

THE CHURCH OF ST. CYPRIAN, LENZIE
in the United Diocese of Glasgow and Galloway

THE CONSTITUTION

Adopted	January	21,	1956
Amended	January	7,	1968
Amended	December	12,	1974
Amended	December	12,	1993
Amended	July	12	2009

1. Charge

The Charge is an Incumbency known by the name of St. Cyprian situated at Lenzie in the United Diocese of Glasgow and Galloway of the Scottish Episcopal Church. The purpose of the Charge shall be to provide a place of worship and Christian fellowship and witness which is open to all

2. Authority and Limitation of Constitution

The Charge shall form part of the Scottish Episcopal 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

(a) Heritable Property Trustees

The heritable property of the Charge shall be vested in the Trustees of the Diocese, (hereinafter referred to as "The Heritable Property Trustees" in trust for the Charge. Save as hereinafter provided in Article 26 hereof, the Heritable Property Trustees shall be under no duty to take any active part in the management of the property or other assets 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 Heritable Property Trustees shall be indemnified out of the funds of the Charge against liability undertaken or incurred by them.

(b) Charity Trustees of St Cyprians

The Trustees of the Charge shall be the Members of the Vestry, as specified in clause 11 hereof.

4. Relation of the Congregation to General Synod

The Rector and Congregation shall conform to the rules of the General Synod, and in particular to the rules with reference to the election of Lay Representatives, and the collection of funds for the Synod, 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).

6. Annual Meeting

Once in every year, within three months after 31st August a Meeting of 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 Rector, if present, shall preside, but in the Rector's absence, or during a vacancy in the Charge, the Meeting shall elect its own Chairperson.

All resolutions and motions raised at the Annual Meeting shall be passed by a simple majority of the constituent members present and entitled to vote, provided said resolutions and motions are in accordance with the provisions set forth in this Constitution, and in the Canon Law of the Scottish Episcopal Church. For the avoidance of doubt, elections shall be held in accordance with article 7 hereof.

Twenty shall be a quorum and the Chairperson shall vote only in the case of 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 Vestry; and to elect the Vestry Secretary, the Treasurer and the Property Convener

- (b) to elect, if not appointed at a special meeting called for the purpose, the Lay Representative and Alternate Lay Representative;
- (c) to appoint a suitably qualified Independent Examiner to examine the accounts of the Vestry;
- (d) to receive the Report and Accounts of the Vestry and the Report of the Lay Representative;
- (e) to consider and approve resolutions recommended by the Vestry for the conduct of meetings, elections and other matters relating to the governance and management of the charge
- (f) to deal with any other competent business.

All elections under this Article shall be conducted in accordance with procedures to be recommended by the Vestry from time to time for this purpose, and approved by the Congregation at an annual Meeting.

8. Special Meetings

Special Meetings of the Constituent Members of the Congregation may be called at any time by the Rector or at the request of either a majority of the Vestry or not less than fifteen Constituent members, given in writing addressed to the Rector, or during a vacancy in the Charge, to the Secretary of the Vestry, in which case a Special Meeting shall be called as soon as reasonably practicable thereafter, within two months of the date of receipt of the said written notice by the relevant office bearer. 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 held.

9. Variation of Periods of Notice of Meetings

Notwithstanding Article 24 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 24.

10. Seats in Church

Seats in church are provided for the worshippers, and shall be free and unappropriated.

11. Vestry

The temporal affairs of the Congregation shall be under the management of the Vestry consisting of the Rector ex officio, the Lay Representative ex officio, the Vestry Secretary ex officio, the Treasurer ex officio and the Property Convener ex officio and not more than eight or fewer than five elected constituent members, Any lay person in regular paid employment of the Charge shall be ineligible for membership of the Vestry.

The Vestry shall meet at least four times a year and the Chairperson, who shall have a casting as well as a deliberate vote, shall be the Rector, or in the case of the Rector's absence, a member elected by the Vestry. All members of the Vestry shall have a deliberative vote. Six of the voting members of the Vestry shall form a quorum.

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 Rector.

Of the elected members at least one shall retire annually and shall not be eligible for re-election that year. The normal term of service of an elected member shall be three years. The maximum continuous term of service of an elected member shall be six years.

Casual vacancies in Vestry membership may be filled by the Vestry until the next Annual Meeting of the Congregation. All members of the Vestry shall be selected from the constituent members of the congregation.

The Vestry may co-opt such person or persons, and on such terms of co-option, as they deem appropriate from time to time, to the Vestry, but such co-opted persons shall not have any voting rights, and shall not be Trustees of St Cyprian's.

12. Duties of Vestry

The Vestry shall have charge of the fabric and property of the Church, and of any Rectory, Halls, or 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 Rector in the safe custody of the Church plate, registers and other documents.

The Vestry shall be responsible for keeping the Rectory wind and water tight, and in proper sanitary condition, the Rector being responsible to the Vestry for ordinary internal repairs - unless otherwise arranged between the Rector and the Vestry.

The Vestry shall ensure that the needs of the whole Church in regard to Mission work at home and overseas and the other objects of the General Synod may receive the interest and support of the Congregation.

The Vestry shall co-operate with and generally assist the Rector in all matters affecting to the spiritual welfare of the Congregation.

The funds of the Charge so far as not used for the acquisition of property to be used as a Rectory or otherwise in connection with the Charge, shall be invested in securities or in the Unit Trust Pool or other investment schemes administered or approved by the Scottish Church, or deposited with the General Synod in the Unit Trust Pool or with any Bank, Building Society or other recognised Deposit account.

13 Powers of the Vestry

(a) Notwithstanding the foregoing provisions the Vestry shall have wide powers of investment, and may invest funds (except those so bequeathed that they are to be subject to any restrictions imposed by the Testator or Testatrix in his or her or their or its Trust Deed) in any property or in any 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 Scottish Episcopal Church 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.

(b) The Vestry shall have power to borrow money, and to give appropriate security in support of such borrowings by St Cyprian's charge

14. Duties of Office-Bearers

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 to 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 annual accounts, and submit them to the Auditor appointed by the Congregation;
- (c) to ensure that all monies received by him/her on behalf of the Congregation are lodged in the bank in an account to be opened in the name of the Vestry for that purpose.
- (d) to operate the bank account in such manner as the Vestry may direct;
- (e) to prepare and submit, on an annual basis, a proposed budget for the forthcoming year;

- (f) to exhibit when called upon his/her books of account to any member of Vestry; and generally
 - (g) to conform to instructions received from the Vestry.
- It shall be the duty of the Property Convener:
- (a) to organise annual and quinquennial inspections of all fabric and fittings in accordance with Vestry instructions;
 - (b) to originate and administer all necessary repair, renewal or building work on all church properties;
 - (c) to prepare and submit to the Vestry, on an annual basis, a budgeted schedule of repair and renewal work;
 - (d) to call and chair meetings of a sub-committee, appointed by the Vestry, whose remit is to review major items of work and to establish appropriate courses of action;
 - (e) to obtain a minimum of two estimates for work to be offered to external contractors when the expected cost is likely to be in excess of the current amount of delegation to him/her by the Vestry; and generally
 - (f) to conform to instructions received from the Vestry.

15. Annual Report of Vestry

The Vestry shall, at the Annual Meeting of the Congregation, present a written Report upon their transactions during the preceding year, including the congregational accounts under their charge, with the Independent Examiner's report thereon. Copies of the Report and Accounts shall be made available to the Congregation at least seven days prior to the Annual Meeting.

16 Appointment of an Incumbent

The appointment of the Incumbent shall rest with the Vestry, and they shall, immediately on a vacancy occurring, communicate with the Bishop, and thereafter act in consultation with him in filling the appointment. Upon presentation to the Bishop of a duly qualified person, and the Bishop's acceptance of the same, the new Incumbent shall be instituted as soon as possible. The person appointed shall enjoy as Incumbent all rights secured to that position by this Constitution as from the date of institution

A priest appointed to this charge shall be referred to as "Rector" regardless of whether he or she is or is not an incumbent.

17. Stipend of Rector

The stipend of the Rector shall be of such amount, and be provided in such manner, as may be agreed between the Rector and the Vestry to the satisfaction of the Bishop, at the rate of not less than the sum approved by the General Synod as the Minimum Stipend for the time being after taking into account the sums receivable from grants made by the General Synod.

The Stipend shall be payable by equal monthly instalments on the receipt of the Rector alone, be strictly alimentary, and not be arrestable for debt or assignable. No person shall, by reason only of his/her being a member of the Vestry, be deemed responsible personally for payment of stipend.

18. Rectory

Where a Rectory has been erected or acquired for the Charge, it shall be for the use and benefit of the Rector, who shall not let it or part of it without the consent of the Bishop and the Vestry. In the event of the death of the Rector in office, the Rector's spouse and/or children shall have the use of the Rectory for three months thereafter or such longer period as the Vestry may determine, in which case the occupancy would be extended for such longer period of time and on such terms as the Vestry may deem appropriate.

19. Appointment and Stipend of Assistant Clergy

The Rector shall have the appointment of any Assistant Curate or Curates whom the Bishop may

license for the work of the Charge, subject always to the approval of the Vestry. The Stipends of Assistant Curates shall be such as are agreed upon by the Rector and the Vestry, but shall be of an amount not less than the scale approved by the General Synod for the time being.

20. Appointment to Other Offices

The Rector may, with the approval of the Vestry, appoint suitable persons as Organist, Choirmaster, Verger, etc. . Each such appointment shall have a written working agreement, setting out the roles and responsibilities and appropriate grievance and disciplinary procedures.

21. Resignation of Rector

If the Rector shall desire to resign his Charge, he must give at least three months' notice of such intention in writing to the Vestry and to the Bishop. During the interval he shall be responsible for all duties, except with the sanction of the Bishop.

22. Enforced Demission of Incumbency

The Incumbency shall become vacant, and the Vestry 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 Rector 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 the provisions of Canon XIII 10 and 12 of the Code of Canons (a) because of the physical or mental incapacity of the Rector and/or (b) because of his having absented himself without providing for the adequate performance of the ordinary services.

23. 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 Rector is instituted, for which services the Vestry shall be financially responsible.

During the vacancy, the Communicants' and other Rolls shall be held by such person, and in such manner as the Bishop shall direct.

24. Alterations in Constitution

No alteration shall be made in this Constitution as regards Article 2 hereof, 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 nor 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.

25. Possible Suspension of 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 Rector, this Constitution may be suspended, in accordance with the provision laid down for such an eventuality in the Code of Canons (Canon XXXVI2).

26. Possible Extinction of Charge

If it shall be decided by the Bishop and the Standing Committee of the Diocese (or any other committee appointed and elected by the Diocesan Synod in lieu thereof) and be confirmed by the Diocesan Synod, 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 Heritable Property Trustees as previously appointed in Article 3 hereof, a majority of whom 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 Diocesan Synod may from time to time determine, with the powers to the Synod to delegate this responsibility to the Standing Committee, or any other Committee in lieu thereof, of the Diocese, and in the event of an emergency or pending the summoning of the next meeting of the Diocesan Synod, the Trustees shall take such steps as may seem to them to be necessary and right.

27. 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 included with the record of minutes and a notice of written assent shall be signed therein by the Rector and Assistant Clergy upon entering office, declaring their willingness to abide thereby. Any Constituent Member may obtain a copy on payment of the cost thereof to the Treasurer.

Titles and 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.

28. Reference

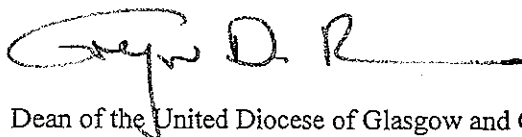
In the event of any difference relating to the charge arising among the Rector, Assistant Clergy, Vestry, Office bearers or Constituent Members of the Congregation or any of them, in the first instance reference shall be made to the working agreements, or other dispute resolution procedures and Code of Canons. Should the application of these fail to achieve resolution, only then shall the matter be referred to the appropriate officials in the Diocese or Province, whose decision shall be final and binding.

LENZIE
12th July 2009

The foregoing Constitution was adopted by Resolution passed at the Special Meeting of the Congregation of the Incumbency known by the name of St. Cyprian situated at Lenzie in the United Diocese of Glasgow and Galloway of the Scottish Church of this date.



Chairman of the said Special Meeting.



Dean of the United Diocese of Glasgow and Galloway.

29th Sept
2009

Gwyn D. R.