

NOTES ON CONSTITUTION FOR GRACE BAPTIST CHURCH CHARITIES

VERSION 7.0

THE NUMBERS RELATE TO THE CORRESPONDING ITEM IN THE CONSTITUTION

1. PREAMBLE

This is intended to keep the legal side of church life (over which the Charity Commission have jurisdiction) separate from the spiritual life of the church (which is of no concern to the Charity Commission).

2. THE NAME OF THE CHARITY

This must be unique as two registered charities cannot have the same name. Therefore the charity cannot be called "Zion Baptist Church" but will need to use the name "Zion Baptist Church, Anytown".

3. OBJECTS

There are myriad problems that can arise from having inadequate objects clauses. This clause, as drafted, will allow our churches to do all that they will conceivably need to do without finding that they are acting outside their stated objects (which is illegal).

4. APPLICATION OF INCOME AND CAPITAL

This clause meets the legal requirement that a charity spends its funds only on its objects.

5. MEMBERSHIP

The issue of "Who are the 'members' of the charity?" sometimes causes legal difficulties in some charities and so the Charity Commission need to know, with certainty, who the members are. Therefore they will need to know the procedure the church uses to appoint church members so that, if need be, they can see that the church members have been correctly appointed in accordance with the church rules. The procedure itself is of no concern to the Charity Commission – they simply need to know what it is. It can be copied from the church's Rules and Regulations as Schedule 2 to this constitution.

6. THE APPOINTMENT AND REMOVAL OF CHARITY TRUSTEES

The statutory definition of charity trustees in Section 97(1) of the Charities Act 1993 is "persons having the general control and management of the administration of a charity."

The Charity Commission regard the pastor or minister of a church as having a significant influence in the church and so they automatically classify him as a charity trustee under the legal definition given above. The same applies to the Church Secretary, Treasurer, Elders and Deacons and other such officers by whatever name they are known.

It is essential that it is the description of the office that is used and not the name of a person.

Charity law requires that there are always a minimum of two trustees, and so this constitution requires there to be three so that if one dies or is incapacitated the church will still have the legal minimum pending a further appointment by a church meeting. Technically, of course, it will be a breach of this constitution to have only two trustees (say in the event of the death of one), but the Charity Commission do exercise common sense, and will not take action in the short term if it is clear that a further appointment to bring the number up to three is being considered.

The Charity Commission will need to know the procedure the church uses to appoint the office bearers so that, if need be, they can see that the office bearers have been correctly appointed in accordance with the church rules. The procedure itself is of no concern to the Charity Commission – they simply need to know what it is. It can be copied from the church's Rules and Regulations as Schedule 3 to this constitution.

7. RESPONSIBILITIES OF OFFICE BEARERS

Under charity law it is the charity trustees who have ultimate authority, but in our churches it is the church members' meeting, under Christ. Clause 7.1 seeks to address this conflict by requiring the Office Bearers to act under the direction of the Church Members' Meeting.

8. PROCEEDINGS OF OFFICE BEARERS

The Charity Commission will need to know the procedure the office bearers (as the charity trustees) use to make decisions so that, if need be, they can see that the office bearers have acted correctly when making legal decisions. This procedure has been drafted so that it is specific enough for the Charity Commission, yet wide enough to embrace whatever procedures the office bearers are likely to use in the conduct of their regular meetings.

9. REMUNERATION OF OFFICE BEARERS

Charity trustees may not be paid for their work, as trustees, but they may be paid for other work they do – say in their professional capacity as an electrician or a plumber. This constitution expressly permits the pastor to be paid for his services as pastor and church officers to be paid for any professional work they do for the church. However, detailed "safeguards" are included here to meet the requirements of the Charity Commission. In a similar vein, church officers are permitted to receive benevolent grants from the church under the same terms as other beneficiaries.

10. POWERS OF THE OFFICE BEARERS

Charity Constitutions must state the powers of the charity trustees, and this is the minimum statement that is acceptable to the Charity Commission.

11. RECORD KEEPING AND ACCOUNTING

This is simply a statement of the legal requirements.

12. POWER OF AMENDMENT

This is simply a statement of the legal requirements.

13. CLOSURE

This is simply a statement of the legal requirements.

SCHEDULE 1

BASIS OF FAITH

Insert Basis of Faith Here

*A sample Basis of Faith (including 'Moral and Ethical Principles'),
can be supplied on request, but it will then have to be incorporated
into the Church's Rules and Regulations*

SCHEDULE 2

QUALIFICATIONS FOR MEMBERSHIP

Copy from the Church's Rules and Regulations

*A sample statement can be supplied on request,
but it will then have to be incorporated
into the Church's Rules and Regulations*

SCHEDULE 3

CHURCH MEMBERS' MEETINGS

Copy from the Church's Rules and Regulations

*A sample statement can be supplied on request,
but it will then have to be incorporated
into the Church's Rules and Regulations*

Signed and dated by each of the Trustees.

Each of the Trustees referred to in Clause 6 must sign and date the document – the date being the date the Constitution was adopted at the church members' meeting.

The Constitution will need to be signed by all of the Trustees and retained in the church's records. A PDF version will have to be attached to the application when the church registers online with the Charity Commission.