

The Church of Scotland

DEED OF CONSTITUTION

of

THE CONGREGATION OF

**EAST KILBRIDE WESTWOOD PARISH
CHURCH OF SCOTLAND**

Dated 5 January 2017

*Form of Unitary Constitution issued in terms of the
Act anent Congregational Constitutions (Act XIX,
1964 (as amended)).*

The Church of Scotland

DEED OF CONSTITUTION (UNITARY FORM)

of

EAST KILBRIDE WESTWOOD PARISH CHURCH OF SCOTLAND

Scottish Charity No: SC001857

In the Presbytery of **HAMILTON**

First The control of the affairs of the Congregation, both spiritual and temporal, shall (subject to any Acts, Regulations or Directions which may subsequently be enacted by the General Assembly) be vested in the Kirk Session of the Congregation (hereinafter referred to as "the Session"). Such functions shall include those set out in the Consolidating Act anent Church Courts (Act III, 2000) and all those devolving in terms of General Assembly legislation on the Session and on the Financial Board of a Congregation. Nothing herein shall affect the status of the Session as a Court of the Church.

Functions of
Kirk Session

Second The Session shall consist of the Minister of the Charge (or if more than one of equal status, the Ministers) together with the Elders ordained and admitted to the Session in accordance with the Act anent Election and Admission of Elders and Deacons (Act X, 1932 (as amended)). Other Ministers and Deacons may be associated with the work of the Kirk Session as permitted by the law of the Church. For the purposes of Charity Law, the members of the Session shall constitute the Charity Trustees.

Membership
of Session

Third The Minister of the Charge (or if more than one of equal status, the Ministers by rota or on another basis as agreed between or among them) shall *ex officio* be Moderator of the Session. In a vacancy or where the Minister has, for any reason, been granted leave of absence, the Presbytery shall appoint one of its number to act as Interim Moderator (and may do so where a vacancy is anticipated) with all the powers and to fulfil all the usual functions of the Moderator. The Moderator or Interim Moderator shall also be entitled to authorise another minister of the Church to act as Moderator as provided for in Act III, 2000. The Moderator or Interim Moderator shall have a casting, but no deliberative, vote and may introduce items of business and speak to them. It shall be the function of the Moderator to call meetings of the Session and he or she shall be bound to do so within ten days if requested in writing by a majority of the elders, or where these exceed nine in number, by at least one-third with a minimum of five. Meetings shall be called by pulpit intimation or written notice although this may be dispensed with in an emergency where adequate notice is given by other means. Meetings shall normally be held in public with pastoral or disciplinary matters being taken in private by resolution of the Session. The quorum at meetings shall be three of whom one shall be the Moderator or Interim Moderator. Procedure at meetings shall be in accordance

Moderator
and Meetings

perils as is appropriate. Such insurances shall be taken in the name of the General Trustees insofar as the subjects insured are vested in them. The Session shall also have responsibility for discharging all duties imposed by Health and Safety and other civil law legislation pertaining to heritable properties. No extraordinary repairs or improvements of the heritable properties shall be undertaken, and no material alterations shall be made to them or to the fixtures and furnishings of the Church or Church Halls, until sufficient funds shall have been raised or assured for the purpose without encroaching upon the Ordinary Income of the Congregation.

Eighth The Session shall apply the whole funds and assets of any description and under its control in any way exclusively for the purposes of the Congregation and/or the Church of Scotland, unless such funds or assets are otherwise appropriated in law to a specific purpose, and in accordance with all relevant Acts, regulations and Deliverances approved by the General Assembly and in particular the Act anent Church Finance (Act V, 1989 (as amended)).

Application
of Funds
and Assets

Ninth The Session shall have power to borrow money for the purpose of implementing its duties and obligations but that subject to *(One)* the Session being satisfied that sufficient funds are available or are assured for the purpose of repaying the money borrowed; and *(Two)* the approval of Presbytery.

Power to
borrow
money

Tenth The Session shall ensure the provisions of the Congregational Finance Regulations (Regulations II 2016) as amended by the General Assembly from time to time are fully complied with. In particular, the Session shall ensure that the Congregational Accounts are received by the Congregation at its Annual Meeting, such Meeting to be held not later than the 30th day of June following the financial year-end date.

Report and
Accounts of
the
Congregation

Eleventh It shall be the responsibility of the Session to afford the Congregation convenient opportunities for contributing to any special collections which the General Assembly has approved and the Session shall also have power to make such collections as may be deemed necessary for religious or charitable purposes. Income received and disbursed or funds held or administered for such objects or purposes, whether originating in such collections or otherwise, shall be shown separately in the Accounts of the Congregation.

Collections
and Funds for
Other
Charitable
Purposes

Twelfth The Session shall appoint the Church Officer, the Organist (or equivalent post) and other employees of the congregation such as youth workers, secretaries and cleaners and shall enter into contracts of employment which shall define their respective duties, salaries and other terms and conditions of employment. The Session shall have power to deal with any disciplinary matters arising, all in accordance with the terms of the relevant contracts.

Appointment
of Church
Officials


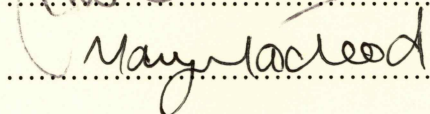
Thirteenth (a) The Session may constitute committees and shall specify their

Constitution
and Powers

Nineteenth It shall be in the power of the General Assembly or any body to which they may delegate powers at any time, or from time to time, to alter, revoke, amend or modify this Deed of Constitution, in whole or in part, or to substitute a new Deed of Constitution for this Deed of Constitution, subject always to such conditions and provisions relative thereto as the General Assembly or its delegated body shall determine.

Powers
reserved to
General
Assembly

Given under our hands this Fifth day of JANUARY 2017, and Signed and Delivered by us, as duly authorised by the General Assembly of the Church of Scotland, and as a Quorum of the Delegation appointed by the said General Assembly for *inter alia* that purpose.

 (PRINCIPAL CLERK)
 (LAW AGENT)