION OF STELLENBOSCH

1. The name and title of the corporate body organized in terms of this Constitution shall be "Deutsche Evangelisch-Lutherische Gemeinde Stellenbosch" (Duitse Evangelies-Lutherse Gemeente Stellenbosch; German Evangelical Lutheran Congregation Stellenbosch), popularly also known as "Lutheran Church Stellenbosch and Somerset West", hereinafter referred to as "the Congregation".
2. The Congregation was established on 7 December 1952.
3. The Congregation is founded on the Holy Scripture consisting of the Old and New Testament as the revealed Word of God and as the only norm and guide as regards faith and life. Moreover, the Congregation testifies its faith by means of the three Creeds of the ancient Church and the distinctive articles of faith of the Evangelical Lutheran Church.
4. The Congregation shall be a corporate member of the Evangelical Lutheran Church in Southern Africa (Cape Church) in terms of Article 4 of the Constitution of the said Evangelical Lutheran Church in Southern Africa (Cape Church) (a 100) and agrees to be bound by that Constitution and by the rules and regulations of the said Church.
5. The internal and external affairs of the Congregation shall accordingly be regulated in harmony with the aforesaid Constitution, rules and regulations of the said Evangelical Lutheran Church in Southern Africa (Cape Church). These include, particularly:
 - Order Governing Congregations (b 200)
 - Order Governing Election to the Church Committee (b 220)
 - Standing Orders for the Church Committee (b 230)
 - Standing Orders for the General Meeting of the Congregation (b 240).

The church services of the Congregation shall be conducted in harmony with the aforesaid Constitution, rules and regulations in German, Afrikaans and/or English, according to need.

6. The Congregation, comprising from time to time all its members for the time being who are registered as such according to the accepted Order, shall be a legal entity, i.e. a persona in law having perpetual succession as well as the capacity to bear all rights and responsibilities compatible with its status as a persona in law, particularly inter alia in its own name to acquire, own, hold and/or alienate rights and property, both movable and immovable, and to incur obligations - all independently of its members - as also the power to sue and be sued and/or defend in its own name any legal process or proceedings.

7. As such legal entity or persona in law aforesaid the Congregation shall be distinct from its component members for the time being who shall in no way individually be liable or responsible for the obligations, liabilities or debts of the Congregation.

No member or office bearer of the Congregation shall have any rights in or claims to any money, property or other assets of the Congregation.

The Congregation may not give any of its money, property or other assets to its members or office bearers except as reasonable remuneration for services rendered, reimbursement for duly authorized costs incurred on behalf of the Congregation, or as charitable support for indigent members in furtherance of its aims.

8. While it is expressly recorded that the Congregation has not been formed or exists for the purpose of carrying on any business, that has as its objective the acquisition of gain either by the Congregation or by its individual members, the Congregation shall nevertheless in particular have the following further powers and competencies in the furtherance of its objectives as a Christian church organization, namely the powers:
- (a) To own and acquire by purchase, exchange, donation, lease, or in any other manner, immovable property of all kinds, lands, stands and buildings;
 - (b) To erect, construct, maintain, improve or alter, manage and control any buildings, erections or structures on land owned, occupied or leased by the Congregation;
 - © To sell, lease, mortgage, alienate, dispose of, give in exchange, realise or otherwise deal with the whole or any part of the property of the Congregation whether movable or immovable;
 - (d) To own and acquire by purchase, exchange, donation or otherwise all kinds of movable property and to sell, alienate and deal therewith as may seem appropriate in the interest of the Congregation;
 - (e) To borrow and raise money with or without giving security in the discretion of the Congregation;
 - (f) To invest with or without interest any monies, assets or funds in the discretion of the Congregation;
 - (g) To control the members and all the affairs of the Congregation and generally to act in all matters affecting the interests of the Congregation;
 - (h) To elect a committee from among its members to manage its affairs within the ambit of its delegated authority, such committee being hereinafter referred to as the Church Committee; (i) To appoint from time to time such person or persons with full or restricted powers of sub-delegation to carry any decision or resolution of the Congregation into due effect; (j) Generally, insofar as not already stated or implied in any of the foregoing, to perform all such acts, matters and things as may be incidental or conducive to the attainment, promotion and/or carrying out of the above objectives or any of them.

9. The Congregation shall be represented, and its affairs shall be managed by a Church Committee ("management committee") duly elected by the members of the Congregation as aforesaid and such Committee shall have full power and authority:
- (1) To manage the affairs of the Congregation insofar as delegated to it by the Congregation,
 - (2) To exercise all or any powers, which may be conferred on it by the Congregation, except those matters which shall be specially withheld from the control of the Church Committee by resolution of the Congregation.

Meetings of the Church Committee are regulated by the Order Governing Congregations (b 200) of the ELCSA (Cape Church), with Supplements b 220 and b 230. Minutes of all meetings shall be kept safely and always be on hand for members to consult.

10. The Church Committee is responsible and accountable to the Congregation for all financial transactions on an annual basis, and for this purpose audited financial statements shall be submitted to the Annual General Meeting of the Congregation. The financial year of the Congregation is the calendar year.

The Congregation's financial transactions shall be conducted by means of a banking account.

11. Notwithstanding anything to the contrary herein stated or implied, the Church Committee shall not have power to dissolve the Congregation or to dispose of or mortgage any immovable property belonging to the Congregation except in the latter case, as specially authorised by an ad hoc resolution of the Congregation passed at a special meeting of the Congregation convened and held according to paragraph 12 hereof.

12. In terms of the provisions of Article 9(1) of the Constitution of the Evangelical Lutheran Church in Southern Africa (Cape Church) any question of the alteration, dissolution or merger of the Congregation may be decided after consultation with, and with the consent of the parties concerned by the Church Council. Such decision is, however, subject to confirmation by the Synod.

13. In order to ascertain the view of the Congregation regarding any proposed alteration, merger or dissolution, the Church Committee of the Congregation shall duly convene a special meeting of the Congregation for that purpose (on not less than 21 days' notice, clearly and fully stating the purpose of such meeting); and no resolution to alter, merge or dissolve shall be regarded as having been duly passed by the Congregation unless not less than two-thirds (2/3) of the members of the Congregation present and entitled to vote at the aforesaid special meeting have voted in favour of the proposal.

14. In terms of the provisions of Article 9(2) of the said Constitution, in case of any disagreement between the resolution of the Congregation to alter, merge or dissolve and the relative decision of the Church Council, the question at issue shall be decided by the Synod.

15. Inasmuch as Article 10(2) of the said Constitution provides that if a congregation is dissolved the Church Council shall appoint a trustee for the liquidation of its assets and that the residue of such assets accrues to the Church for the furtherance of its work, the Church Committee for the time being, if any, of the Congregation shall by virtue hereof if so authorised by the Church Council be regarded as duly authorised and empowered to perform all such acts and to sign, complete and deliver all such documents and papers as may be found necessary to give due effect to the decision to dissolve and shall furthermore in general be regarded as authorised and empowered to co-operate with the aforesaid trustee appointed by the Church Council in giving due effect to its decision to dissolve the Congregation and to the provisions of the aforesaid Article 10(2).

16. The Congregation shall have power to amend or alter this constitution by way of a special resolution passed at a special meeting of the Congregation whereof not less than 21 days' notice has been duly given clearly and fully stating the purpose of the meeting and the terms of the proposed amendment or alteration, it being understood also that no resolution to alter and amend as aforesaid shall be regarded as having been duly passed by the Congregation unless not less than two-thirds (2/3) of the members of the Congregation present and entitled to vote at the aforesaid special meeting have voted in favour of the proposed amendment or alteration.

This Constitution was adopted unanimously by the Congregation at a duly constituted special general meeting held at Stellenbosch on 5 June 2005, in terms of the Constitution of the Cape Church (ref. Art. 1.3 of Order Governing Congregations, b 200). It supersedes the previous Constitution, which was adopted by the Congregation, in Afrikaans and German, on 6 September 1973 and came into effect on 13 September 1973.

Confirmed and signed by Church Committee, Stellenbosch, (*date*)

Pastor :

Chairperson :

Vice-Chairperson :

Treasurer :

Additional Members :

This Constitution was adopted unanimously by the Congregation at a special general meeting held at Stellenbosch on 5 June 2005. It supersedes the previous Constitution, which had been adopted by the Congregation on 6 September 1973.

Signed by current Church Committee, Stellenbosch, 13 June 2005

Pastor

Acting Chairperson

Vice-Chairperson

Additional Members

**EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA
(CAPE CHURCH)**

ORDER GOVERNING CONGREGATIONS

in accordance with Article 44 of the Constitution of the Cape Church.

THE CONGREGATION

Article 1

1. The congregation is:
 - (a) a community of Evangelical Lutheran Christians, and
 - (b) a member of the Evangelical Lutheran Church in Southern Africa (Cape Church).

2. The congregation is bound:
 - (a) by the Holy Scriptures of the Old and the New Testament, as well as by the three Creeds of the Old Church, and by the particular Confessions of the Evangelical Lutheran Church, and
 - (b) by the Constitution of the Evangelical Lutheran Church in Southern Africa (Cape Church), as well as by the orders, laws, regulations, directives and suggestions passed or laid down in accordance therewith.

3. Within the limits of these obligations, the congregation regulates and conducts its duties independently, laying down standing rules for itself.

4. The congregation shall provide:
 - (a) for the true preaching of the Gospel,
 - (b) for the administration of the Sacraments, according to the Scriptures,
 - (c) for the true administration of the Office of the Keys,
 - (d) for public services on Sundays and the observation of church festivals, according to the Liturgy for Evangelical Lutheran Churches and Congregations (Agende fur evangelisch-lutherische Kirchen und Gemeinden),
 - (e) for other possible forms of preaching the Word of God,
 - (f) for the ministration of Occasional Services,
 - (g) for instruction in Christian doctrine,
 - (h) for the gathering of young people, of men and women,
 - (i) for the ministry of Christian love as expressed by the care of the sick and suffering and by missionary work,
 - (j) for the maintenance of church discipline and order.

MEMBERSHIP OF THE CONGREGATION**Article 2**

1. Every Evangelical Lutheran Christian who
 - (a) was baptized in the congregation, or
 - (b) has been duly accepted into the congregation, upon his written application, or
 - (c) has been transferred from another congregation
 is a member of the congregation.

2. Subject to the provisions contained in this Order
 - (a) members are entitled
 1. to be served with the Word and Sacrament, to receive instruction and spiritual ministrations according to accepted order,
 2. to vote, and to be elected to church offices;
 - (b) the duties of members are:
 1. to participate faithfully in Divine Worship of the congregation,
 2. to assume with readiness honorary posts to which they are called within the congregation and the church,
 3. to pay contributions to the church fund gladly and to give offerings necessary for the maintenance of the congregation and its services.

3. The congregation extends its fellowship to include evangelical Christians who belong to a confession recognised by the Evangelical Church in Germany, but for whom there is no opportunity, within the precincts of their residential area, to join a German-speaking congregation of their particular confession. Their admission to Holy Communion will rest with the pastor insofar as it is compatible with the concept of spiritual ministrations.

THE ORGANS OF THE CONGREGATION**Article 3**

The organs of the congregation are:

- (a) the Ministry,
- (b) the Church Committee,
- (c) the General Meeting of the congregation.

The Ministry**Article 4**

1. (a) The pastor is the incumbent of the ministry and has been elected or called in accordance with the constitution and the Order Governing the Election of Pastors.
 Note: If there are several pastors in a congregation, they jointly hold the office of ministry. Details shall be settled by the church committee in co-operation with the church council.
 - (b) The pastor of a congregation is a member of the church committee and the general meeting; and is therefore entitled to vote in both.

2. (a) The pastor is the spiritual leader of the congregation.
 (b) He is responsible for conducting divine services, will officiate at occasional services and afford religious instruction and spiritual ministrations.

- (c) He decides on the right of admission to the sacraments and on the granting of occasional services. An appeal against his decision can be lodged with the committee of the circuit conference and its decision shall be final. In such cases, however, the committee of the circuit conference shall be enlarged by an (additional) clerical member of the church council nominated by the bishop.
 - (d) The pastor is responsible for the management of affairs pertaining to the ministry, in particular for the keeping of the church registers.
3. For conducting divine service, for religious instruction, for the stewardship of home visitation, for the care of the sick and suffering, for the administration, and other duties
 - (a) pastors may, in consultation with the church committee, enlist the service of honorary helpers, e.g. ordained ministers, lay preachers, lectors, Sunday School and youth work helpers, organists, choir leader etc. (CL 3/99)
 - (b) the church committee may engage assistants for full-time or part-time service in the congregation, e.g. secretary, caretaker, etc. (CL.3/99)
 4. A pastor of a neighbouring Lutheran congregation shall be the counsellor of the congregation and the confessor of the pastor.
 5. (a) For as long as the congregation is without a pastor, the office of its ministry shall be taken care of by a locum tenens (temporary substitute). The appointment of a locum tenens is made in consultation with the church committee by the bishop or the vice-chairman of church council, (cf. Article 12.2 of the constitution). (CL 1/97) (b) Where necessary, the congregation making available the locum tenens shall be reimbursed for expenses incurred for such deputising service at a rate determined by church council from time to time. (CL 1/97)
 6. (a) For the duration of a vacancy, the vacant congregation shall pay progressively less than the normal levy for every year the congregation remains vacant. The rate of reduction shall be determined by church council from time to time. (CL 1/97) (b) The congregation providing a locum tenens to a vacant congregation may receive a levy reduction of the period its minister is taking care of that congregation. The rate of reduction shall be determined by church council. (CL 1/97)

The **Church** Committee

Article 5

1. The church committee consists of the pastor(s) of the congregation, and the church wardens.
2. The church committee shall execute tasks and exercise powers assigned to the congregation by Article 1 of this order. It shall be responsible for the requisite care of the congregation and shall make use of all appropriate means to further Christian faith and the way of Christian life, also foster church fellowship and usages (cf. Article 8 of constitution). (CL 4/87)
3. (a) The church committee is the legal representative of the congregation.
 - (b) It shall administer the assets of the congregation, plan its budget and duly render accounts of all income and expenditure. (CL 1/97)
 - (c) It shall bear responsibility for the supervision of the premises and buildings of the congregation, maintain them in proper state and ensure that they shall be used in consistence with their primary purpose.

4. (a) The church committee shall decide on acceptance into membership and whether a member of the congregation is entitled to vote or to be elected.(CL 7/75)
- (b) It shall, without distinction of person, admonish and warn members whose conduct gives rise to offence. Likewise it shall protect them against unwarranted charges and calumny.
- (c) It shall deal at first instance with complaints and grievances of members of the congregation. There shall be a right of appeal against its findings to the committee of the circuit conference, and the right of further and final appeal, save where otherwise provided, to the church council.
- (d) Subject to the consent of the general meeting, the church committee will have the power to buy or sell immovables.

The Church Wardens

Article 6

1. (a) The church wardens shall have a responsible part in the management of the congregation and discharge such offices and duties as may be assigned to them by any church order.
 - (b) It is their specific duty:
 1. to set, in every respect, a good example to the members of the congregation;
 2. to further the growth of the congregation by wholeheartedly assuming assignments;
 3. to oppose incipient false doctrine, disorder or offence;
 4. to ensure the dignified progress of divine service, to take offerings and to assume such duties which, according to the custom of the congregation, shall be assigned to them;
 5. to assist the pastor to the best of their ability in spiritual ministration, by visiting the sick and suffering, those estranged from and those newly come to the congregation and to attend personally to the distressed and needy.
 - (c) As soon as possible, but not later than four weeks after receiving the minutes of a meeting of a circuit conference or synod, congregational delegates shall report on the proceedings of such a meeting to the church committee. (CL 4/87)
2. Only such members of the congregation shall be eligible as church wardens who
 - (a) are prepared to take the following vow at their induction:
"I promise in the presence of God and this Christian congregation, conscientiously to carry out the office of church warden of the congregation N. entrusted to me. This I will do true to the confession of the Evangelical Lutheran Church and in accordance with the church orders, prevent false doctrine, disorder and offence in the congregation and seek its best at all times."
 - (b) are entitled to vote in the congregation (CL 4/74)
 - (c) of whom it can be expected that they will conscientiously cooperate in the fulfilment of the duties of the church wardens (CL 4/74)
 - (d) who have been members of the congregation for a least one year (CL 4/74)
 - (e) who, as a rule, are over 21 but under 70 years of age (CL 4/95).
 - (f) Spouses, brothers and sisters, parents and children shall not simultaneously serve as church wardens of the same congregation (CL 4/1974, 3/2003)

Note: Exceptions to sub-paragraphs (d), (e) and (f) may be granted by the Committee of the Circuit Conference. (CL 3/2003).

3. (a) The number of church wardens is determined by standing rules of the congregation and shall be an even number not exceeding twelve, but at least double the number of pastors holding office in the congregation.
 - (b) Every year half the number of church wardens shall retire from the church committee. They can be re-elected. A church warden not desiring to be re-elected, shall give notice to this effect, not later than at the last meeting of the church committee prior to the general meeting.
 - (c) The induction of the church wardens shall take place during divine service according to the agenda in use (Agende IV für evangelisch-lutherische Kirchen u. Gemeinden). Re-elected church wardens shall be reminded of their previous vows whereupon, by giving their hands, they will renew their pledge for the ensuing period of office.
 - (d) The election of church wardens shall take place in accordance with the Order Governing Elections to the Church Committee, supplement 2 to this order.
4. Any person may decline to serve on, and may resign from, the church committee
 - (a) for any substantial reasons precluding the proper discharge of office;
 - (b) if he has already served this office for a period of eight years, unless an interim of four years elapsed since the last term of office;
 - (c) if he is over 65 years of age.
5. (a) A member shall be excluded from the church committee for
 1. being no longer capable of executing his office properly, or for failing to comply with any of the conditions mentioned under (2);
 2. being guilty of gross, consistent dereliction of duties.
 - (b) The church committee decides on such exclusion. Any member wishing to appeal against such a decision, may do so directly or through the church committee to the committee of the circuit conference, whose decision shall be final.
6. The church committee shall conduct its business in accordance with the Standing Orders of the Church Committee, Supplement 3 of this Order.

The General Meeting

Article 7

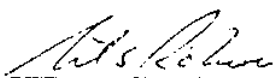
1. The general meeting shall consist of members of the congregation who have the right to vote.
2. All communicant members of the congregation who have attained the age of eighteen years and, who for at least one year have belonged to a congregation of the Evangelical Lutheran Church are entitled to vote, unless the right thereto was withdrawn (see. Art. 5.4), for any of the following reasons (CL 2/85):
 - (a) consistent absence from divine service,
 - (b) default in payments of contributions to the church funds,
 - (c) failure to redress a public offence,
 - (d) re-baptism unless renounced (CL 2/83),
 - (e) other provisions of church law make it necessary.
3. (a) The general meeting shall endeavour to ensure that all duties arising from the calling of the congregation, particularly those of the ministry and the church committee, shall be carried out.

- (b) The general meeting has the specific right and duty
1. to elect the pastor(s) (cf. Order Governing the Election of Pastors),
 2. to elect the church wardens and congregational delegates, and secundi, to the circuit conference and the synod (CL 4/87),
 3. to hear and discuss the annual report of the pastor on the activities of the congregation, and on the inter-congregational, church and inter-church levels (CL 4/87),
 4. to receive, discuss and approve the audited annual financial statements presented by the church committee and exonerate the treasurer and the church committee as well as to discuss and approve the budget for the next financial year (CL 1/97),
 5. to determine the minimum contributions of members of the congregation to the church funds as well as the fees for the occasional services (see Art. 44. 5 of the Constitution),
 6. to suggest, propose and decide all that will be conducive to the benefit of the congregation.
- (c) Complaints and grievances concerning persons shall not be raised in the general meeting. These shall be brought before the church committee.
4. The general meeting shall be conducted in accordance with its Standing Orders, Supplement 4 of this Order.

The German original of this Order Governing Congregations (Gemeindeordnung) was adopted by the Synod at its meeting from 29th September - 2nd October 1963 at Port Elizabeth. An English translation was accepted by Church Council at its meeting in Stellenbosch on 2 April 1970 and signed by Praeses H. Von delft. The Order was subsequently variously amended.

This revised, edited and amended version of the Order Governing Congregations, incorporating the amendments effected by the church laws 4/74, 7/75, 2/83, 2/85, 4/87, 4/95 and 1/97 was approved by Church Council and, with the addition of a further amendment in CL 3/99, unanimously ratified by the Xth Synod at its first meeting held at Dawn on **1999-05-30**.

Signed:



16.08.1999



14.08.1999

Draft 2005

b220

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)

SUPPLEMENT 2 of the ORDER GOVERNING CONGREGATIONS

ORDER GOVERNING ELECTIONS TO THE CHURCH COMMITTEE

Article 1

The church wardens shall be elected at the regular Annual Meeting of the congregation.

Note: The General Meeting is competent to vote, irrespective of the number of members entitled to vote being present, provided that due notice of the meeting was given.

Article 2

The church wardens shall be elected from time to time for a period of two years.

Article 3

1. For election to the church committee the church committee shall, if possible, nominate twice the number of eligible members than that of persons to be elected.
2. The General Meeting may add other nominations to the list.
3. Only such members shall be nominated who have declared themselves willing to accept the office of church warden.
4. Church wardens retiring in rotation may be re-elected.

Article 4

1. Voting shall be by secret ballot.
2. Ballot papers shall not show more names than the number of church wardens to be elected.
3. The ballot papers shall be collected by a church warden, the names thereon shall be read out by the chairman or his deputy. Two members of the congregation appointed by the chairman shall record them independently. (CL 6/72)
4. Those nominees who received a majority of votes shall be declared elected.
5. If the number of votes are equal, a second ballot shall decide the issue.
6. The chairman shall confirm the results and announce them to the general meeting. During the next divine service he shall announce them from the pulpit to the congregation.

Article 5

1. If a church warden resigns before his term of office expires, the church committee shall have the right to appoint an alternative member who shall discharge the duties of the said office for the rest of the term.

In making their choice, the church wardens shall take into account the results of the previous election.

2. The church warden thus appointed shall be regarded as having been elected. After his appointment has been announced to the congregation, he shall be inducted to his office during a divine service.

Note:

The German original of this Order, Supplement 2 of the Order Governing Congregations, was adopted by the Synod at its meeting from 29th September - 2nd October, 1963 at Port Elizabeth. This translation was accepted by the Church Council at Stellenbosch on April 2nd, 1970, and signed by Praeses H. von Delft

The current edition incorporates the amendment to art. 4.3 of Church

Law 6/1972. Signed:

N.J. Rohwer, Bishop

, Chairperson of Synod

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)**STANDING ORDERS FOR THE CHURCH COMMITTEE**

SUPPLEMENT 3 of the ORDER GOVERNING CONGREGATIONS

Article 1

1. The church committee shall elect one of its members as chairman. As a rule the / a pastor of the congregation shall be the chairman, but another member can also be the chairman.(CL 4/75)
- 2 Without the participation of the pastor, or one of the pastors of the congregation, or his/her deputy, the church committee is not authorised to pass resolutions. This shall not apply where the pastor concerned is personally involved, or where the majority of available church wardens decide that immediate action is imperative. (Resolution 7/2005)

Article 2

1. The church committee appoints a deputy chairman, a secretary and a treasurer. 2

If necessary,

- (a) the chairman or his deputy can assume the duties of [a] secretary, and
- (b) a member of the congregation, who is not a member of the church committee, can act as treasurer. In this instance, the chairman shall bind (any better word?) such a member during a meeting of the church committee by calling upon him to make the following pledge:

"I promise, in the presence of God, to carry out the duties entrusted to me conscientiously, and in accordance with the [rules and regulations] constitution and orders of the church."

Such member shall have the [privilege of participating] right to participate in the meetings of the church committee in an advisory capacity.
3. A delegate (and secundus) to a circuit conference or synod who is not a church warden, may attend church committee meetings as an extraordinary member in an advisory capacity, and shall attend such meetings at which the minutes of and reports on a meeting of the circuit conference or synod are tabled. At the first meeting of the church committee attended by such a member in the said capacity, he/she shall make the following pledge before the chairman:

"I promise, in the presence of God, to carry out the duties entrusted to me conscientiously, and in accordance with the [rules and regulations] constitution and orders of the church." (CL4/87)
4. For special tasks the church committee can appoint technical advisors who shall have no vote.

Standing Orders for the Church Committee (2005)

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Article 3

- 1 The church committee shall ensure that an ordinary meeting is held at least once every quarter and shall determine the time and the venue of the meeting.
- 2 The chairman may call an extraordinary meeting when required. Such meetings must take place if the church council so desires it, or on application by the committee of the circuit conference or by one third of the members of the church committee.
- 3 Public notice shall be given of meetings of the church committee. The chairman shall prepare the business and agenda [of], and shall preside at the meetings, unless he authorises his deputy to do so.
- 4 The meetings shall be opened and closed with prayer.
- 5 In every ordinary meeting one of the special tasks [allotted] assigned to the church committee [by] in terms of the Order Governing Congregations, shall be discussed.
- 6 The meetings of the church committee are not open to the public; however, members of the congregation shall be granted the opportunity of personally [putting forward] presenting special requests, complaints or grievances.

Article 4

1. The church committee passes its resolutions by majority vote of those present.
2. In the case of equal votes, the chairman shall have a casting vote.
3. It is essential that at least half the number of church committee members shall be present for voting; however, this shall not apply if, when the meeting was announced, attention was drawn to the urgency and importance of voting [was emphasised].

Article 5

1. Minutes of every meeting of the church committee shall be recorded by the secretary.
2. All minutes must be read and accepted not later than at the beginning of the next meeting.
3. The minutes shall be regarded as accepted only when signed by the chairman and at least one other member of the church committee, who took part in the [deliberations] proceedings.
4. Every member of the church committee has the right to have minuted what he/she considers important.

Article 6

1. Written declaratory acts ("Willenserklärungen", consult legal advisor) of the church committee will be valid only when signed by the chairman, or his deputy, and the majority of the church committee, and bearing the official stamp and seal of the congregation.
2. For official letters of the church committee the signature of the chairman or, [with approval of] in agreement with the chairman, that of the secretary will suffice. [What about the pastor? An amendment necessary?]
- 3 Documents ("Pfarramtliche Urkunden", perhaps: Church Certificates, e.g. baptismal, marriage, transfer) issued by the pastorate shall be signed and stamped by the pastor or his/her deputy.
4. Contracts (does this include cheques?) shall be signed by the chairman or his/her deputy and a church warden. They shall be authorised thereto from time to time by a resolution of the church committee.

Article 7

1. The church committee shall manage the funds of the congregation.
2. In order to relieve the church committee [from] in its responsibility, expenses exceeding an amount to be determined by the general meeting from time to time, shall be incurred only after the [previous] prior consent of the general meeting has been obtained.

Notes:

The German original of these Standing Orders was approved by the Church Council at its 17th meeting on 28 - 29 April, 1960 at Berlin, C.P. in accordance with the resolution of the Synod at King William's Town 1967 (1.4f). This translation was accepted by the Church Council at Stellenbosch on April 2nd, 1970, and signed by Praeses H. von Delft.

The current revised edition incorporates the amendments to art. 1.1 (CL 4.75), art. 2.3 (CL 4/87) and art. 1.2 (Resolution 7/2005).

Signed:

N.J. Rohwer, Bishop

U. Pliiddemann, Chairperson of Synod

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)

STANDING ORDERS FOR THE GENERAL MEETING OF THE CONGREGATION

SUPPLEMENT 4 of the ORDER GOVERNING CONGREGATIONS

Article 1

1. The general meeting of the congregation shall act under the presidency of the chairman of the church committee. On proposal by the church committee it may, however, vote for another chairman who must be eligible to the church committee.
2. The general meeting cannot pass resolutions without participation of the/a pastor of the congregation or his deputy, unless the pastor(s) is/are prevented by being personally involved and the church committee decides that immediate action has to be taken. (CL. 5/75)
3. At the beginning of the general meeting the chairman shall determine the number of members entitled to vote. (cf. Art. 7.1 and 2 of the Order Governing Congregations).

Article 2

With due regard to Article 7. 2 of the Order Governing Congregations the general meeting shall elect:

- (a) a deputy chairman
- (b) a secretary.

If necessary, the chairman or his deputy can be the secretary.

Article 3

1. The general meeting shall be convened at least once a year for a regular session (Annual General Meeting).
2. Extraordinary meetings may be convened if necessary. Such meetings must take place if the church council or the committee of the circuit conference or the church committee apply so in writing. An extraordinary meeting shall also be called if at least ten percent of the voting members - or another percentage or number of members as stipulated by the respective congregation - apply in writing. (CL. 5/75)
3. The church committee determines the time, the venue and agenda of a general meeting. Such meetings shall be announced publicly in a suitable manner, but at least on the immediately preceding Sunday with a plea to intercession.
4. General meetings are open to all confirmed members of the congregation.

- 5 At a general meeting it will be expected from each member that he shall be intent on keeping order (1 Cor. 11:16 and 1 Cor. 14:33,40) and that he shall comply with any instructions of the chairman to this effect.
6. The consultant of the congregation, the chairman of the circuit conferences, the bishop or his deputy must be informed in good time of the place, the time and the agenda of a general meeting. They may participate at such meetings in an advisory capacity.

Article 4

1. General meetings shall be presided by the chairman who may authorise his deputy to do so.
2. Every meeting shall be opened and closed with prayer.
3. Matters to be discussed and resolved at the general meeting shall in the first place include those conforming to article 1.4 and article 7.3 of the Order Governing Congregations.
4. At the annual meeting, which takes place at about the close of the year, the annual report of the pastor on the life of the congregation and the annual financial report must be delivered and discussed; the latter shall have to be passed.
5. In any extraordinary meetings discussions and resolutions must be confined to the items on the agenda as announced at the convocation of such meetings.

Article 5

1. Provided ordinary and extraordinary meetings have been convened constitutionally (cf. article 3.3) resolutions may be passed, irrespective of the attendance of voting members of the congregation.
2. Every motion brought forward for discussion and every proposal for an election must be seconded by a voting member of the congregation. The chairman has the right to reject motions which he considers unsuitable. Such motions may be referred to the committee of the circuit conference.
3. The general meeting passes its resolutions by a majority vote of those present. Equal votes shall be regarded as a rejection.
4. Elections (of pastors, church wardens, delegates to synod etc.) are conducted according to article 7 of the Order Governing Congregations by secret ballot, or, if there is no objection, by acclamation. In the event of an equality of votes a second ballot shall be held between the two candidates who obtained the highest number of votes. (CL. 5/75)
5. Members who wish to record their vote must be present in person.

Article 6

1. Minutes of every general meeting shall be recorded by the secretary.
2. Every voting member of the congregation has the right to have minuted what he considers important.
3. All minutes must be presented to the general meeting for acceptance not later than at the beginning of the next meeting. The minutes shall be regarded as accepted only when signed by the chairman and secretary or by a voting member of the congregation authorised accordingly by the general meeting.
4. The general meeting may authorise the church committee to accept the minutes.

Article 7

The church committee is responsible for the execution of the resolutions passed by the general meeting.

Notes:

The German original of these Standing Orders was approved by the Church Council at the 17th meeting on the 28th and 29th April, 1969 at Berlin, C.P. in accordance with the resolution of the synod at King William's Town 1967 (I. 4 f). The translation was accepted by the Church Council at Stellenbosch on April 2nd, 1970, and signed by Praeses H. von Delft.

The current version follows the existing translation, but replaces praeses with bishop and uses the lower case throughout.

Signed:

N.J. Rohwer, Bishop

U. Pliiddemann, Chairperson of Synod

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA(CAPECHURCH)(Translation), **ORDER GOVERNING****VISITATIONS**

In accordance with Article 50 of the Constitution of the Cape Church the Church Council proclaims the following Order Governing Visitations (cf Article 43(1) b) and Article 44 of the Constitution of the Cape Church and the resolution of the Synod at King William's Town 1967 - Minutes I. 4. f).

Article 1

The purpose of Visitation shall be:

- (a) to visit and advise the Pastor, the Church-wardens, and the Congregation,
- (b) to stimulate the spirit of fellowship within the Congregation and the Church, and to animate and strengthen its members as concerns their awareness of responsibility towards the Church.

Article 2

Every six years every Pastor shall be visited in at least one of his Congregations.

- (a) The visiting shall be done by the Bishop or the Vice-Chairman of Church Council. The Bishop and the Vice-Chairman of Church Council visit one another.
- (b) The travelling expenses shall be borne by the Cape Church.

Article 3

The Visitor shall inform the Church Committee of the Congregation to be visited, at least six weeks in advance, as to when the Visitation is to take place.

Two weeks before the Visitation, the Pastor shall send a detailed report on the Congregation due to be visited to the Visitor. It shall include the following points:

1. General information about the state of Finances of the Congregation.
2. Statistics, in so far changes have occurred since the last Annual Report.
3. Spiritual and moral state of the Congregation in detail.
4. Administration of the Ministry (Order of Divine and Occasional Services, the question of Language, suggestions of the Pastor).
5. Activity of the Church Committee (election of Church-wardens, meetings, minutes, observance of the Order Governing Congregations).
6. The General Meeting (convocation, attendance, minutes etc.).
7. Functions affecting the Church as a whole (Church Rallies, Missions Festivals, Deacons' Retreats, Conferences etc.).
8. School and Confirmation Classes, religious instruction for young people. Should the Visitor desire amplification on and explanations to this report, such shall be forthcoming within a week.

One week before the Visitation the Pastor shall submit a Sermon to the Visitor. On a day, to be specified by the Visitor, he will deliver it. The Visitor shall prescribe the text from the Pericopes provided for the Sunday.

Article 4

On the day of the Visitation, the Visitor shall deliver an address and arrange to meet the confirmed members of the Congregation at a suitable time. On the occasion he shall state when and where his meeting with the Church Committee will take place. All members of the Congregation holding a vote may present their requests or grievances at this meeting. Such a meeting must take place.

Article 5

At this meeting with the Church Committee, the Pastor shall be in the chair. Should it prove necessary or desirable to pass resolutions, persons directly concerned in the matter on hand shall not vote. They may be present at and partake in the discussions, but shall withdraw before voting takes place.

Should the person concerned be the Pastor, he shall give up the chair to the Visitor and shall withdraw from the meeting for the duration of the discussions. He shall be given the opportunity to bring forward his arguments in favour of or against the subject in question.

Article 6

At a time to be agreed upon by the Visitor and the Church Committee, the Pastor shall conduct a Catechisation with the older children including, if possible, the confirmed young people. In collaboration with the Pastor, the Visitor shall determine the subject of Catechisation either from the Bible or Catechism.

Article 7

A social gathering of the members of the congregation with the Visitor shall take place at a time arranged by the Church Committee.

Article 8

The Visitor shall inspect:

- a) the church buildings of the Congregation, paying special heed to their proper state. The time for this inspection shall be arranged with the Church Committee,
- b) the Registers of Baptisms, Confirmations, Marriages and Deaths, the Journal, the Minute book, the Archives of the Congregation and their appropriate safe keeping.

Article 9

To bring home to the Congregation the awareness of being one, the day of the Visitation shall be celebrated, as far as possible, as a Church Festival. In order to further the spirit of fellowship among the Congregations, the Visitor shall timeously inform all Congregations of every

Visitation and shall exhort them to remember by name the Congregation visited, and the Visitor, in their prayer on the Day of Visitation.

Article 10

A pastoral conversation shall take place between the Visitor and the Pastor at the close of the Visitation.

Article 11

The Visitor shall report to the Church Council on every Visitation conducted by him. The Church Council's comment on the Visitation shall be sent to the Church Committee concerned.

Article 12 The Visitors shall render a General

Report on the Visitation to the meeting of the Synod.

The Order Governing Visitations shall come into effect on 1st January, 1970.

This translation was accepted by the Church Council at Stellenbosch on April 2nd, 1970

(Signed) H. von Delft
Praeses

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)

Alternative Order Governing Visitations

(in accordance with Article 50 of the Constitution of the Cape Church (cf. Article 43 (1) b) and Article 44 of the Constitution of the Cape Church)).

Article 1

The purpose of Visitation shall be:

- a) to visit and advise the pastor, the church-wardens and the congregation,
- b) to stimulate the spirit of fellowship within the congregation and the Church, and
- c) to animate and strengthen the members of the congregation concerning their awareness of responsibility towards the Church.

Article 2

- a) At least every four years every parish and pastor shall be visited. The visitation shall be conducted by the bishop or his/her representative with a team.
- b) The travelling expenses shall be borne by the Cape Church.
- c) Congregations also have the right to request a visitation.

Article 3

The visiting team shall inform the church committee of the congregation to be visited at least four weeks in advance as to when the visitation is to take place.

Article 4

The visitation shall include the following:

- a) A divine service conducted by the pastor in which the visiting team briefly addresses the congregation.
- b) A meeting of the visiting team with the congregation, both with the pastor present and with the pastor not present.
- c) A meeting of the visiting team with the church committee, both with the pastor present and with the pastor not present.

Article 5

- a) The visiting team shall, furthermore, inspect everything that is needed in order to perform the duties of the church (legal & functional) as per a pre-defined checklist that is updated regularly.
- a) This specifically includes the registers of baptisms, confirmations, marriages and burials, the minute books and the archives of the congregation, as well as the appropriate keeping of these.

Article 6

A pastoral conversation shall take place between the bishop and the pastor at the close of the visitation.

Article 7

The visiting team shall compile a written report which shall be submitted to Church Council and the respective Church Committee and Pastor on every visitation conducted by them. They shall also fill in the prescribed Check List for Visitations for the congregational file in the Church Office.

Article 8

In order to bring home to the congregation the awareness of being one, the day of the visitation shall be celebrated, as far as possible, as a church festival.

Article 9

All congregations of the Cape Church shall timeously be informed of every visitation and requested to remember the visiting team, the congregation visited and its pastor in prayer on the day of visitation.

Date of commencement: 15 May 1995

This Alternative Order Governing Visitations was promulgated by the Synod on 15 May 2011 and adopted by Synod as Church Law No. 5/2011 on 15 May 2011.



N. J. Rohwer, Bishop



C.P. Juhl, Chairman of Synod

(May 2009)

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EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA
(CAPE CHURCH)

ORDER GOVERNING THE SERVICE OF PASTORS

Conforming with Article 131 and Article 44 of the Constitution of the Cape Church as well as the Basic Conditions of Employment Act 75 of 1997 as amended (BCEA).

PREAMBLE

The office of the pastor is based on the MASTER'S commission to HIS Church to proclaim God's Word and to administer the Sacraments. By his/her ordination the pastor assumes the duty of publicly fulfilling this service. This service has been legally ascribed to the pastorate, the duties of which are defined in the orders of the Church. The duties and rights conferred upon the pastor by the order of the pastorate are based upon and circumscribed by the commission assigned to him /her in his/her ordination.

FUNDAMENTAL ARTICLE

Article 1

1. As bearer of the ministry the pastor shall, by virtue of his/her ordination, execute his/her duties according to the orders of the Church.
2. The word PASTOR as used in this Church law denotes one who has been called to a pastorate of the Cape Church according to the orders of the said Church.
3. The service condition of the pastor is sui generis (unique in its characteristics) and is established by an agreement of appointment with a congregation or with the Church.
4. The Church accords the pastor protection and security in his/her service and in his/her status as pastor.

PRE-REQUISITES FOR THE ESTABLISHMENT OF A SERVICE CONDITION

Article 2

Qualification for appointment

Only such persons may be called to a pastorate in the Cape Church as have solemnly bound themselves by their ordination to the confessional basis of the Cape Church (see fundamental article of its constitution) or to a corresponding creed.

Article 3

Ordination

1. By virtue of the commission given to him/her by the Church and accepted by him/her in his/her ordination the pastor has the right and is in duty bound to preach the Gospel openly and to administer the c 100 Sacraments.
2. As a rule the ordination shall only be performed when an appointment to a pastorate is intended. At the latest, however, it is to be performed simultaneously with the pastor's first induction.
3. The ordination shall be performed according to the ritual applying in the Cape Church.
4. The ordination shall be recorded in writing, and this record shall be signed by both the ordinator and the ordinee. The latter shall receive a deed of ordination.

ESTABLISHMENT OF THE SERVICE CONDITION

Article 4

Commencement and Termination of the Service Condition

1. The pastor's service condition commences at the time when the deed of appointment is handed to him/her at his/her induction, or at a point of time laid down in the agreement of appointment between him/her and the congregation or the Cape Church. (See Article 6).
2. Upon commencement of the service condition the pastor shall be entitled to his/her

emoluments. (See Article 9).

3. The pastor's services will be terminated on notice in accordance with the BCEA.
4. Any terms or conditions of employment not specifically dealt with in this contract of employment are regulated by BCEA.

Article 5

Deed of appointment

The Bishop of the Cape Church shall prepare a deed of appointment to a pastorate, which, in addition to the details as required in section 29 of the BCEA, the name, date and place of birth of the appointee, must, inter alia, contain the following:

- (a) the express statement that the appointment is called to be a pastor,
- (b) the designation of the pastorate to which he/she has been appointed, and of his/her seat of office.

Article 6

Agreement between the Pastor and the appointing Body

The reciprocal rights and duties of the pastor and the appointing body (congregations of Cape Church) shall be set out in a written agreement which is subject to the approval of the Church Council and which shall contain the following:

- (a) commencement and termination of the service condition,
- (b) a clear definition of the province of tasks assigned (service instruction),
- (c) salary, other emoluments and furlough according to the provisions of the Cape Church and Chapter 3 of the BCEA

GENERAL DIRECTIONS FOR THE CONDUCT OF THE MINISTRY

Article 7

Official Designation

1. The pastor's official designation is that which was conferred on him/her by the deed of appointment. There is no rank distinction among pastors.
2. Pastors who have retired on pension from full-time or part-time service in the Cape Church and who remain in South Africa, shall retain their last official designation with the addition of the words "in retirement" (i.R.) of "emeritus" (em.).
3. If the pastor i.R. is appointed to a pastorate or is assigned pastoral duties, his/her designation shall not include the above addition for the duration of such an appointment or assignment.

Article 8

Official Dress

1. During divine service and the performance of ministerial functions the pastor wears the liturgical vestments prescribed by the Synod.
2. This includes gown, band and biretta. (CL 3/87)

Article 9

Maintenance

1. The pastor's salary, pension and widow's and -orphan's allowances shall be regulated by a Church law.

Article 10

Accident Insurance

Notwithstanding any provisions made by the pastor himself/herself or by the Church which has seconded him /her to the Cape Church, the latter shall be responsible for the insurance of its pastors against accidents while on duty.

Article 11

1. The pastor is entitled to an adequate official residence. He/she is not entitled, however, to refuse to accept and to use a suitable official residence. Where there is a difference of opinion, the opinion of the Church Council shall prevail. (CL. 5/77)
2. He may not sublet all or a portion of his/her official residence without the prior approval of the Church Committee and the Church Council.
3. The pastor may not permit any member of his/her household to carry on a trade or any non-ecclesiastical profession in the parsonage or official residence without the prior approval of the Church Committee and the Church Council.
4. On resigning from the pastorate the pastor and his/her family shall vacate the official residence.
5. Should the pastor die in harness, his/her widow/widower shall be entitled to the occupation of the official residence free of charge for at least a further three months.
6. Further particulars shall be provided for in the order governing the emoluments of pastors.
7. In the absence of an official residence the pastor is entitled to adequate rent compensation.

Article 12

Obligatory Presence at Seat of Office

1. It shall be the duty of the pastor to reside with his/her family at his/her seat of office.
2. It is part of the special responsibility of the ministry that the pastor be away from his/her seat of office as little as possible.

Article 13

**Absence for Official and for Personal Reasons;
Inability to Perform Duties owing to ill-health. Furlough**

1. Should official reasons necessitate the pastor's temporary absence from his/her congregation(s) he/she shall inform his /her Church Committee(s) of that fact.

2. Should urgent personal reasons necessitate his/her absence for longer than three days, he /she shall obtain the prior consent of his/her Church Committee(s)
3. The Church Committee(s) and the Church Council shall immediately be notified of any inability to perform duties owing to ill-health.
4. The pastor is entitled to an annual furlough.
5. Further particulars shall be provided for in the order governing the furlough of pastors.

Article 14

Absence from the congregations(s) without valid reasons

1. Should the pastor be found guilty by a disciplinary committee of absenting himself/herself from his/her congregation(s) without valid reason, he/she shall forfeit all claims to his/her emoluments for the duration of such absence, i.e. such absence will be regarded as absence without leave and will therefore be unpaid.
2. On application by the Church Committee the Church Council shall decide on such loss of emoluments after making careful investigation into the circumstances of the absence and after having heard the pastor. Articles 24 to 29 are not affected.

Article 15

Locum Tenancy

1. Notwithstanding the responsibility of the Church Committee, the pastor shall himself/herself be responsible for procuring a locum tenancy for the period of his/her absence from his/her seat of office. He/she may, however, call upon the Bishop for help. In the case of inability to perform duties the Church Committee shall see to the locum tenancy in accord with the Bishop. In every case, however, the consent of the congregation shall first be responsible.

2. The pastors of the Cape Church are in duty bound to act as substitutes for one another. A locum tenancy may also be filled by a missionary as well as by a retired pastor or a retired missionary.
3. If the locum tenens is not a pastor of the Cape Church the expenses incurred by the locum tenancy shall be borne by the congregation of the pastor for whom the locum tenens is acting. Particulars shall be regulated by a Church regulation. Where the pastor is absent without valid reason (Article 14) he/she agrees hereby that he/she himself/herself shall bear the expenses incurred by the locum tenancy.

Article 16

Management and Transfer of Administration

1. In accordance with Article 4 2.(d) of the order governing congregations the pastor is responsible for the management of the pastorate and especially for keeping the Church registers. He shall keep an inventory of all official papers as well as of all articles in his/her possession and particularly of the seals of the Church and the Church registers. Files (Cash books, assets, etc.) shall be kept by the Treasurer.
2. Upon termination of his/her service in the pastorate, the pastor shall hand over all articles indexed in his/her inventory to the Church Committee, the locum tenens, or to his successor in the presence of the Bishop or his/her deputy. The inventory shall then be signed by the parties concerned.
3. When a pastor dies the Church Committee, or the locum tenens shall, in the presence of the Bishop or his/her deputy, immediately take charge of all articles enumerated in Article 1, check them against the inventory, and sign a receipt therefore.

Article 17

Seal of Confession

1. Whatever is entrusted to the pastor in the execution of his/her pastoral ministry shall be subject to the seal of confession.
2. The pastor is in duty bound to keep the seal of confession absolute towards every one.

3. The seal of confession shall resort under the protection of the Church.

Article 18

Professional Reticence

1. The pastor shall preserve professional reticence regarding all matters that become known to him/her in the execution of his/her ministry and which are confidential either by their nature or by special direction. He/she is not allowed to make statements or pronouncements in connection with such matter either in or out of court without leave. This obligation of professional reticence shall continue even after the termination of his/her service condition.
2. The Church Council shall decide if and when statements or pronouncements may be made.

Article 19

Religious Instruction in Schools

Where circumstances permit the pastor may give religious instruction in schools. Care must however be taken that such instruction does not adversely affect his/her other services to the congregation.

Article 20

Supra-Parochial Service

1. Notwithstanding his/her obligation to serve the congregation to which he/she has been called, the pastor is in duty bound to serve the Church as a whole. The Synod as well as the Church Council may assign to him/her tasks which extend beyond the sphere of his/her congregation, (cf. A 500 Article 43 3.).
2. Over and above his/her congregational work the pastor is bound to take on special duties in the interests of the Church, provided that these duties suit his/her training, his competence and his/her office, and, after careful consideration of the circumstances, can be expected of him/her.
3. Any expenses resulting from such special duties are to be refunded to the pastor.

Article 21

Part-time Pursuits

1. The pastor must notify the Church Council of any commercial or professional activity of his /her spouse. Such activity may not impair his/her service to the congregation.
2. The pastor may only undertake an appointment which is not connected with his/her professional sphere of activity or a part-time pursuit, if such appointment or pursuit is reconcilable with the conscientious fulfilling of his/her pastoral duties and with the dignity of the ministry.
3. It shall be necessary for the pastor to obtain the consent of the Church Council before undertaking any guardian- or trusteeship, an executorship, any part-time pursuit or occupation, no matter whether such activities are honorary, remunerated or profit-sharing. Such consent is however not required before a pastor undertakes any literary, scientific, educational, or artistic activity which is not derogative to the office of the pastor and does not interfere with the execution of his/her pastoral duties. Any consent may be withdrawn if the prerequisites mentioned in sub-paragraph (2) do no longer exist
4. No consent is required before the pastor accepts honorary office in bodies corporate, institutions, societies or associations the endeavours of which serve ecclesiastical aims. He/She must however inform the Church Committee and the Bishop of his/her acceptance of such office. Should there be cause to fear that his/her honorary offices may impair his/her ministry to the congregation the Church Council may forbid him/her to continue with them.

Article 22

Membership of Societies

In deference to his/her office the pastor shall not be a member of a body corporate or of an association of persons the aims and activities of which cannot be reconciled with his/her duty to bear witness to the Word of God in all spheres of private and public life. The Church Council is entitled and in duty bound to extend brotherly advice and direction to him/her.

Article 23

Statements on Questions of Public Life

1. Without prejudice to his/her obligations under Article 12 2. of the constitution the pastor shall be mindful that, whenever he/she makes statements on questions on public life or whenever he /she takes part in political activities, his/her ministry refers him/her to all members of the congregation and binds him/her to the whole Church, and that, in the eyes of the public, person and office of the pastor are inseparable.
2. The Church Council and the convention of pastors are entitled and in duty bound to extend brotherly advice and direction to him/her.

Article 24

Supervision and Visitation

1. The pastor is subject to the supervision of the Church Council within the framework of the Cape Church constitution. In the case of pastors who have been seconded to the Cape Church by the Evangelical Church in Germany for a limited period, Par. 11 of the treaty entered into with that Church shall be considered.
2. According to the order governing visitations in the Cape Church (b 300) the pastor and his/her conduct of the ministry are included in the visitation of the congregation, and he /she may claim the assistance of the visitation.

Article 25

Execution of Overdue Administrative Business

If a pastor culpably neglects his/her administrative duties and if admonition and the grant of a period of respite have proved fruitless, the Church Council may, without prejudice to further measures, have overdue affairs executed at the pastor's expense.

Article 26

Damages resulting from culpable neglect of official duties

1. If the pastor culpably neglects his/her official administrative duties he/she shall make good

any damage that has been caused to the ecclesiastical body with whose tasks he/she has been entrusted.

2. If such ecclesiastical body has to compensate a third party because the pastor has neglected his/her official duties, the pastor in question shall be liable for such compensation only in so far as he/she has been guilty of intent or of gross negligence.
3. Claims under subsection (1) shall lapse after a period of three years from the date on which the ecclesiastical body received notification of the damage done and of the person liable to pay damages, but in any case they shall lapse ten years after the perpetration of the act or neglect that caused the damage.
4. Claims under subsection (2) shall lapse after a period of three years from the date on which the ecclesiastical body has acknowledged the claim of the third party, or from the date on which such claim was legally established as valid and the ecclesiastical body has been informed as to the person liable to pay damages.
5. If the pastor compensates the ecclesiastical body and the latter has a claim on a third party, such claim must be ceded to the said pastor.

Article 27

Pastor's Right to be Heard

1. If statements or complaints are made against the pastor to either the Church Committee or the Church Council and these are likely to have detrimental consequences for him/her, the Church Committee or the Church Council shall grant the pastor a hearing.
2. At the request of either the pastor or the Church Committee the Church Council may deal with complaints made to the Church Committee.
3. As far as circumstances permit the statements or complaints shall be made known to the pastor a week before the hearing is to take place.
4. The final result of the investigation shall be made known to the pastor.

Article 28

Complaints about Doctrine

1. An ordained minister of the Gospel violates his/her doctrinal obligation if he/she, through his/her preaching, teaching, or otherwise publicly through his/her spoken or written word, has, in fundamental points, come into conflict with the content of the Holy Scripture as witnessed in the Lutheran Confession of the Reformation and in the fundamental article of the constitution of the Cape Church.
2. Should facts exist which suggest the possibility of such violation of doctrine, and should the ordained minister of the Gospel persist in his/her unscriptural doctrine under complaint, in spite of prior admonition and instruction, the Church Council shall decide on measures to be taken.

Article 29

Violation of Official Duties

1. A pastor violates his/her official duties if he/she neglects the tasks arising out of his/her commission to publicly preach the Gospel and to administer the Sacraments, if he/she does not carry out the orders and instruction for his/her conduct and for his/her administrative tasks, or if he/she offends against his/her obligation to conduct himself/herself in a manner in keeping with his/her ministry.
2. A pastor is further required to uphold the fundamental principles, values and laws of the Church in his/her personal life. He/she may be subject to a disciplinary hearing and subsequent a subsequent sanction, including termination of his/her employment, should it be found that he/she acted in a manner in his/her personal life that contradicts the principles, values and laws of the Church.
3. Should facts exist which suggest the possibility of a violation of official duties, the Church Council may temporarily suspend the pastor while investigating the matter and decide on further steps to be taken.

CONCLUDING PROVISIONS

Article 30

The application of this order to pastors, who have been seconded to the Cape Church by the evangelical Church in Germany, as well as to such pastors who serve the Cape Church in a part-time capacity (missionaries) shall be subject to the provisions of the treaty between the Evangelical Church in Germany and the Cape Church of 7th January/8th February, 1962, or to the agreement between the Hanoverian Church and the Evangelical Lutheran Church in Southern Africa (Cape Church) of 18th/30th January, 1963, as the case may be.

Article 31

This order shall come into force on _____. This order governing the service of pastors was passed by the Church Council at its meeting on the 19th of April, 1974 as regulation no. 1/1974, under authority of Church law no. 7/1972.

Changes to the c100 to ensure compliance with the Basic Conditions of Employment Act as well as other changes to ensure gender equity were accepted by the Philippi second ordinary meeting of the XII Synod of the Cape Church as Church Law No 3 of 2009.



Bishop Nils Rohwer



C.P. Johl, Chairman of Synod

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)O R D E R G O V E R N I N G L E A V EGENERAL CONDITIONSArticle 1

In accordance with this order, leave of absence from official obligations (furless) is granted to pastors and auxiliary pastors

- (a) for official purposes,
- (b) because of disability due to illness (sick leave),
- (c) as a vacation,
- (d) for personal reasons (including paternity),
- (e) as long leave,
- (f) as maternity leave.

Article 2

1. Leave is granted only upon application.
2. Leave is granted by the church authority in whose service the applicant is employed. The church authority in terms of this paragraph shall be, respectively:
 - in the case of pastors in congregational service : the church committee
 - in the case of pastors in service at circuit level: the circuit committee
 - in the case of pastors in service of the Church as a whole (e.g. Praeses, auxiliary pastors) : the Church Council
3. An applicant employed in the service of a congregation (or congregations) or a circuit shall inform the Church Council of an application for leave, except long leave, and the relative decision without delay; in the case of vacation leave details of replacement arrangements" shall be included. An application for long leave is subject to prior consultation with the Church Council.

ABSENCE FOR OFFICIAL PURPOSESArticle 3

In the case of absence in the course of duty of no more than three days, the relevant church authority shall be notified (cf. Art. 2.2). Absence of more than three days in the course of duty is subject to prior application. If the application of a person employed otherwise than in service of the Church as a whole is turned down, the applicant may appeal to the Church Council for a final decision.

SICK LEAVEArticle 4

Within a period of three (3) years sick leave shall be granted for 120 days with full remuneration (salary and benefits), and for a further 120 days with half the official remuneration. An application in accordance with Art. 4.1 shall be accompanied by a doctor's certificate if the illness exceeds three days.

VACATION LEAVEArticle 5 _____x

Vacation leave with full remuneration is granted annually, provided that upon submission of the application, arrangements for a replacement have been concluded to the satisfaction of the respective church authority. The period of leave granted is

- (a) up to completion of 40 years of age - 32 calendar days;
- (b) after completion of 40 years of age and up to 50 years of age - 36 calendar days;
- (c) after completion of 50 years of age - 42 calendar days.

As a rule vacation leave shall be taken in not more than two uninterrupted periods. Leave should not be taken during the high festivals of the Church or during the time of Advent or lent.

The leave-year is the calendar year. Leave which has not been taken during the leave-year cannot be transferred to the following year. Exceptions may be allowed for official reasons. These exceptions are decided on by the Church Council.

If service commences in the course of a year, vacation leave in accordance with paragraph 2 is granted proportionally.

ABSENCE DUE TO PERSONAL REASONSArticle 6

Absence for personal reasons of no more than three days shall only require notification of the respective church authority.

Absence of more than three days requires an application and will be subtracted from the vacation leave.

Paternity leave of seven calendar days within 30 days of the birth of a child to his family can be granted on application.

Several absences according to paragraph 1 or 3 will not be subtracted from the vacation leave, provided a total of ten days per leave year are not exceeded.

LONG LEAVEArticle 7

Long leave of three calendar months with full remuneration shall be granted after each successive completion of a period of service of six years, provided that

- (a) the applicant has completed six years' uninterrupted service at the time of his application for long leave in accordance with Art. 2;
- (b) prior arrangements for a replacement have been concluded to the satisfaction of the Church Council and the respective church authority.

Applications for long leave must be submitted at least three months prior to the beginning of the intended leave.

Long leave has to be taken during the twelve months following completion of the six years' uninterrupted service referred to in par. 1 (a).

Postponement of long leave is not permitted. Art. 5.3 applies mutatis mutandis.

Completion of six years' service in terms of par. 1 (a) is taken as uninterrupted when the applicant's church authority in terms of Art. 2.2 changes and provided not more than two months have passed during the/--- period of transfer.

In the event of the service contract being terminated before the end of a six year period, long leave of 15 days for each completed year shall be granted proportionally.

In the year in which long leave is taken, vacation leave according to Art. 5 falls away.

The provisions of paragraphs 1, 3, 4 and 5 of this Article do not apply to applicants who have been seconded to the Cape Church and who are entitled to long leave through their respective churches.

Applicants who have already completed an uninterrupted period of six years' service at the time of the commencement of this Order shall be entitled to submit their applications for long leave in accordance with the rules of this Order. No more than three months long leave shall, be granted, even though the period of service in accordance with paragraph 1 may exceed six years.

MATERNITY LEAVE

Article 8

A female pastor shall be entitled to take up to a maximum of five months maternity leave but she will be required to take a minimum of three calendar months (at least one month before the expected date of confinement and two months after the date of confinement).

Applications for maternity leave must be submitted at least three months prior to the beginning of the intended leave. Maternity leave may be taken as follows:

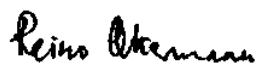
- (a) 3 months: with full remuneration
- (b) 4 or 5 months: 3 months with full remuneration and one or two months either
 - (i) on full leave and 50% of salary (but normal, benefits, e.g. medical aid contributions), or
 - (ii) with full remuneration and half the normal workload.

Note:

This Order was • adopted in English and German by the General Synod of UELCSA at its meeting in Pietermaritzburg on .3.12.1983, with 1.1.1984 as the date of commencement.

The Order dated 28.4.1985, was announced as Resolution No. 2 in the Minutes of Resolutions of the 2nd meeting of the VIth Synod of the Cape Church held in Cape Town, 26-29 April 1985.

The above revised and amended version was adopted at the first ordinary meeting of the VI.IIth Synod of the Cape Church in Stutterheim as Church Law 3/1991.



(Prof. R. Ottermann Chairman
of the Synod)

Date: 21.04.1991

**EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE
CHURCH)**

ORDER GOVERNING THE ELECTION OF PASTORS

(in accordance with Article 121. of the constitution of the Cape Church)

Article 1

A vacancy or imminent vacancy in a pastorate shall without delay be communicated to the church council by the church committee.

Article 2

1. A vacancy in a pastorate may be filled in one of the following ways:
 - (a) election by the congregation after advertisement;
 - (b) election by the congregation after a presentation made by the church council;
 - (c) nomination by the congregation (call);
 - (d) appointment by the church council (nomination).
2. As a rule election or nomination by the congregation and appointment by the church council shall be applied alternately.

Article 3

1. When the filling of a vacancy rests with the congregation, the general meeting of the congregation shall decide which of the ways available under Article 2 1 (a),(b) or (c) shall be followed.
2. It may empower an enlarged church committee to take the necessary steps towards filling the vacancy.
3. Only persons eligible for election to the church committee in accordance with article 6, 2. of the Order Governing Congregations shall be eligible for election to an enlarged church committee.
4. Election to the enlarged church committee shall take place in the same way as the election to the church committee (cf. supplement 2 to the Order Governing Congregations).
5. The Standing Orders for the church committee (supplement 3 to the Order Governing Congregations), shall apply mutatis mutandis to the enlarged church committee.
6. The mandate of the enlarged church committee shall expire with the filling of the vacancy.

ADVERTISEMENT OF A VACANCY

Article 4

The following provisions shall apply:

1. The advertisement shall emanate from the general meeting of the congregation or from the enlarged church committee via the church council.

c200

1. Adequate data concerning the advertised pastorate shall be submitted to the church council. A list of items regarding which data are required may be requested from the church council.
2. The church council shall be informed where the vacancy is to be advertised, and whether the advertisement shall also invite pastors who may be seconded by the external office of the Evangelical Church in Germany.
3. time limit shall be set for receipt of applications and shall be observed for the filling of the vacancy.
4. An application shall be accompanied by a curriculum vitae, a statement of the academic record and supported by related certificates.

PRESENTATION

Article 5

At the request of a congregation the church council may propose suitable pastors for election by presentation.

CALL

Article 6

In agreement with the church council a congregation may call a pastor into an existing vacancy. The church council shall then seek to obtain the release and, if necessary, the sending out of the pastor by the external office of the Evangelical Church in Germany.

APPOINTMENT

Article 7

When the filling of a vacancy falls to the church council (cf. Article 2,2), it shall appoint the pastor in agreement with the church committee.

ASSUMPTION OF DUTIES

Article 8

Assumption of duties, service and agreement of appointment shall be regulated by the provisions contained in the Order Governing the Service of Pastors, (c 100).

TRANSPORT EXPENSES

Article 9

Expenses arising from transport shall be borne by the Cape Church. Details shall be provided for by regulation.

INDUCTION

Article 10

The new pastor shall be inducted into his office by the Bishop, the Vice Chairman of Church Council or any other person designated by the church council. Timeous notice of such induction shall be given by the church council to the congregation of the Cape Church for the purpose of pulpit announcement and intercession.

Article 11

This law shall come into operation on 19.4.1972.

This Order Governing the Election of Pastors was passed by the synod assembled at its first ordinary meeting of the third synodal period in Stutterheim from 16th to 19th April, 1972.

(sgd.) H. von Delft
Praeses

The English translation was passed by the church council on the 15th of April, 1977 at Stellenbosch.

(sgd.) H. von Delft
Praeses

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)CHURCH COUNCIL**INTERPRETATION OF CALL PROCEDURE**

1. The question of call procedure can only be answered in the context of the powers assigned to certain organs and the procedures laid down for them. The church orders relevant to this matter are:

Order Governing the Election of Pastors (c 200).

Order Governing Congregations (b 200).

Standing Orders for the Church Committee (b 230).

2. The filling of a vacancy in a pastorate is a cooperative venture between the congregation and the church. C 200 applies. Congregations are required to report a vacancy to the church council (par 1), and advertise via church council (par. 4.a.b). Congregations can only make a call in agreement with church council, while church council can only appoint a pastor at the request of or in agreement with the congregation (parr. 2, 5, 6, 7).
3. Within the congregation the authority to elect the pastor is vested in the general meeting (b 100, par. 7(3)b)1). All other relevant provisions deal with procedures relating to preparations needed to enable the general meeting to reach its decision.
4. The Order Governing the Election of Pastors makes provision for four possible procedures for the filling of a vacant pastorate in a congregation, namely:
 - 4.1 appointment by church council (in agreement with the church committee)
 - 4.2 election by congregation (after presentation by church council)
 - 4.3 election by congregation (after advertisement via the church council)
 - 4.4 call by congregation (in agreement with church council).

If the church council does not invoke the rule entitling it to appoint a pastor under certain conditions (c 200, parr. 2(2) and 7), i.e. option 4.1 above, the general meeting of the congregation decides on the procedure to be followed, i.e. one of the remaining three 4.2 - 4.4. (See c 200, par. 2(1) (a), (b), or (c).

5. While preparations for the implementation of options 4.1 and 4.2 above rest almost entirely with the church council, procedures 4.3 and 4.4 require a certain amount of preparation at congregational level. In the latter case, the organ expected to deal with the necessary preparations is the church committee. This task may be assigned to -

- * either the regular church committee which is obliged to report a vacancy or imminent vacancy to the church council in the first place (see par. 1 of c 200), and which has the duty to "execute tasks and exercise powers assigned to the congregation by section 1 of this order" (the Order Governing Congregations) (see section 5 (2) of b 200) ;
- * or this function is entrusted to an especially constituted enlarged church committee (see par. 3 (2) - (6) of c 200) .

Comment: Although the term "call committee" does not appear in the orders of the Church it does seem to have a certain currency. If that is accepted, it would make sense to use it in such a way as to refer to both the enlarged church committee, and to the regular church committee in so far as it has been entrusted and deals with this particular matter.

6. As far as the participation of the pastor in the deliberations of the enlarged, or regular, church committee, meeting as a "call committee", is concerned there is no explicit reference to this in the orders of the Church. Under normal circumstances the church committee is only empowered to "pass resolutions" with the participation of the pastor (or one of the pastors of the congregation or his deputy) although he is expected to recuse himself where he is "personally involved". (See b 230 par. 2.1). However church council specifically decided that the predecessor shall not attend meetings of the call committee. Accordingly he shall also not be present when the congregational general meeting deliberates on the choice of a successor. Exceptions to this ruling are possible in consultation with church council (Praeses).
7. This interpretation was adopted by church council at its meeting in Cape Town 26-28.02.1990.

**EVANGELICAL-LUTHERAN CHURCH IN SOUTHERN AFRICA
(CAPE CHURCH)**

ORDER GOVERNING THE OFFICE OF PREACHERS

Article 1

Members of congregations may assume duties of public preaching during a service as preachers. They are authorised thereto by Church Council. Preachers shall perform regular duties in their own congregations in the first instance. They must be suitable for this office, they must have the right to vote and they must be qualified to become church wardens.

Article 2

- 1 The bishop may commission congregational members to this office on the strength of a joint proposal to this effect by the resident pastor and the church committee.
- 2 The appointment to this office is subject to prior training under the auspices of the Church Council.
- 3 Preachers shall participate in courses for their advancement and further development.

Article 3

- 1 Preachers are inducted into their office by the bishop or a pastor designated by the bishop.
- 2 A certificate of appointment is issued by Church Council.

Article 4

- 1 The appointment shall be for a fixed period, as a rule three years. It may be extended.
- 2 The appointment shall end
 - (a) upon expiry of the period laid down. The appointment may be renewed by the Church Council upon written request. A renewed induction is not necessary.
 - (b) when the appointed person resigns and returns the certificate of appointment.
 - (c) when the appointment is withdrawn for sound reasons. In this case the Church Council and the appointed person shall be heard.

Article 5

The resident pastor or bishop supervises the preacher.

Article 6

Preachers perform their duties without remuneration. They are entitled to be reimbursed by the congregation for any expenses incurred in the course of their duties.

Article 7

Preachers shall perform their duties from altar and pulpit.

Article 8

In exceptional circumstances, a preacher may be entrusted - under the supervision of the bishop or, where applicable, the local parish pastor - with leading a congregation, or another ministry, and/or administering the sacraments. In this case the Church Council shall appoint him/her accordingly for a specified period. The other provisions of this order shall apply *mutatis mutandis*.

Article 9

Preachers who have been entrusted with a ministry in the Cape Church are ordinary members of the convocation of pastors.

Adapted from the "Order on the Office of Lay Preachers"(1997) of ELCSA (N/T), amended by Legal Committee and Church Council, and accepted by Church Council after consultation with all pastors, preachers and congregational committees of the Cape Church (by circular dated 18 May 1998). Approved by Xth Synod at its first meeting in Dawn on 30 May 1999, together with ancillary amendments to the Order Governing Congregations (b 200) and the Order Governing the Convocation of Pastors (c 500). The first ordinary meeting of the thirteenth Synod in Stutterheim on 14 May 2011, changed the name of "Lay Preachers" to "Preachers" and consequently the name of the order is changed to "The Order governing Preachers – 2011"

Church Law 3/1999 (Amended 14 May, 2011) Date of Commencement: 14 May 2011

Signed:



N.J. Rohwer, Bishop

14 May 2011



C. P. Johl, Chairman of Synod

14 May 2011

EVANGELICAL LUTHERAN CHURCH IN SOUTHERN AFRICA (CAPE CHURCH)**ORDER GOVERNING THE CONVOCATION OF PASTORS**

(See Article 34.3 of the Constitution of the Cape Church)

GENERAL**Article 1**

1. In accordance with Article 34 of the constitution the convocation of pastors shall assemble regularly. Its task is the furtherance of brotherhood among pastors and the promotion of the right direction of the pastoral ministry in doctrine and life through theological work, practical suggestions and brotherly discussion.
2. The church council of the Cape Church and the synod may assign to the convocation further tasks and powers relating to the ministry.

MEMBERS AND GUESTS**Article 2**

- 1 Ordinary members of the convocation are
 - (a) all pastors in the full-time or part-time employment of the Cape Church or called to serve in an honorary capacity (CL 3/1999),
 - (b) lay preachers who have been entrusted with a ministry in the Cape Church (CL 3/1999) and
 - (c) pastors in retirement who have been appointed to a locum-tenancy or other post.
2. Upon becoming a member of the convocation a pastor shall be introduced as an ordinary member by the Bishop who shall point out to him his duties arising from this order.
3. Extraordinary members of the convocation are (CL 3/1979):
 - (a) associate pastors, vicars and deacons appointed in the Cape Church,
 - (b) pastors of the Cape Church living in retirement, and
 - (c) other pastors of the United Church who have their seat of office in the area of the Cape Church.
4. The Bishop may invite guests to a convocation meeting.
5. Attendance at convocation meetings is obligatory for ordinary members, auxiliary pastors, vicars and deacons. Only upon compelling ground may they be excused from attendance upon prior consent granted by the Bishop.
6. Ordinary members of the convocation have the right to meet in camera.

TASKS

Article 3

1. The communion of the pastors springs from their common service in the ministry of the church; it manifests itself in the common use of word and sacrament and in the bonds of intercession and praise of God. It is the basis for fruitful theological word and provides the pre-requisite for the maintenance of discipline in doctrine and life.

The convocation can only fulfill its task of creating a communion amongst the pastors if this communion is also actively sought outside the meetings of the convocation.

2. Membership of the convocation imposes upon fellow pastors the duty to serve each other in mutual spiritual responsibility and to help each other to find the right orientation for the administration of their office.
3. All theological work of the convocation should be aimed at serving the proper functioning of the church and aiding its work in relation to scripture and creed.
4. Every member of the convocation is entitled to raise questions relating to the exercise of the spiritual office in matters of divine service, spiritual ministration, instruction and furtherance of congregational life. The Bishop shall report on the experiences gained in his supervisory office and may request a deliberation on the removal of defects found by him in the life of the ministry.
5. Where a member of the convocation has violated the obligations arising from his office or the relevant orders or vis-a-vis his brethren, it shall be the task of the convocation to help him by instruction and admonition and to strengthen in him the awareness of the responsibility of the office assigned to him as well as that towards the fellowship of brethren.

MEETINGS

Article 4

1. Meetings of the convocation shall normally extend over two days and take place annually. Date and venue shall be determined by the Bishop. Written invitations should be sent out not later than three weeks prior to meeting. Invitations shall include an agenda.
2. The meeting shall begin with divine service. The sermon shall be delivered by a member designated by the Bishop. The celebration of Holy Communion shall be an integral part of every convocation meeting. Normally, a convocation meeting shall end with devotion.
3. The agenda for a convocation meeting may comprise
 - (a) a paper and response on a theological or practical subject followed by discussion;
 - (b) discussion on a section of the Bible or the symbolic books;

- (c) discussion of matters referred to the convocation by the synod or the church council;
- (d) consideration of questions submitted by the Bishop or raised from the floor of the meeting.

The discussion on a subject dealt with under point 3 (a) shall be conducted on the basis of guiding principles which should be supplied to members and guests at least one week prior to the meeting. The themes and sections to be discussed shall be determined and the introducing speakers shall be designated by the Bishop.

- 4. The Bishop or his deputy shall preside over meetings of the convocation.
- 5. The transactions of the convocation shall be confidential and members shall be bound to reticence regarding personal matters.
- 6. The convocation may form study groups to deal with particular questions relating to the ministry.
- 7. The Bishop shall appoint a member of the convocation to record its transactions.

EXPENSES

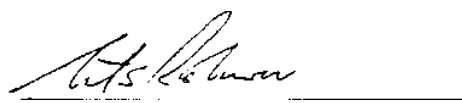
Article 5

The expenses of the convocation shall be borne by the treasury of the Cape Church.

This order was passed by the Church Council at its meeting of 19 October 1974 as Regulation 2/1974 in pursuance of Church Law 1/1974, with date of commencement 29 October 1974, and signed by Praeses H. von Delft. The English translation was passed by Church Council at its meeting at Stellenbosch on 15 April 1977.

The current version incorporates the editorial changes and amendments to par. 2.1 (Members and Guests) passed by the Xth Synod at its first meeting in Dawn on 30 May 1999 as Church Law 3/1999.

Signed:



N J Rohwer, Bishop



U.R.R. Pluddemann, Chairperson of Synod

16. 8. 1999

14.08.1999

Order 1/2000 Governing the Study of Theology

Section 1

1. Members of a UELCSA member church who wish to study theology should apply three months prior to the beginning of the academic year (i.e. the beginning of October).
2. Applications should be submitted to the UELCSA Tutor at the Lutheran Theological Institute in Pietermaritzburg, who will guide students in their studies towards a BTh (Bachelor of Theology) at the School of Religion and Theology (SoRaT). Guidance will be given according to University rules and the UELCSA study programme, which allows the choice of different study options.

Section 2

1. Applications should contain the following documents, copies of which should also be submitted to the Chairperson of UELCSA Church Council:
 - a. a handwritten curriculum vitae which includes the reasons for the wish to study theology;
 - b. certificates of birth, baptism and confirmation;
 - c. a school leaving certificate, as well as any professional certificates, and, where applicable, a testimonial from an employer;
 - d. a confidential report by the pastor of the home congregation on the applicant's participation in spiritual activities of the congregation and / or church;
 - e. a medical certificate;
 - f. a psychological character assessment.
2. The applicant is to receive a copy of the Study Guide for Theological Studies.
3. It is the responsibility of students to register at the University of KwaZulu-Natal, Pietermaritzburg for studying and at the Student Residence of the Lutheran Theological Institute for accommodation.

Section 3

1. Students of theology are expected to participate actively in the spiritual activities of their home congregation as well as in the congregation at the venue of study. They should attend devotions, divine services and Holy Communion, as well as lead a life appropriate with the responsibility of their future profession.
2. At the end of each year they shall submit a written report to the UELCSA Tutor on progress made in their studies.
3. During their training period students also have to participate in the prescribed introductory courses in Bible Studies, Lutheran Theology and Confessions, in Congregational and Diaconical Work experience, as offered by the Lutheran Theological Institute. A special emphasis shall be laid on language skills.

Section 4

1. All SALTTT students are responsible for paying their own tuition, accommodation and catering fees up to the BTh degree. When they apply for registration they may apply:
 - a. for the remission of tuition fees from the University of KwaZulu-Natal;
 - b. for a tuition scholarship from the Theological Bursary Fund of the School of Theology;
 - c. for accommodation scholarship from the Lutheran Theological Bursary Fund (SALTTT);
 - d. for a repayable loan from the LTE Fund (Lutheran Theological Education Fund)
2. For further support UELCSA students may apply to the UELCSA Church Council for a student loan of up to R 10 000 per year for the remainder of their accommodation and catering fees at the Lutheran Theological Institute.
3. The loan is changed into a scholarship if a student is accepted into the UELCSA study programme. Upon acceptance for pastoral service in a UELCSA member church, the scholarship is worked off on a year by year basis.
4. If a student should not be accepted into the UELCSA study programme or into the service of a UELCSA member church the loan has to be repaid with interest, as laid down by the UELCSA Church Council.

Section 5

1. Upon receiving the BTh degree theology students have to apply to the chairperson of the UELCSA Church Council to be admitted into the UELCSA programme and be registered in the student list for further post graduate studies (i.e. BTh-Honours, the post-graduate church oriented year, viz. the so-called Fifth Year, MTh, PhD).
2. Students shall be interviewed by the chairperson of the UELCSA Church Council or by a deputy appointed by him/her.
3. The documents under Section 2 are to be assessed by the chairperson and additional reports are to be submitted.
4. A written assessment and report by the UELCSA Tutor on the general progress of each student shall be taken into consideration.

Section 6

Students from Evangelical-Lutheran Churches, who acquired the BTh or an equivalent examination elsewhere, may request to be accepted into the UELCSA study programme. They should consult with the UELCSA Tutor on this matter and submit the documents as set down in Section 2. Sections 5 (2)-(5) are then applicable.

Section 7

The UELCSA Church Council decides who may be accepted into the UELCSA study programme. Students who studied at the School of Theology will receive privileged consideration.

Section 8

The UELCSA theological studies culminate in the First Theological Examination.

ORDER 3/ 2000 Governing the Internship of Candidates for the Ministry

I. General Provisions

Section 1

Candidates for the ministry, who wish to enter for the Second Theological Examination shall first serve as interns (vicars) in the church according to this Order.

Section 2

1. The prerequisite for becoming an intern within UELCSA is the passing of the First Theological Examination according to UELCSA Order 21 2000.
2. In all other cases, the candidate shall apply to the UELCSA Church Council for admission to the internship program and submit all relevant documents and certificates of theological studies and educational qualifications. The Church Council shall examine the application and decide on acceptance of the applicant.

Section 3

1. The period of internship between the First and Second Theological Examinations shall, as a rule, consist of two years and should not exceed four years. During this period interns shall participate in the following training programs:
 - a. Internship in a congregation of a UELCSA member church;
 - b. Internship in a congregation overseas for a period not exceeding 12 months. The UELCSA Church Council shall decide on such training abroad;
 - c. Training in religious education (e.g. practical school teaching); Special courses in any of the following; general homiletics courses, liturgy with practical exercises, church music, pastoral care, church growth, church administration, ecumenical programs, South African church history etc.;
 - d. if applicable, social or industrial pastoral programs.
2. During their internship interns are entitled to three weeks of vacation per year. The UELCSA Tutor handles the applications for vacation.

Section 4

Interns shall compile a written report on their experiences and the results of every section of their internship in accordance with sections 3(1) (a) to (e), and submit this report to the UELCSA Tutor.

2. _____ *Order Governing the Internship of Candidates for the Ministry (2000)* c 820

Section 5

Interns shall promptly inform the UELCSA Tutor and the Chairperson of UELCSA Church Council of any change in residential or family status.

II. Internship in a Congregation

Section 6

In co-operation with the UELCSA Church Council the UELCSA Tutor shall assign interns to a mentor, who is a pastor in a congregation of a UELCSA member church, and correspondingly, a pastor in a congregation of a sister church overseas.

Section 7

Mentors are to introduce interns into the tasks and the practices of the ministry. This is to be done in such a way that the interns shall be able to carry out unaided limited tasks during their internship. Mentors and interns are to meet on a regular basis to discuss matters of concern relating to experiences made during internship and to discuss theological issues which are relevant to the ministry.

Section 8

1. Interns are to fulfill especially the following tasks in the congregation:
 - a. As far as possible they shall conduct one service per month during their term of internship. They are to discuss the sermon with their mentor before delivering it and subsequently after the service.
 - b. Limited catechetical tasks in confirmation classes and in religious instruction classes shall be assigned to the intern. Special emphasis is to be laid on careful preparation and subsequent discussion.
 - c. The written sermon and catechetical lesson for the Second Theological Examination are generally written towards the end of internship. The intern is released from other tasks for a period of fourteen days for the preparation of each written paper.
 - d. Interns are to conduct occasional bible classes.
 - e. Interns are to participate actively in youth work. However an intern should not become the youth leader.
 - f. Interns are to make use of opportunities to accompany their mentors on their daily rounds (including home and hospital visits) to learn from them. Thereby interns are trained in counselling and in practising pastoral care within various groups of the congregation.
 - g. Interns are to be given the opportunity to conduct marriage-, baptism- and funeral services and to practice the respective counselling sessions. They are also to assist in the distribution of Holy Communion.

3. Order Governing the Internship of Candidates for the Ministry (2000) c 820

- h. Interns are to be trained in the liturgy and liturgical behaviour.
 - i. Mentors shall be responsible to let interns participate as guests in the meetings of the congregation councils and pastors' conferences.
 - j. Mentors are to encourage interns to read practice-orientated theological literature.
 - k. Interns are to report to the UELCSA Tutor on literature which they have studied.
2. When their mentors are on vacation interns may be asked to take responsibilities in the congregation only in a limited capacity.
 3. While carrying out their tasks interns are to wear the prescribed official vestments.

Section 9

Interns are to be trained in the practical administration of the congregation. The duration and form of such training shall depend on previous experiences in this field of training.

Section 10

Mentors are requested to submit a written report to the UELCSA Tutor evaluating the activities and progress of the intern.

III. The Responsibilities of the UELCSA Tutor for the internships

Section 11

1. The UELCSA Church Council appoints a Tutor, but may ask other pastors to help with the duties of the Tutor concerning internship.
2. The UELCSA Tutor shall supervise the prescribed program of internship and is directly responsible to the UELCSA Church Council.
3. The Tutor is responsible for guiding and counselling interns in respect of their theological and practical training during the internship.
4. In co-operation with the UELCSA Church Council the Tutor shall appoint mentors within UELCSA member churches and within sister churches abroad, and discuss the training programme with them.
5. In agreement with the mentor the Tutor may issue instructions concerning the training of the intern in respect of certain training programmes.
6. Any complaint concerning the relationship between mentor and intern is to be addressed to, and dealt with, by the Tutor. If need be, the matter may be referred to the Chairperson of the UELCSA Church Council.

Section 12

1. The UELCSA Tutor arranges the placements of interns in the prescribed courses of the training program. As far as possible the wishes of the interns shall be taken into consideration.

4. *Order Governing the Internship of for the Ministry (2000)* c 820

2. Transfers to a congregation shall be by arrangement with the UELCSA Church Council and the church leader of the respective church concerned.

Section 13

The UELCSA Tutor shall submit a report on every intern to the UELCSA Church Council at the completion of the training programme. This report is to be based on personal impressions of and experiences with the intern, as well as on the reports and evaluations that were received during the course of the internship. This evaluation includes the whole personality of the intern.

ORDER 4/2000 Governing

the Second Theological Examination

Section 1

The Second Theological Examination (*pro ministerio*) examines the abilities to work in the ministry. It evaluates the candidate's competence to practically work in the ministry and to theoretically permeate the allotted tasks.

Section 2

1. In general the Second Theological Examination takes place two years after passing the First Theological Examination. The UELCSA Church Council may, however, allow exceptions in well founded cases.
2. The examination is generally held in May. Candidates have to apply to the Chairperson of UELCSA Church Council for admission to the examination not later than six months prior to the examination.
3. In cases where the applicant has not served an internship in accordance with UELCSA's "Order 3/2000 Governing the Internship of Candidates for the Ministry", the UELCSA Church Council shall individually decide on such admission to the examination.

Section 3

In applying for admission to the examination the candidate shall submit:

1. an addition to the curriculum vitae and a report on the theological studies undertaken, particularly on the internship in the congregation and on special training programs taken. This serves to point to those interests, tasks and problems which might be of special importance for the future profession of the candidate.
2. Applicants who did not acquire the UELCSA First Theological Examination have to produce a certificate of an equivalent examination. Also those candidates who did not serve their internship in the UELCSA have to submit a written report by the church authority under which they did their internship.

Section 4

1. Written Assignments:
 - a. An academic assignment on a theme usually on Lutheran theology and directly connected with the church's practice. Six weeks' preparation time is given. An equivalent thesis written for a

2. _____ Order Governing the Second Theological Examination (2000) c 830

theological faculty after the First Theological Examination may be accepted by the Examining Board in lieu of this assignment.

- b. A written sermon on a text with theological and homiletic reflections. Two weeks preparation time is given for this task.
- c. The draft of a catechetical lesson with theological and didactic reflections. Two weeks preparation time is given for this task.

The sermon and catechetical lesson shall be held in a congregation chosen by the UELCSA Tutor in consultation with the Chairperson of the Examining Board at a time and place agreed upon well in advance.

2. The oral examination shall cover the following sections:
 - a. The church's ministry, church rites and pastoral care;
 - b. congregational structures, growth and management;
 - c. the significance of the Lutheran Confession for witness and service in Southern Africa;
 - d. three themes which the candidate selects from a prescribed list.
3. Each subject of the oral examination is to last 15 to 20 minutes.
4. As part of the written assignment, the sermon and the draft of a catechetical lesson the candidate has to submit a list of the complete bibliography used and a statement that the tasks have been written without any outside help.

Section 5

1. The candidate for the Second Theological Examination shall be examined by an Examining Board appointed by the UELCSA Church Council.
2. The Examining Board shall consist of:
 - a. the bishops of the UELCSA Church Council; the Chairperson of the Church Council, or his/her deputy, also chairs the Examining Board;
 - b. the UELCSA Tutor;
 - c. a theologian of UELCSA as recorder of minutes;
 - d. a theologian of a Lutheran theological college, sister church or mission, as commissioned by the Chairperson of UELCSA Church Council.

In setting up the Board the aspect of gender representation is to be considered.

3. For specific subjects examiners are called to examine on an *ad hoc* basis.

Section 6

3. _____ *Order Governing the Second Theological Examination* (2000)

c 830

1. The following marking system shall be used to evaluate the candidate's ability in the various subjects tested:

80-100%	(cum laude) very good		1
75-79 %	good to very good	First Class pass	1-2
70-74 %	good		2
65-69 %	almost good	Upper Second (68%)	2-3
60-64 %	satisfactory	Lower Second	3
55-59 %	satisfactory to sufficient		3-4
50-54 %	sufficient	Third Class Pass	4
under 50%	insufficient	Failed	4-6

2. If the candidate fails to appear at the oral examination without valid reasons the examination is classified as having been failed.
3. A written Report on the final result of the examination shall be prepared; it shall clearly state:
 - a. the evaluation of the written assignments in accordance with section 4.1.(a) & (b);
 - b. the results of the oral tests in the individual subjects in accordance with section 4.2.;
 - c. the final mark of the Examining Board.
 - d. the Report shall be signed by the Chairperson of the Examining Board.

The examination result shall be made known to the candidate immediately after the final consultation of the Board and the Report may be handed to the candidate or be sent later.

4. The Examining Board shall decide on the consequences concerning any irregular conduct of the candidate.

Section 7

After passing the Second Examination the UELCSA Church Council shall decide whether the candidate may be nominated as candidate for the ministry. For this decision the Council takes cognizance of the personality of the candidate as a whole.

Section 8

If the candidate does not pass the examination, the Examining Board shall decide whether the examination should be repeated again after a year.

1. Order Governing the Service Conditions of the Pastor Collaborator (2000) c 840

Order 5/2000 Governing the Conditions of Service

of Pastors on Probation (*Pastor Collaborator*)

Section 1

1. With a call into a UELCSA member church, the candidate enters into a probational pastoral ministry (*pastor collaborator = pastor coll.*).
2. The ordination takes place together with the entry into this ministry. The ordination is to be carried out according to the order of ordination of the respective member church.

Section 2

1. The pastor on probation is a pastor as laid down in the order governing pastoral services. The official designation shall be "pastor".
2. During this period the pastor on probation is subject to a special order of the church. Where not otherwise laid down by this order, the order governing conditions of service of pastors of the respective church shall also apply to the pastor on probation.

Section 3

1. The duration of the probation period shall be one to four years.
2. Upon fulfillment of this ministry, the pastor on probation may be appointed as a pastor.

Section 4

1. The Church Council of the UELCSA member church who employed the pastor on probation, shall decide on the tasks to be performed. The probation service can include any facet of church work within the ambit of his/her training.
2. The tasks to be performed may be replaced by others.

Section 5

1. Before the pastor on probation is to take up the administration of a pastoral post, the Congregational Council shall be consulted.
2. If the pastor on probation is to be the assistant of a congregational pastor, a job description shall be drawn up. He/ she shall be solely responsible to at least one area of the tasks assigned to him/ her.
3. He/she shall take part in courses of pastoral in-service training and retreats and especially in the pastors' conferences.
4. He/she is *ex officio* member of the Congregational Council but shall generally not take the chair.

2. Order **Governing the- Service Conditions of the Pastor Collaborator** (2000) c 840

Section 6

Normally the probation period leads to a pastoral post according to the order governing the service of pastors.

Section 7

Applicants who have the qualification for appointment as pastors, but are not yet appointed in a pastoral post, are also subject to this order.