

**STATUTE  
of  
THE CHURCH OF ENGLAND IN SOUTH AFRICA  
PASSED AT THE SESSION OF THE GENERAL  
ASSEMBLY**

STATUTE to consolidate the laws regulating the Constitution of the Church of England in South Africa.

WHEREAS it is expedient to consolidate the laws regulating the Constitution of the Church of England in South Africa.

BE IT ENACTED by the Clergy and Laity of the Church of England in South Africa, in general assembly met in Cape Town, in the year 1938, and by the authority of the same as follows:-

From and after the passing of this Act, the several provisions contained and set forth in the Schedule of this Statute shall be in force in the Church of England in South Africa, and the said Schedule and everything therein contained, shall be read and construed as part of this Act, and shall be referred to as 'THE CONSTITUTION OF THE CHURCH OF ENGLAND IN SOUTH AFRICA.'

**SCHEDULE  
THE CONSTITUTION  
OF  
THE CHURCH OF ENGLAND IN SOUTH AFRICA**

**PREAMBLE AND DECLARATION ADOPTED BY THE GENERAL ASSEMBLY IN THE YEAR  
1938**

WHEREAS, congregations of the Church of England (sometimes called the English Church and/or Church of England and Ireland) have existed in South Africa from the earliest days of the Cape Colony and have continued so to exist to the present time.

AND WHEREAS there are a number of congregations of the Church of England in South Africa which have come into existence since those early times:

AND WHEREAS there is a large body of members of the Church of England in South Africa at present unattached to a congregation of the Church of England in South Africa:

AND WHEREAS it is desirable that all the said congregations of the Church of England in South Africa and all members of the Church of England in South Africa should unite and form one Association or Federated Body, to be known as 'The Church of England in South Africa':

AND WHEREAS the congregation and members of the Church of England are presently without episcopal supervision and episcopal ministration:

AND WHEREAS it is desirable that there should be provision in the Constitution of the Church for the appointment of a Bishop or Bishops of the Church of England in South Africa:

AND WHEREAS it has been determined by the Judicature from time to time that the Church of England legally exists in South Africa as a voluntary association, and it is desirable that the Church of England in South Africa should provide for its own regulation:-

WE, the Representatives in South Africa of the Clergy and Laity of the Church of England, recognising the hand of God upon us in maintaining our unbroken identity and desiring to remain in faithful fellowship with the Church of England as by law established in England, in general assembly met in Cape Town, in the year of our Lord, one thousand nine hundred and thirty-eight, DO SOLEMNLY DECLARE as follows:-

- A. The Church of England in South Africa adheres to the faith and doctrine of the Church of England as now by law established in England, and embodied in the XXXIX Articles of Religion, and the Book of Common Prayer of 1662.

The Church of England in South Africa, as a reformed and Protestant Church, doth hereby reaffirm its constant witness against all those innovations in doctrine and worship, whereby the Primitive Faith hath been from time to time defaced or overlaid and which at the Reformation the Church of England did disown and reject

The Church of England in South Africa receives the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God, and containing all things necessary to salvation.

The Church of England in South Africa, being a part of the One Holy Catholic and Apostolic Church, will ever remain and be in communion with Churches maintaining communion with the Church of England so long as communion is consistent with the solemn declarations set forth in this chapter.

- B. The Church of England in South Africa, deriving its authority from Christ, Who is the head over all things to the Church, DECLARES that the General Synod of the Church of England in South Africa, consisting of the Bishops (if any), Clergy and representatives of the Laity, shall have full authority and power to make Canons, Ordinances, and Rules for order and good governments of this Church and to administer its affairs, subject to the following Articles.

## **CHAPTER 1 - ARTICLES**

### **ARTICLE I**

#### **CONSTITUTION**

- (1) THIS Constitution shall be in three parts, that is to say, the Preamble and Declaration, Chapter 1 - Articles and Chapter 2 - Canons.
- (2) THE name, doctrines and principles of the Church of England in South Africa (hereinafter called "the Church") as set out in the Preamble and Declaration shall be unalterable.
- (3) THE Articles contained in Chapter 1 may be altered, amended, added to or varied; provided that three months' notice in writing of any proposed amendment shall be given to all Constituent Churches and provided further that the proposed amendment shall be approved by at least three-quarters of the members of Synod either present or voting by proxy in one Annual Synod and confirmed by a similar vote in the ensuing Annual Synod or in a specially convened Synod held not less than six months after the first Annual Synod. Any amendment to the Articles shall become effective at the time it is confirmed by the ensuing Synod.
- (4) THE Canons contained in Chapter 2 may be altered, amended, added to or varied; provided that three month's notice in writing of any proposed amendment shall be given to all Constituent Churches and provided further that the proposed amendment shall be approved by at least three-quarters of the members of Synod either present or voting by proxy at an Annual Synod. Any amendment to the Canons shall become effective at the time it is approved by Synod.
- (5) THE Church shall be a corporate body capable of owning and disposing of property and of suing and being sued in its own name.

### **ARTICLE II**

#### **GENERAL**

The Church of England in South Africa shall consist of the following:-

- (a) Constituent Churches.
- (b) Daughter Churches.
- (c) Regional Churches and
- (d) National Churches.

each of which is bound by this Constitution and shall comply with all decisions of Synod made in terms thereof.

### **ARTICLE III**

#### **CONSTITUENT CHURCHES**

- (1) Constituent Churches shall be:-
  - (a) all Churches which in 1978 were Constituent Churches;

- (b) such other Churches which after that date have had Constituent Church status conferred on them by Synod.
- (2) A Daughter Church or congregation may have Constituent Church status conferred on it by Synod on recommendation of the Executive Committee, after such Daughter Church or congregation has made application therefor and the relative Area Council has supported such an application. The qualifications for Constituent Church status are defined in Canon X. If such Church or congregation forms part of a National Church no such application can be made without the approval of the National Church. In the event of dispute the decision of Synod shall be final.
- (3) Synod may upon recommendation of the Executive Committee withdraw Constituent status from a Church and make such further decision as to the status of such Church as necessary, and from that date such Church shall cease to be a Constituent Church and its property shall become vested in the Central Trustees or Special Trustees as the case may be, of the Church of England in South Africa.
- (4) The immovable property of every Constituent Church in the Republic of South Africa shall be held on behalf of the Constituent Church by the Central Trustees and shall be registered in the name of the Central Trustees of the Church of England in South Africa in the appropriate Deeds Office.
- (5) The immovable property of every Constituent Church outside the Republic of South Africa shall be held on behalf of the Constituent Church by Special Trustees to be appointed by Synod for that purpose and shall be registered in the name of the Special Trustees of the Church of England in South Africa in the appropriate Deeds Office.
- (6) Every Constituent Church shall have full power to take care of and administer its immovable property and shall be bound to do so out of its own funds.
- (7) Every Constituent Church shall control its own finances and shall hold and administer its own funds, movable property and trusts and shall have full power to invest, sell, donate, alienate, administer and otherwise deal in any manner whatsoever at its discretion with such funds, movable property and trusts: provided that all terms and conditions under which the funds, property and trusts are held or subject to which they were donated or acquired shall be complied with.
- (8) (a) Every Constituent Church shall have a written Constitution and shall cause a copy thereof, and any amendment thereof, to be made available to the office of the General Secretary of the Church of England in South Africa
- (b) Its Constitution, and any amendment thereof, shall take effect only after it has been approved by the Executive Committee.
- (c) Its Constitution shall incorporate the clauses which are set out in the Appendix to this Constitution and which clauses shall be incorporated without changing their meanings. Its Constitution shall further provide that such clauses shall not be amended unless the appendix to this Constitution is amended and that they shall be amended if the appendix to this Constitution is amended.
- (9) Nothing herein contained shall preclude two or more congregations from obtaining jointly the status of a Constituent Church.
- (10) A Constituent Church shall have such representation at Synod as defined in Article VIII
- (11) The names of all Constituent Churches shall be published in the annual Lectionary of the Church

## **ARTICLE IV**

### **DAUGHTER CHURCHES**

- (1) Synod may recognise congregations as Daughter Churches on recommendation of the Executive Committee and with the support of the local Area Council after such congregation or any other Constituent Church but primarily the Mother Church in the first instance, on its behalf has made application therefor.
- (2) Synod may upon recommendation of the Executive Committee withdraw daughter status from a church and/or make such further decision as to the status of such church as is necessary, provided that if Daughter status is withdrawn that Church shall cease to be a Daughter Church from that date and its property, if any, shall become vested in the Central Trustees or Special Trustees as the case may be, of the Church of England in South Africa.
- (3) The immovable property, if any, of every Daughter Church in the Republic of South Africa shall be held on behalf of the Daughter Church by the Central Trustees and shall be registered in the name of the Central Trustees of the Church of England in South Africa in the appropriate Deeds Office.
- (4) The immovable property, if any, of every Daughter Church outside the Republic of South Africa shall be held on behalf of the Daughter Church by Special Trustees to be appointed by Synod for that purpose and shall be registered in the name of the Special Trustees of the Church of England in South Africa in the appropriate Deeds Office.
- (5) A Daughter Church shall have such representation at Synod as defined in Article VIII
- (6)
  - (a) A Daughter Church may adopt a constitution which shall take effect after it, and any amendment thereof, has been approved by the Executive Committee;
  - (b) The Daughter Church shall cause a copy of the Constitution, and any amendment thereto, to be made available to the office of the General Secretary.

## **ARTICLE V**

### **NATIONAL CHURCHES**

- (1) A group of congregations or Churches that exist outside the borders of South Africa may be constituted by Synod as a National Church on recommendation of the Executive Committee
- (2) Such Regional or National Church may adopt a constitution which shall take effect after it has been approved by the Executive Committee. They shall cause a copy of the Constitution, and any amendment thereto, to be made available to the office of the General Secretary.
- (3) A Constituent Church that forms part of such Regional or National Church shall have the same status and be entitled to the same representation as a Constituent Church that does not form part of such group.
- (4) A National Church itself shall have such powers and representation at Synod as Synod may decide on recommendation by the Executive Committee
- (5) Synod may upon recommendation of the Executive Committee withdraw its recognition of a Church as a Regional or National Church and make such further decision as to the status of such Church as necessary and from that date such Church shall cease to be a Regional or National Church and its

property shall become vested in the Central Trustees or Special Trustees of the Church of England in South Africa.

- (6) The provisions of Article VII shall mutatis mutandis apply to the immovable property of every Regional or National Church.

## **ARTICLE VI**

### **MEMBERSHIP**

- (1) Every member as defined in the Appendix to this Constitution of a Constituent, National or Daughter Church shall ipso facto be a member of the Church of England in South Africa.
- (2) In addition, a baptised person of 18 years of age and over who, for a reason acceptable to the Executive Committee, is unable to be a member of a Constituent, Regional, National or Daughter Church may, on application to the Registrar, and at the discretion of Synod, be admitted as a member of Church of England in South Africa.
- (3) Only a member of the Church of England in South Africa shall be qualified to attend and vote at Synod.

## **ARTICLE VII**

### **PROPERTIES**

- (1) All immovable properties of the Church of England in South Africa and of Constituent Churches shall be registered in the appropriate Deeds Office in the name of the Central Trustees of the Church of England in South Africa.
- (2) No property so registered shall be sold, exchanged, mortgaged, donated to another party, leased or alienated in any manner unless the same has been duly authorised, in the case of a property of the Church of England in South Africa by a resolution passed by not less than 75 per cent of the members of the Central Trustees or, in the case of a property of a Constituent Church, by a resolution passed by not less than 75 per cent of the members of the Constituent Church concerned present and voting at a Vestry Meeting of such Constituent Church, and confirmed in both cases by a resolution passed by not less than 75 per cent of the Central Trustees or Special Trustees as may be applicable.
- (3) If any property of the Church of England in South Africa is sold in the manner provided for in the previous section of this Article, or is expropriated, the proceeds of such sale or expropriation shall be held in trust by the Central Trustees or Special Trustees as may be applicable until they are used for the sole purpose of the Church of England in South Africa. If any property of a Constituent Church is sold in the manner provided for in the previous section of this Article, or is expropriated, the proceeds of such sale or expropriation shall be held in trust by the Central Trustees or Special Trustees as may be applicable until they are used for the sole purpose of that Constituent Church.

## **ARTICLE VIII**

### **THE GENERAL SYNOD**

1. Subject to Section (3) of Article VI and to Article II, the General Synod shall consist of and the members of Synod shall be the:
  - (i) Bishops,

(ii) Presbyter, either:-

(a) holding full-time appointment with the Church of England in South Africa, and/or Constituent Churches, or

(b) holding an appointment which in the opinion of the Presiding Bishop and the Executive Committee entitles them to membership of Synod, provided however that in the event of a dispute as to such entitlement, Synod's decision shall be final,

(iii) Chancellor,

(iv) Registrar,

(v) Treasurer,

(vi) Central Trustees,

(vii) Delegates appointed by each Church according to the following scale:

Constituent Churches	2 Delegates
Daughter Churches	1 Delegate

(viii) Delegates appointed by National Churches as Synod may from time to time decide.

2. (i) The Annual Synod shall be held in the second half of every year for the purpose of transacting the business set out in Canon III of Chapter 2.  
  
(ii) The date and place of the annual Synod shall be determined at the previous Annual Synod provided that the Executive Committee shall in case of necessity have the power to change the date and place.
3. A Special Synod may be convened at any date and place by the decision of the Executive Committee and shall in addition be convened if three Constituent Churches in writing request the Registrar to convene a Special Synod.
4. The quorum for a Synod shall be one-half of the total number of persons entitled to be present in accordance with Section (1) of this Article, either present or represented by proxy.
5. Any person entitled to be present at Synod may in writing appoint another member of the Church of England in South Africa to attend the Synod as his proxy and vote on his behalf. Forms of proxy shall be lodged with the Registrar before the time that the Synod is due to commence.
6. Every delegate to Synod shall, before the commencement of Synod, sign a Declaration of Loyalty. Failure to sign such a document will prevent that person speaking or voting at Synod.
7. Only members in good standing may be appointed as delegates to Synod

## **ARTICLE IX**

### **BISHOPS**

- (1) A Bishop of the Church shall be elected from licensed Presbyters of the Church of England by the General Synod, Clergy and Laity voting separately by ballot and a majority being required in each case.
- (2) No election of a licensed Presbyter to the office of Bishop shall be held unless notice in writing proposing the holding of such an election is given by the Proposer of such Presbyter to the Registrar at least three months before the sitting of the next Synod. Notice of a proposed election of a bishop shall

be given by the Registrar to all Constituent, Daughter and National Churches at least three months prior to the Synod where such an election is to take place.

(3) Synod shall appoint one of the Bishops to be the senior Bishop and he shall be known as the Presiding Bishop. He shall be the Chief Executive Officer of the denomination and shall act in consultation with the Executive Committee.

(4) Every Bishop shall be appointed by Synod to have the oversight of particular Churches in an area and shall be known as an Area Bishop.

## **ARTICLE X**

### **THE EXECUTIVE COMMITTEE**

(1) The Executive Committee shall consist of the Presiding Bishop, the Chancellor, the Registrar, the Treasurer and not fewer than five members elected by the Annual Synod; provided that the elected members shall as far as possible represent the geographical areas in which the Church operates.

(2) The Executive Committee shall meet at such times and places as may be considered necessary for the despatch of business. A quorum shall consist of four members of the Committee of whom at least two shall be elected members.

(3) The chief function of the Executive Committee is to carry on the business of the Church between Synods and shall have authority to enact any business of Synod.

(4) The duties of the Executive Committee shall be as follows:

(a) to establish new congregations and assist Constituent, Daughter, Regional and National Churches;

(b) to co-ordinate and combine the work of Churches in all matters affecting the general welfare of the Church;

(c) to confer and co-operate as occasion may require with other Christian Churches and communities;

(d) generally to take such action as may be considered necessary in defence of the principles and doctrines of the Church and to conduct such measures of public relations as are considered necessary;

(e) to provide for the training and recruitment of Ministers;

(f) to promote unity and brotherly love amongst the churches and the members of the Church, to advise, mediate and arbitrate in cases of difference or dispute; Provided that any church or member who is aggrieved by such arbitration decision may appeal to the next Annual General Synod or to a Special Synod called specifically for that purpose whose decision shall be final and provided further that the arbitration decision shall be effective whilst the appeal to Synod is pending.

(g) generally to offer advice to churches and ministers in matters appertaining to the appointment and dismissal of ministers.

(h) to ensure that proper employment contracts for all full time employees of Constituent and Daughter Churches are enacted;

(i) to appoint a General Secretary in agreement with the Central Trustees; and

- (j) generally to carry on the business of and to promote the interests of the Church
  - (k) generally to take such action or steps as may be considered necessary in defence of or for the protection of both immovable and movable property of the Church of England in South Africa, including that of Constituent, Daughter, Regional or National Churches.
  - (l) generally to take such action or steps as may be considered necessary for the continuance of any church business, meetings, services or church operations.
- (5) (a) The Executive Committee may appoint a Sub-Committee to meet at more frequent intervals than the whole Executive Committee for the purpose of dealing with such business or performing such actions or duties as may be delegated to the Sub-Committee, and for which purposes the Sub-Committee may be given power to act.
- (b) An arbitration decision shall, if the decision is that of a Sub-Committee, become effective as from the date that such decision is confirmed by the Executive Committee.
- (6) Any person or church aggrieved by any decision of the Executive Committee may appeal to the next Annual General Synod or Special Synod called for that purpose whose decision shall be final.

## **ARTICLE XI**

### **DOMICILE**

The legal domicile of the Church shall be at 483 Proes Street, Pretoria and the seat of administration shall be at such place or places as may be chosen by Synod from time to time.

## **CHAPTER 2 - CANONS**

### **CANON 1**

#### **DIOCESAN ORGANISATION**

The Church shall be administered as a single Diocese embracing all Constituent, Daughter, Regional and National Churches, but Synod may from time to time create one or more further Diocese and shall allocate Churches to Diocese so created. Synod may delegate to the separate Diocese such powers as may be deemed necessary.

### **CANON II**

#### **CHAIRMAN OF MEETINGS**

The Presiding Bishop shall be Chairman of all meetings of Synod and of the Executive Committee. If the Presiding Bishop is not present, Synod or the Executive Committee as the case may be, shall appoint a Chairman for that meeting. The Chairman shall have a casting as well as a deliberative vote.

### **CANON III**

#### **MEETINGS OF SYNOD**

1. The notice convening Synod, accompanied by the Agenda, shall be dispatched by the Registrar through the Constituent, Daughter, Regional or National Church as the case may be, to each member of Synod at least one month prior to the date on which the Synod is to be held, due regard being paid, where necessary to the notice provided for in Section (3) and (4) of Article 1 of Chapter I. In the same way the Agenda for Synod shall be circulated at least one month prior to the date of Synod.
2. The order of business at the Annual Synod shall be as follows:
  1. Holy Communion and Synod Sermon
  2. Roll call and Declaration of Loyalty
  3. The Bishop's or Vicar-General's Charge
  4. Confirmation of Minutes
  5. Annual Report of Executive Committee, Constituent Churches, and Treasurers, including audited accounts, and such other reports as the Executive Committee may from time to time decide;
  6. Matters under notice of motion
  7. Election of Bishops and confirmation of appointment of Bishop's Chaplains
  8. Election of Chancellor, Registrar, Treasurer, Auditors members of the Executive Committee, C.E.S.A Pension Fund Trustees and George Whitefield College Board of Directors.
  9. Election of Central Trustees and Special Trustees to fill vacancies
  10. General
  11. Date and place of next Synod.
3. (a) All officers shall serve terms of three years duration, unless Synod decides otherwise. All officers may be re-elected to the same or different offices.

- (b) All officers shall continue in office until the conclusion of the Annual Synod at which their term of office expires.
4. The elected members of the Executive Committee shall consist of:
- a) The Bishops, other than the Presiding Bishop who is ex officio Chairman of this Committee having both a deliberative and casting vote, and;
  - b) (i) Not more than six other members of whom at least half shall be laymen; and  
(ii) Who shall represent the geographical areas in which the Church operates and who shall be elected by the respective Area Councils, provided that they reside in the said Council area and provided further that the representation shall be one layman and one clergyman from each Area and;
  - c) Not more than three members, if any, shall in addition be elected by the outgoing Executive Committee, and which members shall be deemed to have been elected by Synod.
5. The Executive shall have the power to co-opt a member to fill a vacancy for a term up to the next Synod.
6. The Central Trustees shall have the right to attend meetings of the Executive Committee with voice but no vote.
7. All nominations for Elected Officers in terms of items 8 and 9 of paragraph (2) hereof except in the case of members of the Executive Committee elected by Area Councils, shall be lodged in writing with the Registrar not less than six weeks before Synod and the list of nominations shall be sent out with the Synod Agenda;

Provided that should no nomination to fill a vacancy be received timeously or should a vacancy arise after closing date for receipt of nominations, nominations may be made at Synod on such terms and conditions as it may decide.

8. Save with the leave of Synod, no motion shall be considered by Synod unless it has first been considered by an Area Council.
9. Save with the leave of Synod, Synod shall not consider any appeal unless notice in writing is given to the Registrar at least three months before the sitting of the next Synod and which notice includes the name of the person, parties or church aggrieved, the nature of the grievance and the decision which is appealed against. The Registrar shall in turn cause a copy of the notice, brief description of the circumstances surrounding the incident and the reasons for the decision to be dispatched with the agenda and notice convening Synod to each member of Synod. Voting shall be by ballot, a majority being required.

## **CANON IV**

### **FINANCE**

1. The finances of the Church shall be controlled and administered by the Central Trustees in accordance with the Trust Deed dated 16th March 1946.
2. Each Constituent, Daughter and National Church shall pay an annual levy being a percentage of its ordinary revenue for the preceding financial year. The percentage shall be determined by Synod from time to time. The items of revenue to be included in ordinary revenue shall be determined by Synod

from time to time. The accounts of each Church shall be audited annually. A copy shall be forwarded to the Treasurer of the Church of England in South Africa not less than three months prior to the Annual General Synod.

## CANON V

### APPOINTMENTS

1. Bishop's Chaplains may be nominated by the Presiding Bishop, such nomination to be confirmed by Synod.
2. Every Constituent Church shall have the right to appoint and dismiss its Minister and the contractual relationship shall be between the Constituent Church and the Minister. Every appointment or dismissal shall be submitted to the Presiding Bishop for his approval. If the Bishop withholds his approval the Constituent church shall have the right to appeal to Synod. The appointment shall not be for a period of more than 5 years in the first instance and it may be renewed for further periods of three years by the Constituent Church after consultation with the Bishop and the Executive Committee with right of appeal to Synod.
3. The Presiding Bishop will issue a licence to each minister who has been duly appointed as envisaged in clause (2). The Presiding Bishop shall have the right, after consultation with the Executive Committee to withdraw a minister's licence should that minister be considered no longer fit to hold office, having regard to Canon XVII.
4. The appointment of an acting or assistant Minister may be made by the Presiding Bishop and Executive Committee in emergency or special need in consultation with the Council of the Constituent Church concerned.
5. Lay Readers shall be nominated from members of the Church of England in South Africa by the Ministers of Constituent Churches to the Area Bishop for his approval. The Area Bishop, if he approves of the nomination, will request the Presiding Bishop to issue the necessary licence. Such licence may also be withdrawn by the Presiding Bishop on the recommendation of the Area Bishop. Where there is no Constituent Church the Bishop may appoint a Reader with the consent of the Executive Committee. All Lay Readers shall be subject to such rules as Synod may from time to time authorise.
6. Except in case of emergency, no person shall be appointed to officiate in any Church, Congregation, Theological College or Training Institution unless he is a member of the Church of England in South Africa and he has been duly licensed by the Presiding Bishop, provided that he shall, before being licensed, sign the following declaration:

"I, ..... solemnly promise to adhere to the Constitution of the Church of England in South Africa and to receive as authoritative the standards of faith and doctrine as contained in the 39 Articles of Religion, all forms of services, and discipline of the Church in accordance with that Constitution and all subsequent amendments thereto. I acknowledge that the vows I took when I was made a deacon/ordained a presbyter/consecrated a bishop are binding on me. I further solemnly promise to acknowledge the authority and to carry out the decisions of Synod and the lawful instructions of the officers of the Church, and to work for the peaceful and Christian fellowship of the Church, its Clergy, Synod members and all Churches. I further solemnly declare that if at any time hereafter while holding office in the Church I no longer hold to the doctrines contained in the 39 Articles of Religion or no longer accept the authority of Synod or the lawfully appointed officers of the Church, provided that they continue to act in accordance with the terms and spirit of the Constitution of

the Church or if I depart from the spirit and letter of the vows taken I shall resign from the Church of England in South Africa and any of its Churches within thirty days of being called upon to do so by the Synod, or the Presiding Bishop and/or Area Bishop acting in consultation with the Executive Committee of the Church, or by majority vote of the Council or congregation of the Church to which I belong and I shall vacate and return any property of the Church of England in South Africa or any of its Churches which I may be occupying or holding whether officially or personally within the aforesaid period of thirty days.”

## **CANON VI**

### **CHANCELLOR**

The Chancellor shall be the Legal Officer of the Church.

### **REGISTRAR**

The Registrar shall be the Public Officer of the Church.

## **CANON VII**

### **TREASURER**

It shall be the duty of the Treasurer to see that all income due to the Church is duly collected, all payments promptly made and to keep proper books of account. He shall prepare an income and expenditure account for each financial year ended on 31st March and also a Balance Sheet as at that date. The Account and Balance Sheet shall be audited and submitted by the Treasurer to the Annual Synod, accompanied by an estimate of income and expenditure for the ensuing year.

## **CANON VIII**

### **GENERAL SECRETARY**

The General Secretary of the Church shall be appointed by the Executive Committee in agreement with the Central Trustees; and the appointment ratified by the succeeding Synod.

## **CANON IX**

### **AREA COUNCILS**

- (1) Synod may authorise the establishment of Area Councils. Each Area Council shall consist of representatives of the Churches in its area on the same basis as representation to Synod and shall have such powers as are delegated by Synod and shall be responsible to Synod through the Executive Committee.
- (2) Each Area Council shall elect or appoint both an Area Executive Committee and an Area Finance Committee.

## **CANON X**

### **CONFERMENT OF CHURCH STATUS AND WITHDRAWAL OF SUCH STATUS**

1. Every application for the conferment of Constituent Church status or Daughter Church status must be made in the first instance to the local Area Council who will make a recommendation to the Executive Committee and such application shall contain such particulars as are necessary.
2. The Executive Committee shall when considering such application, and without limiting the generality of factors to be considered, and considering the status applied for, take into account:
  - (a) Whether the congregation has been holding church services and for how long.
  - (b) The number of members.
  - (c) Whether there are sufficient members who qualify as potential Churchwardens and Council members.
  - (d) The financial support from members.
  - (e) The availability of a Minister.
  - (f) Whether the Church is able to pay at least the minimum stipend to the Minister as determined by the Executive Committee from time to time.
  - (g) Whether a Church building is available and whether there is a building programme.
  - (h) The potential of the area in which the Church is situated.
3. The Executive Committee shall, if it is of the opinion that the application should be granted, make a recommendation to the following Synod.
4. If the Executive Committee is at any time of the opinion that the condition of or the circumstances prevailing at a Constituent Church or Daughter Church or National Church or Regional Church is such that consideration should be given to the withdrawal of that Church's status, or that consideration should be given to the taking of any step, the Executive Committee shall make such investigation as it deems necessary or take such action or steps as the Executive is empowered to do and shall if necessary make a recommendation to Synod that the Church's status be withdrawn.
5.
  - (a) Should a Constituent Church fail to pay its levy or any portion thereof referred to in Canon IV within a period of six months calculated from the date upon which such payment became due, the Treasurer, if so instructed by the Central Trustees, shall send by pre-paid registered post a notice calling upon such Church to remedy its default forthwith.
  - (b) Should a Church fail to remedy such default within a period of 60 days calculated from the date of posting of such notice, such Church shall be deprived of its voting rights at Synod and on its area council until such time as all arrear levies have been paid.
  - (c) Nothing herein contained shall derogate from the power of Synod to withdraw Church status in circumstances contemplated in Section (4) of this Canon.

## CANON XI

### STANDARDS

The Faith, Doctrines and Principles of the Thirty Nine Articles of Religion and of the Book of Common Prayer of 1662 are unalterable as clearly stated in the preamble to the Constitution of the Church of England in South Africa and Article One of that Constitution. Any alternative or additional services authorised under the following Canons must comply therewith.

## **CANON XII**

### **ALL SERVICES**

Any service on the Lord's Day must include these five elements:

1. Confession of sin
2. Praise and Thanksgiving
3. Petition
4. Reading of Holy Scripture drawn from both Old and New Testaments
5. Exposition of Holy Scripture

## **CANON XIII**

### **LITURGICAL SERVICES**

Since The Church of England in South Africa is a liturgical Church, and also for the sake of unity and continuity in the life of the Church, a service from the 1662 Prayer Book is required to be used in all Constituent Churches at least one of the services on each Lord's Day. Other liturgical services may be temporarily or permanently authorised by Synod.

## **CANON XIV**

### **SPECIFIC SERVICES**

For the safeguarding of doctrine, only a service from the Prayer Book of 1662 or a liturgical service authorised by Synod shall be used for Baptism, Confirmation, Holy Communion, Ordination, Marriage and Burial. Due consideration shall be given to the wishes of persons to be married and principal mourners as to which form of service is used where they are concerned.

## **CANON XV**

### **ALTERATIONS TO PROCEDURE**

Subject to Canons XIII and XIV above, the decision whether to introduce any service not drawn from the Prayer Book of 1662 in the Lord's Day services of a particular congregation, shall be made by the Rector and Church Council, approval by two-thirds majority of Church Council members, present and voting, being required. Provided that the approval of the Area Bishop has first been obtained and provided that a decision so made shall be agreed by the next Vestry Meeting, where approval by two-thirds majority of Church members, present and voting, is similarly required. If the Rector and Church Council and/or the Vestry Meeting are not agreed by a sufficient majority, Prayer Book services only shall be used until such time as agreement to the contrary is arrived at.

## **CANON XVI**

### **ATTIRE**

- 1) The historical and current normative dress of a Church of England minister when officiating on any occasion is white surplice and black scarf, with academic hood if applicable, which dress will be worn on appropriate occasions to the exclusion of other vestments of a sacerdotal character. Its style shall not indicate glory and prestige but humility and service.
- 2) The dress to be worn on any occasion by a licensed Reader is surplice and badge of office, and hood if applicable.
- 3) A minister or licensed Reader as the case may be may only decide that an occasion is not appropriate with the agreement of at least two-thirds of the Church Council concerned, being present and voting, in which case the Church Council shall also specify the dress suitable for the occasion in question, provided further that the Area Bishop approves of such deviation.

## **CANON XVII**

### **ORDER**

If the Presiding Bishop, or in his absence, an Area Bishop is notified that any person is acting contrary to his Declaration in terms of Canon V (5), or is accused of some other offence, after ensuring that the complainant has himself lodged his complaint with the person concerned, he shall proceed in accordance with the Lord's teaching in Matthew 18 verses 15 - 18. He shall first consult privately with the person concerned to establish the facts and then, if the information received proves to be correct he shall admonish him. Should the offence be repeated, the Bishop shall take with him one or more members of the Executive Committee to confer with the person again and admonish him a second time. If the person continues to offend, the Presiding Bishop or, in his absence the most senior Area Bishop shall, after having heard the person concerned, have the right with the approval of the Executive Committee to suspend the person's licence to officiate in a Church congregation, and/or to suspend the person from any office in the Church of England in South Africa. The vows taken when a person is made a Deacon, ordained a Presbyterian or Consecrated a Bishop are a public affirmation of the undertakings he makes and any deviation from those vows shall constitute an offence as envisaged in this Canon. The Bishop shall bring the matter before the ensuing Synod and if the Synod's admonition is disregarded the person shall, on the date when Synod next meets be deprived of his office in the Church of England in South Africa, and become incapable of holding it or any other office in the Church until such time as he sincerely and wholeheartedly agrees to conform to the order of the Church.

## **CANON XVIII**

### **HANDBOOK OF PROCEDURES**

Synod shall cause a Handbook of Procedures to be drawn up which will details the way the Church is to operate in specific circumstances. This Handbook will contain decisions of Synod and also give details of the practices of the Church. Any amendments to the Handbook shall be ratified at the next Synod after their introduction.

## APPENDIX

### 1. CLAUSES TO BE INCORPORATED IN CONSTITUTION OF LOCAL CHURCHES

1. The Congregation of ..... a Constituent Church of the Church of England in South Africa, has subscribed to the Constitution of, and has been declared a Constituent Church by, the said Church of England in South Africa.
2. .... (hereinafter referred to as "this Church") shall, in terms of the Secular Law, be a voluntary Association with full legal personality, with perpetual succession and the power to hold property in its own name, distinct from its members, and capable of being sued and suing in its own name.

All immovable property of this Church shall be registered in the name of the Central Trustees of the Church of England in South Africa, or Special Trustees as may be applicable.

3. The aims and objects of this Church shall be to provide for the worship of God, in terms of the faith and doctrine as laid down in the Constitution of the Church of England in South Africa.
4. (i) The members of this Church shall all be persons who have applied to the Church Council for membership and who have been admitted as such, provided that the Church shall not admit any person to membership unless he/she:
  - (a) has been baptised and made a personal confession of faith in the Lord Jesus Christ;
  - (b) has accepted and continues to accept the Constitution of the Church of England in South Africa;
  - (c) is over eighteen years of age;
  - (d) is not a member of any other Church;
  - (e) has been a habitual worshipper of this Church for a period of not less than six months, provided that a member of the Church of England in South Africa, upon transfer to this Church, shall be received as a member of this Church if he applies for admission as such.

provided further that the provisions of Clause 4 (i) (d) and (e) may be relaxed where the person concerned is a full-time missionary attached to or affiliated with a recognised missionary society.

- (ii) No person shall be entitled to vote at any Vestry Meeting, or be eligible as holder of any office and/or as member of any body or council constituted by this Constitution unless he or she be a member.
5. The Church Council shall delete the name of a member from the Membership Roll if it is, after giving notice by registered post to such member of its intention to do so, satisfied that the member concerned no longer qualifies to be a member, unless the member has ceased to be an habitual worshipper on account of age or ill-health or any other similar valid reason.
6. If a member is not satisfied with any decision of the Church Council concerning himself, he may ask the Executive Committee of Synod to mediate or arbitrate in terms of Article X (3) (f) of the Constitution of

the Church of England in South Africa. Such arbitration shall be subject to confirmation by the next Synod whose decision shall be final.

## 7. Closure of Church

The Church may close down if at least two-thirds of the members present and voting at a Special Vestry Meeting convened for the sole purpose of considering such matter, are in favour of closing down.

Should the Church close down as envisaged above its first obligation is to pay off all its debts. Should any money or assets remain after discharging its debts they should be given in the first instance to the Central Trustees for the time being of the Church of England in South Africa. Should the said Central Trustees not be in a position to receive any such assets they should be given to another non-profit organisation that has similar aims and objectives to this Church. The Special Vestry Meeting called to decide on the closure of the Church shall decide which organisation this should be. No money or assets may be paid to any member or office bearer of the Church, except in the discharging of debts.

## 8. The following Declaration of Loyalty shall be signed by each delegate to Synod in terms of Article VIII (6)

"I, ..... solemnly promise to adhere to the Constitution of the Church of England in South Africa and to receive as authoritative the standards of faith and doctrine as contained in the 39 Articles of Religion, all forms of services, and discipline of the Church in accordance with that Constitution and all subsequent amendments thereto. I further solemnly promise to acknowledge the authority and to carry out the decisions of Synod and the lawful instructions of the officers of the Church, and to work for the peaceful and Christian fellowship of the Church, its Clergy, Synod members and all Churches. I further solemnly declare that if at any time hereafter while holding office in the Church I no longer hold to the doctrines contained in the 39 Articles of Religion or no longer accept the authority of Synod or the lawfully appointed officers of the Church, provided that they continue to act in accordance with the terms and spirit of the Constitution of the Church I shall resign from the Church of England in South Africa and any of its Churches within thirty days of being called upon to do so by the Synod, or the Presiding Bishop and/or Area Bishop acting in consultation with the Executive Committee of the Church, or by majority vote of the Council or congregation of the Church to which I belong and I shall vacate and return any property of the Church of England in South Africa or any of its Churches which I may be occupying or holding whether officially or personally within the aforesaid period of thirty days.

This Declaration must also be signed by Churchwardens and Council members annually after the Annual Vestry Meeting.

**FOUNDATION DEED of an UNINCORPORATED TRUST for  
CHURCH OF ENGLAND IN SOUTH AFRICA**

WHEREAS Article V of the Constitution of the Church of England in South Africa makes provision for the appointment of Trustees upon such terms as the Council of the Synod shall decide in whom shall be vested the funds and assets of the said Church.

AND WHEREAS the Council of the Synod has decided by Resolution dated 16th March, 1945, to adopt the hereinafter mentioned Trust Deed wherein the powers and duties of the said Trustees (hereinafter called the Central Trustees) are defined.

AND WHEREAS the Synod did on the 20th June, 1945, duly ratify and accept the said Resolution of Council and the said Trust Deed.

**RECITAL OF OBJECT**

AND WHEREAS the parties hereto deem it expedient that this Deed of Trust should now be adopted and established in terms of Article V of the Constitution of the Church of England in South Africa for the purposes, among others, of consolidating as far as possible the holding, vesting and administration of the properties and funds of the Church, its charities, mission and all other assets.

**NOW THEREFORE THESE PRESENTS WITNESS**

**1. INTERPRETATION**

In the interpretation of these presents unless inconsistent with the subject or context:-

The **CENTRAL TRUSTEES** means the several parties duly appointed as Trustees from time to time by the Synod or Council.

The **PROPERTY** means the movable and immovable or leasehold property from time to time belonging to or vested in or under the control of management of the Central Trustees or which ought in due course of law or under this Deed to be vested in them.

The **BISHOP** means the Senior Bishop for the time being of the Church of England in South Africa and until a Bishop is appointed means the duly appointed Vicar-General for the time being.

The **SYNOD** means the Synod of the Church of England in South Africa.

The **COUNCIL** means the Council of the Synod in terms of Article V of the Constitution.

The **CHURCH** means the Church of England in South Africa under and in terms of its Constitution of 1938 as amended from time to time.

**2. GENERAL OBJECTS OF THE TRUST**

The Central Trustees shall by all lawful means acquire movable and immovable property and (except where special trusts are declared as hereinafter mentions) shall apply the same in aiding or furthering the work of the Church for which purpose they shall do and carry out or assist in doing or carrying out all

such matters and things as are likely to promote the objects of the Church and in particular such of the following things as they may from time to time in their discretion deem expedient, but subject however to any general directions which may from time to time be given by the Synod or Council:-

**(a) TO ASSIST CHURCH SOCIETIES, SCHOOLS, CHARITIES ETC.**

They may assist pecuniarily or otherwise all or any of the Churches, societies, institutions, clubs, trusts, organisations, schools, colleges, homes, refugees and charities now existing or hereafter to exist in connection with the Church as they shall in their discretion think fit.

**(b) TO ACQUIRE SITES FOR AND BUILD CHURCHES AND OTHER BUILDINGS**

They may acquire sites for building, altering or enlarging and build, alter or enlarge and maintain or endow Constituent Churches, chapels, churchyards, burial grounds, schools, colleges, mission halls, parish rooms, residences for Bishops and Clergy, schoolmasters and schoolmistresses, refugees, or other buildings to be used in connection with the work of the said Church: and for these and other purposes likewise to hire, take on lease, or in exchange, or otherwise acquire movable or immovable property.

**(c) TO ASSIST CLERGY AND OTHERS PECUNIARILY**

They may provide or increase or subscribe to the provision or increase of the stipends and travelling expenses of Bishops, Clergy, teachers and other officers and assistants of the said Church, whether clerical or lay and provide relief or pensions for such persons, their widows and families and to make grants in aid and to lend money.

**(d) TO ACCEPT PROPERTY ON VARIOUS TRUSTS**

They may accept property to be held either:-

(i) For the general purposes abovementioned, or

(ii) Upon special trusts connected with the said Church either as original Trustees or as new Trustees of a trust already existing,  
or

(iii) As bare or passive Trustees without undertaking the management and administration of such property where trusts of such property in connection with the said Church are to be administered by other trustees or managers, or in the case of Constituent Churches by the person or persons in whom such previously vested.

**3. PROPERTY ACCEPTED FOR GENERAL PURPOSES**

When property is accepted by the Central Trustees for the general objects hereinbefore expressed they may apply both capital and income including the proceeds of the sale or mortgage thereof in or towards any such objects as they may deem meet or they may accumulate such income until the same can be usefully applied for all or any of such objects subject to the approval of the Synod or Council.

**4. PROPERTY ACCEPTED UPON SPECIAL TRUSTS**

When property is accepted by the Central Trustees upon special trusts to be declared by the donor all the powers and provisions of these presents shall be deemed to be incorporated in the deed declaring such special trusts except in so far as the same shall be expressly excluded or modified or be inconsistent with such special trusts.

## **5. TRUSTS ALREADY EXISTING**

When property is accepted by the Central Trustees upon trusts already in existence or in cases where property presently stands registered in the name of any specified congregation and was acquired by such congregation subject to any special terms and conditions, the Central Trustees shall administer and said trusts or deal with the said property as the case may be subject to all terms and conditions under which the property is held or subject to which it was donated or acquired.

## **6. RIGHTS OF CONSTITUENT CHURCHES**

No sale, exchange, mortgage, lease or other alienation of any immovable property which has been transferred to the Central Trustees by any congregation or which is vested in the Central Trustees in trust for any specified congregation shall be made or passed or become operative unless the same shall have been duly authorised by a Resolution passed by not less than seventy-five per centum of those members present and voting at a Vestry Meeting of such congregation and provided further that in addition all such other conditions have been complied with and consents given which are required by the provision of any Deed of Donation or other document executed when the property in question was acquired by the congregation and/or the Central Trustees. Subject as aforesaid the Central Trustees shall have full power with the consent of the Synod or Council to sell, exchange, partition, mortgage, lease or otherwise dispose of any immovable property vested in them on which is erected any Church, Chapel, Church Hall, Mission Hall, School or Rectory.

## **7. PROPERTY HELD BY TRUSTEES AS BARE TRUSTEES**

Where property is accepted by the Central Trustees as bare or passive Trustees they shall from time to time apply such property according to the lawful directions of the Constituent Church, Trustees or Managers to who the management and administration thereof may have belonged or been vested.

## **8. GENERAL POWERS OF TRUSTEES**

Subject to the provisions of Clauses 5, 6 and 7 the Central Trustees shall have the following powers which they shall exercise subject to such general directions which may from time to time be given by the Synod or Council:-

### **(a) LEGACIES, DONATIONS**

To receive all legacies, donations or bequests given or made to the Church of England in South Africa or to any specified congregation of the Church of England in South Africa or any funds handed over by the Church or any congregation and the same shall vest in and be administered by the Central Trustees in accordance with the provisions of this Clause 8.

### **(b) INVESTMENTS**

To invest the funds in the hands of the Central Trustees not immediately required in stock or securities of the Government of the Union of South Africa, stocks of any Municipality in the Union of South Africa, first mortgage of landed property, or on fixed deposit with any Bank or Building Society carrying on business in the Union of South Africa or in such other investments or securities as the Central Trustees may from time to time deem fit.

### **(c) PROPERTY**

To purchase, take on lease or in exchange, hire or otherwise acquire any movable or immovable leasehold property.

### **(d) BORROWING POWERS**

To borrow or raise or secure the payment of money in such manner as the Central Trustees shall think fit.

(e) To sell, improve, manage, develop, exchange, partition, lease or turn to account any part of the property or rights vested in the Central Trustees.

**(f) TO PAY EXPENSES**

To pay all expenses incurred in relation to the preparation stamping and execution of these presents and all expenses to be incurred in relation to the trusts from time to time reposed in them.

**(g) TO DELEGATE POWERS TO COMMITTEES, ETC.**

To appoint and delegate any of their powers or duties to any manager or committee consisting of members of their body or of persons who are not members of their own body and to revoke any such appointments or cancel such delegations from time to time. The signatures of any two Central Trustees duly authorised thereto by Resolution of the Central Trustees shall be deemed sufficient for all legal and formal documents.

**(h) TO ACT ON OPINION OF COUNCIL**

To take Council's opinion on any matter and act in accordance with such advice without being responsible for any error thereby committed

**(i) TO APPOINT AND DISMISS OFFICERS AND SERVANTS**

To appoint and remove or suspend and pay such officers, clerks, servants and auditors either for permanent, temporary or special services as they may from time to time deem necessary and to determine their duties and powers and fix their salaries or remuneration and (if necessary) to require security of such amount as they may think fit for the proper and sufficient discharge of such duties.

**(j) IMPROVE AND REPAIR PROPERTY**

To improve, repair and maintain and insure against loss or damage by fire any of the property and to discharge out of income or capital all outgoings properly payable in respect of the property without prejudice to the right of the Central Trustees to make it a condition of letting any person into possession of any of the property (whether as tenant at will or otherwise) that such person shall pay and discharge all or any part of such outgoings

**(k) TO ADJUST CERTAIN DEBTS**

To adjust, upon such terms as may be mutually approved, any liabilities, such as mortgage or otherwise, which may exist upon, or in connection with any Constituent Church or other property.

**(l) TO HAND OVER PROPERTY TO INCORPORATED BODY**

In the event of any corporate body being hereafter formed for all or any of the purposes for which the Central Trustees have been constituted to hand over the whole of the property to such body except so far as any special trusts of such property prohibit such handing over.

**(m)**In the exercise of the powers contained in paragraphs (a) to (e) both inclusive of this Clause 8 the Central Trustees shall conform to any condition or direction subject to which any legacy, donation or bequest has been made or given or any funds which have been handed over to the Central Trustees in terms of this Clause 8 and shall also conform to the provisions of Clause 6.

**9. ASSETS AND INVESTMENTS**

(a.) All immovable or leasehold property to be vested in the Central Trustees shall be registered in the name of 'The Central Trustees for the time being of the Church of England in South Africa' or in such other manner as the Registrar of Deed concerned may require.

- (b) All investments shall be registered in the name of 'The Central Trustees for the time being of the Church of England in South Africa' but if the Government, Body, Company or Institution with which it is desired to make any investment will not register the investment in manner as will be allowed by the Government, Body, Company or Institution concerned but so that if possible the investment shall be registered in the name of at least two of the Central Trustees.

## 10. NUMBER OF TRUSTEES

- (a) Until otherwise determined by Synod the number of Central Trustees shall not be less than four nor more than eight. If any Central Trustee or Central Trustees vacate office in accordance with these presents the vacancy or vacancies shall be filled up by the Synod or Council unless it shall be decided by the Synod or Council not to fill up the vacancy.
- (b) Save and except such of the first Central Trustees appointed by sub-paragraph (c) hereof as retire in accordance with Proviso B to this sub-paragraph (b) each Central Trustee shall hold office for a period of five years from the date of his appointment but shall be eligible for re-appointment provided that:-
- A. The Office of a Central Trustee shall ipso facto be vacated:-
- (i) If he absent himself from the meetings of the Central Trustees for a continuous period of six months without special leave of absence from the Central Trustees and the Central Trustees resolve that his office is vacated.
- (ii) If by notice in writing to the synod or Council he resigns his office.
- B. At the expiration of three years from the date of these presents one of the original Central Trustees appointed by sub-paragraph (c) hereof shall retire from office; at the expiration of four years from the date of these presents a further original Central Trustee shall retire from office and at the expiration of five years from the date of these presents such of the remaining original Trustees as are then in office shall retire from office. The Trustees to retire as aforesaid shall, unless they otherwise agree among themselves, be determined by lot. A retiring Trustee shall be eligible for re-appointment
- (c) The first Central Trustees shall be:-
- (1) Alan Ewbank (Vicar-General)
  - (2) Cecil Guy Churms
  - (3) Reginald Thomas Johnsen
  - (4) Daniel Gordon Mills
  - (5) Bernard Price
  - (6) George Henry Starck
  - (7) Charles Marquard Hammond Tooke
- and by their signatures hereto hereby accept.
- (d) The Central Trustees may act notwithstanding any vacancy in their body, but so that if the number falls below the minimum above fixed the Trustees shall not except in emergencies, act so long as the number is below the minimum.
- (e) **MEETINGS**  
The Central Trustees may meet together for the despatch of business, adjourn and otherwise regulate their meetings and proceedings as they may think fit and may determine the quorum

necessary for the transaction of business. Until otherwise determined 3 (three) Central Trustees shall be a quorum.

(f) **HOW CALLED**

A Central Trustee may at any time convene a meeting of the Central Trustees and the Synod or Council may likewise convene a meeting of the Central Trustees at any time or place. It shall not be necessary to give notice of a meeting of the Central Trustees to any Central Trustee who is not for the time being present in the Union of South Africa.

(g) **VOTING**

a Central Trustee may attend and vote by proxy at any meeting of the Central Trustees provided that such proxy has been approved of as such by the Central Trustees and has been appointed by writing under the hand of the appointed. The appointment may be general or for any particular meeting or meetings. The appointee may be another Central Trustee.

(h) **MAJORITY VOTE**

It shall not be necessary for the Central Trustees to act unanimously but all their powers and all discretion vested in them may be exercised by the majority of those who are present and vote at any meeting provided that a quorum be present.

(i) **CHAIRMAN**

The Central Trustees shall elect a Chairman of their meetings and determine the period for which he is to hold office. If no Chairman is elected or if at any meeting the Chairman is not present, within fifteen minutes of the time appointed for holding the same, the Trustees present shall choose someone of their number to be the Chairman of such meeting.

(j) A meeting of the Central Trustees at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions by or under these presents vested in or exercisable by the Central Trustees generally.

(k) Resolution in writing signed by all the Central Trustees for the time being in the Union of South Africa if sufficient to constitute a quorum shall be as valid and effectual as if it has been passed as a meeting of the Central Trustees duly called and constituted.

## **11. MINUTES**

Minutes of the proceedings of all meetings of the Central Trustees shall be recorded in a book to be kept for the purpose and shall be signed by the Chairman of the meeting at which the minutes are read and confirmed or in his default by any two of the Trustees present and every such minute purporting to be so signed shall be prima facie evidence of the facts therein stated.

## **12. BANKING ACCOUNT**

The Central Trustees shall keep an account or accounts at such banks or bank as they shall from time to time determine. Every sum paid amounting to Two pounds or such sum as the Central Trustees may determine from time to time, or more shall be paid by a cheque on the bankers. All sums received shall be forthwith paid into such bank account either to the general account of the Central Trustees or to the account of the particular Trust or object for or in respect of which it is received.

## **13. CHEQUES**

Cheques shall be drawn, signed and endorsed by:

- a. any two of the Central Trustees, or
- b. one of the Central Trustees and counter signed by a person authorized to do so by the Central Trustees from time to time.

#### **14. PAYMENTS TO BE SANCTIONED**

No payments shall be made without the authority of the Central Trustees except payments on petty cash and emergency account for which it shall be lawful for the Central Trustees to place at the disposal of the Secretary such sum as they may think fit from time to time not exceeding Fifty pounds or such sum as the Central Trustees may determine from time to time at any one time.

#### **15. ACCOUNTS**

The Central Trustees shall cause the accounts to be kept in such manner as they think fit of all their receipts, credits, payments and liabilities and of each separate object or purpose for which property is held or has been applied by them and of all other matters necessary for showing the true state and condition of their trust.

#### **16. BALANCE SHEETS**

The Central Trustees shall as soon as possible after the 31<sup>st</sup> day of March in each year make an annual balance sheet which shall be open to the inspection of members of Synod and Council and of such officers of the Church and other person duly authorized thereby. Duly appointed and authorized representative of any Constituent Church or mission charity or the like, whose trust property shall be vested in or administered by the Central Trustees, shall be entitled to annual audited statements in respect of their trust properties and funds.

#### **17. AUDIT**

The accounts of the Central Trustees shall as soon as possible after the balance sheet referred to in Clause 16 has been prepared be audited by at least one accountant to be nominated by Synod or Council. Such auditors shall have free access to the books of accounts, vouchers and other documents of the Central Trustees.

#### **18. POWER TO REVOKE OR VARY SPECIAL TRUSTS IN CERTAIN CASES.**

It shall be lawful for the Synod to revoke or vary or add to any of the provisions of these presents so long as such revocation, variation or addition is not inconsistent with the general scope and object of these presents and so long as such revocation, variation or addition is in accordance with the Constitution and Canons of the Church.

#### **19. DISPUTES**

Disputes, whether between the Central Trustees inter se or between them and third parties and whether as to the interpretation of these present or of any Deed or Will vesting property or the management of property in the Central Trustees either generally or on special points may be submitted to the Synod, which shall have the power at the expense of the Trust to take any if it thinks fit, to act upon the opinion of Council, and also to delegate its powers of arbitrament, provided that nothing in this Clause shall prevent any Trustee or individual or Church or Organization from exercising his legal right of redress in the Law Courts of the State.

## **20. INDEMNIFICATION OF CENTRAL TRUSTEES**

Every Central Trustee shall be indemnified out of the property against all losses and expenses incurred in the discharge of his duties except such as may happen through his own wilful act or default and each one shall be chargeable only for so much money or property as he shall himself actually receive for or in discharge of the business of the trustees and shall be answerable only for his own acts, neglects or defaults and not for those of any other person nor for the insufficiency of any security for money invested or the title to any estate or property acquired nor for any loss or damage which may happen in the discharge of his duties not being attributable to his own wilful act or default.

## **21. MASTER OF THE SUPREME COURT TO DISPENSE WITH SECURITY**

Synod hereby directs the Master of the Supreme Court of the Cape Provincial Division and the Master of any other Division of the Supreme Court of South Africa to dispense with security under the Trust Moneys Protection Act 1934 from the Central Trustees irrespective of the number of Trustees holding office at any time.

**22.** Upon the ratification of this trust deed by the Synod the Trustees then acting shall do all things necessary to vest in the Central Trustees all property then held by them as Trustees and thereupon they shall cease to hold office.

**23.** The marginal notes of this Deed of Trust shall not affect the construction thereof.

(The date of this Trust Deed is the 16<sup>th</sup> March 1946)