

Scottish Charity No. SC023190

CONSTITUTION

OF

SAINT PETER'S

SCOTTISH EPISCOPAL CHURCH

LINLITHGOW

Situated at:
153 High Street
Linlithgow
West Lothian.
EH49 7EJ.

Adopted 23rd November 1980

CONSTITUTION OF ST PETER'S SCOTTISH EPISCOPAL CHURCH LINLITHGOW

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1. CHARGE - The Charge shall be an Independent Mission, known by the name of ST.PETER'S situate at Linlithgow in the Diocese of Edinburgh of the Episcopal Church in Scotland (hereinafter referred to as the Scottish Church).
2. AUTHORITY AND LIMITATION OF CONSTITUTION - The Charge shall form part of the Scottish Church, and the Clergy, Congregation and all Officials thereof shall be subject to the Canons of that Church in force from time to time.
3. TRUSTEES - The heritable property of the Charge, shall be vested in the Bishop, Dean, Chancellor and Registrar, all of the Diocese ex officio, in trust for the Charge, save as hereinafter provided in Article 23 hereof. The Trustees shall be under no duty to take any active part in the management of the property vested in them, and shall have no personal responsibility in regard thereto, but may rely upon the proper management thereof by the Vestry, and the Trustees shall be indemnified out of the Funds of the Charge against liability undertaken or incurred by them.
4. RELATION OF THE CONGREGATION TO THE REPRESENTATIVE CHURCH COUNCIL The Priest-in-Charge and Congregation shall conform to the rules of the Representative Church Council, and in particular to the rules with reference to the election of Lay Representatives, and the collection of funds for the said Council, or such other body as may at any time be substituted by Canonical enactment therefor.
5. CONSTITUENT MEMBERS – The Constituent Members of the Congregation shall be the Communicants of not less than eighteen years of age whose names are on the Roll of Communicants of the Congregation, kept as provided for in the Code of Canons (Canon xli of 1929).
6. ANNUAL MEETING - Once in every year, within three months after the 30th Sept, a Meeting of the Constituent Members of the Congregation shall be summoned by the Vestry and notice thereof shall be given during Divine Service on the two Sundays immediately preceding such Meeting: the Meeting may be held on the Sunday on which the notice has been given for the second time. The Priest-in-Charge, if present, shall preside, but in his absence, or during a vacancy in the Charge, the Meeting shall elect its own Chairman, twenty shall be a quorum. The Chairman shall vote only in an equality of votes.
7. BUSINESS AT ANNUAL MEETING - It shall be the duty of the Constituent Members of the Congregation at the Annual Meeting (a) to elect from among the Constituent Members the required number of persons within the limits hereinafter specified to act as members of the Vestry; (b) to elect, if not appointed at a special meeting called for the purpose, the Lay Representative and Alternative Lay Representative and also a Lay Representative to the Area Council; (c) to appoint an auditor (approved by the Diocesan Treasurer) to audit the Accounts of the Vestry; (d) to receive the Report and Accounts of the Vestry and the reports of the Lay Representative and Lay Representative to the Area Council; and (e) to deal with any other competent business. The Lay Representative shall in order to give effect to Resolution 5(b) of the RCC Digest of Resolutions be afforded an opportunity as early as possible after the Annual Meetings of the RCC and Diocesan Council of reporting the proceedings thereof to the congregation.

8. SPECIAL MEETINGS – Special Meetings of the Constituent Congregation may be called at any time by the Priest-in-Charge or at the request of either a majority of the Vestry or not less than fifteen Constituent Members, given in writing Addressed to the Priest-in-Charge, or during a vacancy in the Charge, to the Secretary of the Vestry. The same notice of Special Meetings shall be given as in the case of Annual Meetings. The notice shall specify the purpose for which the Special Meeting is to be called.

9. VARIATIONS OF PERIODS OF NOTICE OF MEETINGS – Notwithstanding Article 23 hereof the Bishop may, at the request of the Vestry and if he is satisfied that special circumstances have arisen, authorise the holding of the Annual Meeting outwith the time specified in Article 6 and the giving of shorter notice of meetings than that specified in articles 6, 8 and 23.

10. SEATS IN CHURCH, provided for the worshippers, shall be free and unappropriated.

11. VESTRY - The temporal affairs of the Congregation shall be under the management of the Vestry consisting of the Priest-in-Charge ex officio, the Lay Representative ex officio, and a Churchwarden to be appointed annually by the Priest-in-Charge, to be known as the Priest's Warden, and not more than seven constituent members, three to be a quorum. Any lay person in regular paid employment of the charge shall be ineligible for membership of the Vestry. The Vestry shall meet at least twice a year, and the Chairman, who shall have a casting as well as a deliberative vote, shall be the Priest-in-Charge, or in the case of his absence, a member elected by the Vestry. Special meetings of the Vestry may be called at any time at the request of three members given in writing to the Secretary of the Vestry or at the request of the Priest-in-Charge. Of the elected members at least one shall retire annually and shall not be eligible for re-election that year, but this shall not apply to the Secretary and Treasurer if members of the Vestry. Casual vacancies in Vestry membership occurring between annual Meetings of the Congregation may be filled by the Vestry till the next Annual Meeting of the Congregation. All members of the Vestry shall be selected from the constituent members of the Congregation. A casual vacancy in the office of Priest's Warden shall be filled on the nomination of the Priest-in-Charge.

12. DUTIES OF VESTRY - The Vestry shall have charge of the fabric and property of the Church, and of any Parsonage, Schools, Halls, and other property which may be acquired in connection with the Charge, as well as all gifts and bequests for endowment, charity, or other purposes which may accrue to the Church from time to time. They shall be bound to keep the buildings and properties in repair and insured against fire and other risks, and to discharge the feu duties and all other burdens, and to assist the Priest-in-Charge in the safe custody of the Church plate, registers and other documents. The Vestry shall be responsible for keeping the Parsonage wind and water tight, and in proper sanitary condition, the Priest-in-Charge being responsible to the Vestry for ordinary internal repairs - unless otherwise arranged between the Priest-in-Charge and the Vestry. The Vestry shall ensure that the needs of the whole Church in regard to Mission work at home or overseas and the other objects of the RCC may receive the interest and support of the Congregation. The Vestry shall generally assist the Priest-in-Charge in every way in their power in all matters affecting the spiritual welfare of the Congregation subject always to his canonical rights and duties.

The Funds of the Charge so far as not used for the acquisition of property to be used as a Parsonage or otherwise in connection with the Charge shall be invested in securities authorised by the Law of Scotland for the investment of Trust Funds, or in the Unit Trust Pool or other investment schemes administered or approved by the Scottish Church, or deposited with the Representative Church Council in the Unit Trust Pool or with a bank, but this restriction shall not apply to properties and

investments given or bequeathed to the Charge with wider powers of investment laid down. Notwithstanding the foregoing provisions the Vestry may invest funds excepting those so bequeathed that they are to be subject to the aforesaid restrictions in other securities, including Ordinary Shares or Stock or Common Shares or Stock provided there is no uncalled liability thereon upon the advice of a reputable Stockbroker and with the consent of the Registrar of the Diocese. Investments held by the Vestry may be registered in the names of such members or officials of the Vestry or otherwise (including Bank Nominees or "The RCC of the Episcopal Church in Scotland Trustees Nominees" on behalf of the Vestry) all as such Vestry shall from time to time determine. The Vestry may alter such investments held by them from time to time as is thought expedient upon advice and with consent as aforesaid.

13. OFFICE-BEARERS TO BE APPOINTED BY THE VESTRY - The Vestry shall appoint a Secretary and a Treasurer who need not be members of the Vestry. The offices of Secretary and Treasurer may be combined. It shall be the duty of the Secretary (a) to prepare and keep minutes of the proceedings of the Vestry and of the Meetings of the Constituent Members of the Congregation; (b) to exhibit same when called upon by any member of the Vestry; (c) to issue notices of meetings; (d) to conduct necessary correspondence, and generally (e) to conform to instructions received from the Vestry.

It shall be the duty of the Treasurer (a) to prepare and keep the accounts of the Congregation; (b) to prepare accounts, and submit them to the Auditor appointed by the congregation; (c) to lodge in bank, in an account to be opened in the name of the Vestry for that purpose, all monies received by him on behalf of the Congregation; (d) to exhibit when called upon his books of account to any member of the Vestry, and generally (e) to conform to instructions received from the Vestry. The bank account shall be operated upon in such manner as the Vestry may direct.

14. ANNUAL REPORT OF THE VESTRY - The Vestry shall, at the Annual Meeting of the Congregation, present a Report upon their transactions, during the preceding year, including the congregational accounts under their charge, with the auditor's report thereon. The Report and Accounts may be circulated throughout the Congregation before at, or after the Annual Meeting.

15. APPOINTMENT OF PRIEST-IN-CHARGE – The appointment of the Priest-in-Charge shall rest with the Bishop in consultation with the Vestry or representatives nominated by the Congregation for the purpose, and upon his choice of a duly qualified person the institution shall follow as soon as possible. The person appointed shall enjoy as Priest-in-charge all rights secured to him by this Constitution as from the date of his institution (or collation).

16. STIPEND OF PRIEST-IN-CHARGE - The stipend of the Priest-in-Charge shall be of such amount, and be provided in such manner, as may be agreed between him and the Vestry to the satisfaction of the Bishop, but shall be of amount not less than the sum approved by the RCC as the Minimum Stipend for the time being after taking into account the sums receivable from grants made by the Representative Church Council. The Stipend shall be payable by equal monthly instalments on the receipt of the Priest-in-Charge alone, be strictly alimentary, and not be arrestable for debt or assignable. No person shall, by reason only of his being a member of the Vestry, be deemed responsible personally for payment of stipend.

17. PARSONAGE - If a Parsonage has been erected or acquired for the Charge, it shall be for use and benefit of the Priest-in-Charge, and he shall not let it without the consent of the Bishop and the Vestry. In the event of the death of the Priest-in-Charge his widow and/or children shall have the use of the Parsonage for three months thereafter.

18. APPOINTMENT AND STIPEND OF ASSISTANT CLERGY - The Priest-in-Charge shall have the appointment of any Assistant Curate or Curates whom the Bishop may license for the work of the Charge. The stipends of Assistant Curates shall be such as are agreed upon by the Priest-in-Charge and the Vestry, but shall be of an amount not less than the scale approved by the RCC for the time being.

19. APPOINTMENT TO OTHER OFFICES - The Vestry may with the concurrence of the Priest-in-Charge appoint suitable persons as Organist, Choirmaster, Verger, etc. In the case of such officials the Priest-in-Charge shall have the right to require their dismissal, subject to an appeal to the Bishop by the Vestry should the latter disapprove.

20. RESIGNATION OF PRIEST-IN-CHARGE - If the Priest-in-Charge shall desire to resign his Charge, he must give at least three months' notice of such intention in writing to the Patron, to the Vestry and to the Bishop. During the interval he shall be responsible for the duties, except with the sanction of the Bishop.

21. ENFORCED DEMISSION OF INCUMBENCY - The Incumbency shall become vacant and the Patron shall proceed to a new appointment as if the vacancy had occurred by resignation, taking immediate effect, in any of the following events, viz:-

- (1) If the Priest-in-Charge shall renounce or forsake Communion with the Scottish Church.
- (2) If he shall be canonically deposed.
- (3) If he is the subject of canonical suspension for a definite period of time, and the Vestry resolve in respect thereof that it is expedient that the Incumbency becomes vacant, and the Bishop approves in writing.
- (4) If the Incumbency is declared to be vacant under provisions of Canon xiii 11 & 13 of the Code of Canons (of 1929)
 - (1) because of the physical or mental incapacity of the Priest-in-Charge;
 - (2) because of his having absented himself without providing for the adequate performance of the ordinary services.

22. ARRANGEMENTS DURING A VACANCY - Whenever the Incumbency shall have become vacant, the Vestry shall apply to the Bishop to provide, or to sanction their providing, a duly qualified person or persons to supply the usual services in the interval, if any, before a new Priest-in-Charge is instituted, for which services the Vestry shall be financially responsible. The Vestry shall take charge of all Congregational records during a vacancy.

23. ALTERATIONS IN CONSTITUTION – No alteration shall be made in this Constitution as regards Article 2 thereof, which is fundamental. As regards the other Articles hereof, alterations may be made by a Resolution passed at a Special Meeting of the Constituent Members of the Congregation by a majority of two-thirds of those present and voting, confirmed at a special meeting held not sooner than one or later than three calendar months thereafter by a simple majority of those present and voting and afterwards assented to in writing by the Bishop. The notice calling such meetings shall specify their purpose and shall state where a copy of the suggested alterations may be inspected.

24. POSSIBLE SUSPENSION OF THIS CONSTITUTION - If at any time it shall happen that the Charge shall become so reduced in numbers or in financial resources that the Constitution of the Church can no longer be kept in operation nor provision made for the maintenance of a

Priest-in-Charge, this Constitution may be suspended, in accordance with the provision laid down for such an eventuality in the Code of Canons (Canon xxxv.2 of 1929).

25. POSSIBLE EXTINCTION OF CHARGE - If it shall be decided by the Bishop in Synod, with the concurrence of the Diocesan Council, that it is impracticable to maintain the services of the Charge, all the rights and duties of the Vestry as guardians of the property and funds shall devolve upon the Trustees as previously appointed in Article 3 hereof, a majority of whom – subject always to the veto of the Bishop - shall form a quorum for transacting any necessary business, and all such properties and funds as may be disposable shall be disposed of or utilised as the Bishop in Synod, with the concurrence of the Diocesan Council, may from time to time determine. In the event of an emergency, pending the summoning of the Diocesan Synod and Diocesan Council, the Bishop in consultation with the Trustees will take such steps as may seem to him to be necessary and right.

26. CUSTODY AND REGISTRATION - This Constitution shall be authenticated in duplicate and one part shall be lodged with the Diocesan Registrar, the other part being retained by the Vestry. A copy shall be engrossed in the minute book and a docquet shall be signed therein by the Rector or Priest-in-Charge, Assistant Clergy and members of the Vestry upon entering upon office, declaring their willingness to abide thereby. Any constituent member may obtain a copy on payment of the cost thereof to the Treasurer. Titles or other original documents referring to the property and assets of the Church shall be lodged with the Diocesan Registrar, and an inventory of them engrossed in the Minute Book for convenience of reference.

27. REFERENCE - In the event of any difference arising among the Priest-in-Charge, Assistant Clergy, Vestry or Constituent Members of the Congregation any of them with regard to the interpretation of this Constitution or the rights or obligations of parties hereunder or otherwise relating hereto, the same shall be referred to the Bishop of the Diocese for his decision, whose award or awards, interim or final, shall, subject to a right of appeal to the Episcopal Synod, be final and binding.

At St Peter's Scottish Episcopal Church, Linlithgow. 23rd Nov 1980

The foregoing Constitution was adopted by Resolution passed at the Annual Meeting of the Congregation of the Independent Mission known by the name of St. Peter's, situate in Linlithgow, in the Diocese of Edinburgh of the Scottish Church of this date.

.....<Edward Robertson>..... Chairman of said Annual Meeting

Approved

.....<Alistair Haggart>..... Bishop of the Diocese of Edinburgh