

TRUST DEED AND
CONSTITUTION OF
THE FELLOWSHIP

The Fellowship
Baptist

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1 **NAME:**

The Fellowship shall be known as the Melkbos Baptist Fellowship, hereinafter referred to as THE FELLOWSHIP.

2 **FELLOWSHIP HEADSHIP:**

The Fellowship recognises Jesus Christ as its supreme Head, and undertakes to manage its affairs according to New Testament teaching, believing that as the Body of Christ it is equipped by His Spirit to act, decide and direct as set out herein.

3 **THE OBJECT OF THE FELLOWSHIP SHALL BE:**

- 3.1 To glorify the Lord Jesus, the Head of the Church.
- 3.2 To proclaim the Gospel of the Lord Jesus Christ as revealed in the Scriptures and to encourage and support the proclamation of that Gospel (in accordance with Matthew 28:18-20) to the ends of the earth.
- 3.3 To provide instruction and fellowship for believers, seeking to build them up to the measure and stature of the fullness of Christ (Ephesians 4:13)
- 3.4 All activities of the Fellowship, except for missionary work, will be confined to the Republic of South Africa for the benefit of persons of the Republic, and all funds of the Fellowship, except those required for missionary activity, must be applied within this area in a non-profit manner as defined in the Income Tax Act.

4 **STATEMENT OF FAITH:**

- 4.1 **The Fellowship believes:**
 - 4.1.1 In the Scriptures of the Old and New Testament in their original writings as fully inspired of God, and accepts them as the final authority for faith and life;
 - 4.1.2 In one God eternally existing in three persons - Father, Son and Holy Spirit;
 - 4.1.3 That Jesus Christ was begotten by the Holy Spirit, born of the virgin Mary, and is true God and true man;
 - 4.1.4 That God created man in His own image; that man sinned and thereby incurred the penalty of death, physical and spiritual; and that all human beings inherit a sinful nature; which issues (in the case of those who have reached moral responsibility) in actual transgression involving personal guilt;
 - 4.1.5 That the Lord Jesus died for our sins, a substitutionary sacrifice, according to the Scriptures, and that all who

believe in Him are justified on the grounds of His shed blood;

- 4.1.6 In the bodily resurrection of the Lord Jesus Christ, His ascension into heaven, and His present life as our High Priest and Advocate;
- 4.1.7 In the personal return of the Lord Jesus Christ;
- 4.1.8 In the personality of the Holy Spirit, His regenerating work, and abiding presence in the true believe;
- 4.1.9 That all who receive the Lord Jesus Christ by faith, are born again of the Holy Spirit and thereby become children of God;
- 4.1.10 That all Christians are called to a life of holiness, devotion to the Lord Jesus Christ and service for Him;
- 4.1.11 In the resurrection both of the just and the unjust, the eternal blessedness of the redeemed, and the eternal banishment of those who have rejected the offer of salvation;
- 4.1.12 That God has ordained marriage as a heterosexual relationship between a natural man and a natural woman.

4.2 **Statement of Baptist Principles:**

The Church further believes in the following distinctive Baptist emphases:

- 4.2.1 The **DIRECT LORDSHIP OF CHRIST** over every believer and over the local church. By this we understand that Christ exercises His authority over the believer and the local church directly, without delegating it to another;
- 4.2.2 The **CHURCH** as the whole company of those who have been redeemed by Jesus Christ and regenerated by the Holy Spirit. The local church, being a manifestation of the universal church, is a community of believers in a particular place where the Word of God is preached and the ordinances of Believer's Baptism and the Lord's Supper are observed. It is fully autonomous and remains so notwithstanding responsibilities it may accept by voluntary association;
- 4.2.3 **BELIEVER'S BAPTISM** as an act of obedience to our Lord Jesus Christ and a sign of personal repentance, faith and regeneration; consisting of the immersion in water into the name of the Father, Son and Holy Spirit;
- 4.2.4 The **CONGREGATIONAL PRINCIPLE**, namely that each member has the privilege and responsibility to use his/her gifts and abilities to participate fully in the life of the church. We recognise that God gifts His Church with Overseers (who are called Pastors or Elders), whose primary function is to lead in a spirit of servanthood, to equip and provide spiritual oversight, and Deacons whose primary function is to facilitate the

smooth functioning of the Church. This principle further recognises that each member should participate in the appointment of the church's leaders, and that a constituted church meeting, subject to the direct Lordship of Jesus Christ and the authority of Scripture, is the highest court of authority for the local church;

- 4.2.5 The **PRIESTHOOD OF ALL BELIEVERS**, by which we understand that each Christian has direct access to God through Christ our High Priest, and shares with Him in His work of reconciliation. This involves intercession, worship, faithful service and bearing witness to Jesus Christ, even to the ends of the earth;
 - 4.2.6 The principle of **RELIGIOUS LIBERTY**, namely, that no individual should be coerced either by the State or by any secular, ecclesiastical or religious group in matters of faith. The right of private conscience is to be respected. For each believer, this means the right to interpret the Scriptures responsibly and to act in the light of his conscience;
 - 4.2.7 The principle of **SEPARATION OF CHURCH AND STATE** in that, in the providence of God, the two differ in their respective natures and functions. The Church is not to be identified with the State nor is it, in its faith or practice, to be directed or controlled by the State. The State is responsible for administering justice, ensuring an orderly community and promoting the welfare of its citizens. The Church is responsible for preaching the Gospel and for demonstrating and making known God's will and care for all mankind.
- 4.3 Any change within the Fellowship structure or organisation which is in conflict directly or indirectly with one or more of the stated Baptist Principles will be invalid unless approved by at least 90% of the members present and entitled to vote at a duly constituted Special Fellowship meeting of which at least three months' notice has been given.

5

MEMBERSHIP:

The membership shall consist of:

- 5.1 Those whose names are on the Fellowship register at the date of adoption of this Constitution and Bye-laws.
- 5.2 Those who, desiring membership, have given evidence of their personal salvation through faith in the Lord Jesus Christ and have been baptised by immersion, and, or have been accepted by the Fellowship Executive according to Clause 5.6.
- 5.3 Those who, desiring membership, have given evidence of their personal salvation through faith in the Lord Jesus Christ, but for reasons acceptable to a Fellowship Executive are not baptised by

- immersion and have been accepted by the Fellowship Executive according to Clause 5.6.
- 5.4 Those who have been accepted by transfer to this Fellowship from another Baptist Church, provided they have been baptised by immersion and have been accepted by the Fellowship Executive according to Clause 5.6.
- 5.5 Those who are members of another Church, but for reasons acceptable to the Fellowship Executive, also desire to be members of this Fellowship and have been accepted by the Fellowship Executive according to Clause 5.6.
- 5.6 Admission of Members:
- 5.6.1 Every application for membership shall be dealt with by the Fellowship Executive;
- 5.6.2 An application shall be made in the first instance to the Executive through the Pastor or Secretary. The Executive shall make careful enquiry regarding the candidate's qualification and/or letter of transfer and shall place all the applicants' names in the Fellowship Notice Bulletin for two successive weeks for comment by Fellowship members. Any comments may be forwarded to the Fellowship Secretary in writing by the Fellowship members during the two weeks' notice bulletin period. Having received any comments and given them due consideration, the Fellowship Executive shall have the power to receive any applicants into membership.
- 5.7 Transfer of Members:
- 5.7.1 Any member in good standing who desires to join another Baptist church shall be given a letter of transfer upon application by the church concerned;
- 5.7.2 Any member in good standing who desires to join a Protestant church of some persuasion other than Baptist, shall be given a letter of introduction and commendation upon application by the church concerned.
- 5.8 Termination of Membership:
- 5.8.1 The Executive shall review the Fellowship membership roles annually and if it is felt necessary and expedient, they shall remove the names of such members from the Fellowship roll who have not been in fellowship during the year. Such terminations of membership shall occur only after the Executive has made a careful investigation into the reasons why a member has failed

to fulfil the privileges and responsibilities of the Fellowship membership;

5.8.2 Termination of membership may also be effected in terms of Clause 13.1.

5.9 Privileges and Responsibilities of Members:
Every member has the privilege and responsibility of:

5.9.1 Attending worship services regularly, partaking in communion services and supporting mid-week meetings;

5.9.2 Attending all Fellowship Business Meetings;

5.9.3 Actively involving themselves in the life of the Fellowship by using their spiritual gifts and abilities to do everything possible to extend the kingdom of God and build up the Church;

5.9.4 Systematically supporting the Fellowship financially in the giving of tithes and offerings.

6 THE PASTORATE:

6.1 The choice and appointment of a pastor is vested in the membership of the Fellowship. If and when it is necessary to appoint a pastor, the procedure shall be as follows: -

6.1.1 A Fellowship Business Meeting, called for the purpose, shall appoint not less than four members (not deacons) to act with the Executive as a special committee whose duty shall be to make the necessary enquiries and to make recommendation to the Fellowship as soon as possible. The committee shall put before the Fellowship only one name at a time;

6.1.2 The Committee's recommendation shall be considered at a Fellowship Business Meeting called for that purpose and no invitation shall be sent forward unless at least three-fourths of the members present when the matter is considered, vote in favour. Any invitation shall be contingent upon the prospective minister being a baptised believer and his accepting in writing the provisions of the Fellowship Constitution and Bye-laws, copies of which shall be supplied for his perusal.

6.2 Any engagement between the Fellowship and a pastor shall be terminable by three months' notice on either side, unless otherwise agreed upon.

6.3 The pastor shall become a member of the Fellowship as soon as convenient after his appointment in accordance with Clause 5.

7 FELLOWSHIP EXECUTIVE:

- 7.1 The Fellowship shall, from its membership of the age of twenty-one years and over and who have been in membership for at least 11 months, elect elders and deacons who, together with the pastor(s) (if there are), shall be its Executive body.
- 7.2 The Fellowship Executive shall consist of Pastoral Elders, major Departmental Heads and a diaconate representative. Elders and deacons shall be elected at the November Fellowship Business Meeting. Elders and Deacons are to hold office for a two-year term, after which they shall be eligible for re-election for a further term. Elders, Deacons, Secretary and Treasurer shall hold office as long as they perform the ministry of an Elder, Deacon, Secretary and Treasurer (1 Timothy 3:1-7 & Titus 1:5-9). Should they for any reason cease to perform their respective ministry for an extended period, the Executive shall ask for their resignation.
- 7.3 The Fellowship members may submit names of prospective nominees to the Executive. Only the Executive may approach nominees for Elder, Deacon, Fellowship Secretary (shall be a suitably qualified secretary) and Treasurer (shall have bookkeeping or accounting skills). Any prospective nomination by a Fellowship member must be lodged in writing with the Fellowship Secretary at least 60 days before the Fellowship Business Meeting at which the election is to take place.
- 7.4 Departmental Heads are automatically nominated to serve on the Fellowship Executive for as long as they manage their respective departments. The number of Departmental Heads will vary according to the number of separate, major departments which the existing diaconate perceives to be essential for the efficient administration of the Fellowship during the ensuing year.
- 7.5 The names of the nominees for all elders and deacons shall be given to the Fellowship by the Executive and the Fellowship shall have 30 days in which to bring any objection in regard to the Christian character or ministry of any of those nominated. Each objection shall be thoroughly investigated and if found to be legitimate, the Executive shall withdraw the nomination.
- 7.6 A confidence vote will be taken for each nominee at a constituted Fellowship meeting after the 30-day period without legitimate objections being forwarded. A nominee shall be required to obtain 75% of the votes of those present in order to qualify for election as an elder or deacon.
- 7.7 Vacancies which occur in the Executive may be filled by the vote of the Fellowship at a meeting called for the purpose, and the persons so elected shall hold office until the November Fellowship Business Meeting at which the position would normally be filled.

- 7.8 Fifty percent of the Executive, including the Chairman, with a minimum of three, shall constitute a quorum.
- 7.9 The Fellowship shall function through the medium of this Executive as defined above, and the business of the Fellowship shall be directed and managed by the Executive who shall be accountable to the Fellowship for the proper carrying out of their responsibilities. The Executive and the diaconate shall meet at least once monthly, if possible.

8 FELLOWSHIP BUSINESS MEETINGS:

- 8.1 The Fellowship business year shall end every year on last day of February. An Annual Fellowship Business Meeting shall be held as soon as is practicable in the first quarter of the year, when reports and audited statements shall be submitted by the Fellowship Secretary and Treasurer and by all departments of the Fellowship.
- 8.2 A Special Fellowship Business Meeting may be called to consider urgent business provided a 14 day notice is given:
 - 8.2.1 by the Pastor and/or executive, as required, and cannot be postponed or cancelled, except by mutual agreement;
 - 8.2.2 when such a meeting is requested in writing and signed by not less than ten members, provided the subject matter be submitted in writing so that it may be considered by the Executive, prior to the Fellowship Business Meeting. Such Special Fellowship Business Meetings shall be called within one month of the receipt by the Fellowship Secretary of a valid request.
- 8.3 Every matter of a Fellowship Business Meeting shall be decided by a majority of the votes cast at a properly called Fellowship Business Meeting, subject to the following conditions;
 - 8.3.1 that voting shall normally be by a show of hands, but if ten members present so request, voting shall be by ballot.
 - 8.3.2 all matters for submission to the Fellowship Business Meetings shall, where possible, be considered by the Executive. If any matter is brought forward at a Fellowship Business Meeting, without prior Executive consideration and five members present so request, the matter shall be postponed for consideration at a future meeting;
 - 8.3.3 twenty percent (20%) of the Fellowship Membership shall constitute a quorum for all Fellowship Business Meetings. In the event of no quorum, the meeting shall

be postponed for seven days and at that meeting, business shall proceed irrespective of the number present.

8.4 Participation in discussion and voting in Fellowship Business Meetings shall be by members only. However, other persons invited by the Executive for specific reasons may address the meeting and participate in discussion.

8.5 Attendance at Fellowship Business Meetings may be limited to members only at the discretion of the Chairman.

8.6 Notice of Fellowship Business Meetings:

8.6.1 Notice of Fellowship Business Meetings shall be given at the services on at least two Sundays immediately prior to the proposed date of the meeting. When giving notice of Special Fellowship Business Meetings, the business for which the meeting is called shall be clearly set out and displayed on the notice board on the Sundays of the announcements;

8.6.2 The majority of members present shall have the right to condone short notice of emergency meetings recommended by the Executive.

9 CHAIRMAN:

9.1 The Senior Pastor shall preside at all meetings of the Executive and the Fellowship except:

9.1.1 Whenever he shall elect to vacate the chair;

9.1.2 When any question affecting his own position (eg stipend) is under discussion;

9.1.3 When he is absent or under Clause 5, in which case one of the Elders or a suitable member of the Fellowship shall be appointed by the meeting to act as Chairman at that particular meeting;

9.1.4 When a situation arises in which the Pastor and the Fellowship agree that a moderator be appointed by the Fellowship to act as Chairman.

9.2 The Chairman at any meeting shall have a deliberative vote only.

9.3 The Pastor shall ex-officio be a member of all Fellowship committees.

10 FELLOWSHIP OFFICE-BEARERS, ORGANISATIONAL AND DEPARTMENTAL LEADERS:

- 10.1 Other appointees may be made by the Executive and/or Fellowship members, for specific purposes, at such times and for such periods as the respective meetings may decide.
- 10.2 All appointments made by organisations and departments connected with the Fellowship, shall be submitted to the Executive for confirmation and reported to the next Fellowship Business Meeting.
- 10.3 All organisations and departments shall be subject to the Fellowship as a governing body.
- 10.4 The appointment of all organisational and departmental leaders shall be reviewed annually by the Executive and reported in due course to the Fellowship.

11 FINANCE:

- 11.1 The Fellowship shall be supported by the voluntary contributions of members and friends of the Fellowship by means of offerings at the services, tithes, gifts, thank offerings and donations, or by any other method decided upon by the members at a Fellowship Business Meeting, provided this is not in conflict with the spirit and teaching of the Holy Scriptures.
- 11.2 An Honorary Auditor (or Auditors) shall be appointed by the Fellowship on an annual basis.
- 11.3 In cases involving movable property, signing powers shall vest in any two members of the Executive.
In the case of immovable property, one of the signatories must be the Fellowship Secretary or Fellowship Treasurer.
- 11.4 The Fellowship does not have as an object the acquisition of gain for itself or for any of its Members, and no Member, by reason of his/her membership, has or shall have any right to any property of the Fellowship. No money comprising the Fellowship Funds may be distributed to any person, other than in the course of undertaking any public benefit activity.
 - 11.4.1 The Fellowship must not pay any remuneration to any employee, Member, office bearer or any other person that is excessive, having regard to what is generally considered reasonable in the sector in which the Fellowship operates, and in relation to the service rendered.
- 11.5 The financial transactions of the Fellowship will be conducted by means of a bank account with a bank registered with the Financial Services Board.

- 11.6 The Fellowship Funds must be used solely for the Objects of the Fellowship; any money comprising the Fellowship Funds which is not immediately required to meet the costs of achieving the Object of the Fellowship, must be invested:
 - 10.6.1 With a financial institution as defined in the Financial Institutions Act;
 - 10.6.2 In securities listed on a stock exchange as defined in Stock Exchanges Control Act.
- 11.7 The Fellowship must not carry on any business undertaking or trading activity unless specifically permitted in terms of the Income Tax Act.
- 11.8 The financial year-end of the Fellowship will be the last day of February of each year.
- 11.9 The Fellowship's audited accounting records must be submitted to the Director of Non-profit organisations within six months of the financial year-end.
- 11.10 The Fellowship may not make a loan to any Member, Employee, Overseer, or any other person.
- 11.11 At least Three (3) of the persons who accept fiduciary responsibility for the Fellowship, will not be connected persons in relation to each other and no single person directly or indirectly controls decision making powers of the Fellowship
- 11.12 The Fellowship Executive must ensure that any books of account, records or other documents relating to the Fellowship, are retained and carefully preserved after completion of the transactions, acts or operations to which they relate as per the Income Tax Act.
- 11.13 The sole or principal object of the public benefit organisation is to carry on one or more public benefit activities as defined in section 30(1) of the Income Tax Act (the Act), in a non- profit manner and with an altruistic or philanthropic intent.
 - 11.13.1 No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation otherwise than by way of reasonable remuneration.
 - 11.13.2 The funds of the public benefit organisation will be used solely for the objects for which it was established.
 - 11.13.3 At least three persons who accept fiduciary responsibility for the public benefit organisation, will not be connected persons in relation to each other, and no single person directly or indirectly controls the decision-making powers related to such organisation.

- 11.13.4 No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
- 11.13.5 On dissolution of the public benefit organisation, the remaining assets must be transferred to –
 - i) Any public benefit organisation, which has been approved in terms of section 30 of the Act.
 - ii) Any institution, board or body which is exempt from the payment of income tax in terms of section 10(1)(cA)(i) of the Act, which has as its sole principal object the carrying on of any public benefit activity; or
 - iii) Any department of state or administration in the national or provincial or local sphere of government of the Republic, contemplated in section 10(1)(a) or (b) of the Act.
- 11.13.6 A copy of all amendments to the constitution, trust deed, memorandum and articles of association, or written instrument under which the public benefit organisation was established, will be submitted to the Commissioner for the South African Revenue Service.
- 11.13.7 No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.
- 11.13.8 No resources will be used, directly or indirectly, to support advance or oppose any political party.

12 LEGAL STATUS AND POWERS:

- 12.1 The Fellowship shall be a corporate body with perpetual succession, capable of suing and being sued in its own name and of acquiring rights and incurring obligations distinct from its members.
- 12.2 The debts of the Fellowship will be its own debts and not those of its Members, except to the extent that any Member may expressly assume liability for any debt of the Fellowship.
- 12.3 The Fellowship may exercise any and all of the powers and authorities it may require as a corporate body, to pursue and achieve the Purpose and Objectives of the Fellowship, but subject always to the terms of this Constitution.

13 FELLOWSHIP DISCIPLINE:

- 13.1 In the unhappy event of any allegation of unworthy conduct or erroneous belief being brought against a member, the Eldership shall make enquiry into the matter. If, after enquiry in camera, the

Eldership deems such a course necessary, they shall present a report to a Fellowship Business Meeting, at which meeting any further action shall be determined after prayerful consideration.

- 13.2 In purely personal matters, members shall be expected to act in accordance with the Lord's injunction recorded in Matthew 18: 15 - 17.

14 ORDINANCES:

The Fellowship shall observe, in their New Testament simplicity, the two ordinances: Baptism and the Lord's Supper, as enjoined upon His followers by the Lord Jesus Christ.

- 14.1 Baptism:
In addition to those desiring to join the Fellowship, in accordance with Clause 4.2, the pastor shall be free to baptise any who so desire to confess the Lord Jesus Christ, provided he, the pastor, has satisfied himself regarding their personal salvation.

- 14.2 Communion:
The Lord's Supper shall, as far as possible, be observed at least on one morning of the Lord's Day in each month. Participation at the Lord's Table shall be open to all who have received the Lord Jesus as their own personal Saviour.

15 MOVABLE AND IMMOVABLE PROPERTY:

- 15.1 The Fellowship shall be entitled to acquire movable and immovable property of whatever kind and shall have full powers to deal therewith in any manner such as mortgage, pledge, or alienation by sale, donation or otherwise, and shall be empowered to invest and borrow money with or without security. Signing powers for property transactions shall be vested in two members of the Executive, one of whom must be the Secretary or the Treasurer.

- 15.2 The Executive shall hold the property in trust for the Fellowship and all immovable property shall be registered in the name of Melkbos Baptist Fellowship.

- 15.3 It shall not be competent for the Executive to purchase or lease immovable property, to mortgage, hypothecate or otherwise alienate in any manner whatever, any immovable property unless authorised and empowered to do so by a three-fourths majority of those present at a Fellowship Business Meeting specially convened for the purpose.

15.4 The Fellowship may, if so desired by a majority at the relevant meeting, consult with the Baptist Union of Southern Africa.

16 INDEMNITY CLAUSE:

The Executive, Pastor and all Officers of the Fellowship shall be fully indemnified against all actions, costs, charges, losses, damages and expenses which they or any of them shall or may incur in the execution of their duty, except such as they shall incur by their own wilful neglect or wrongful act.

17 REVISIONS OF CONSTITUTION AND BYE-LAWS:

17.1 The Constitution and Bye-laws may be amended, at a Fellowship Business Meeting duly convened for the purpose, provided three months' notice of motion has been given at a previous Fellowship Business Meeting. No change shall be made unless at least three-quarters of the members present at such meeting vote in favour of the suggested alteration either in its original form or with such amendments as the meeting itself may make.

17.2 Any proposed changes must be displayed in writing on the notice board for the three months prior to such meeting and copies made available to members.

17.3 The Fellowship must submit to the Commissioner for the South African Revenue Service a copy of any amendment to this Constitution.

17.4 No amendment may be passed which would have the effect of altering the Objects of the Fellowship from those of an association for ecclesiastical, charitable or educational purposes of a public character as is associated with a church.

18 DISSOLUTIONS:

18.1 In the event of the Fellowship ceasing to exist through lack of members, Melkbos Baptist Fellowship shall be empowered to wind up the affairs of the Fellowship and the assets realised shall be held in trust and/or used for the proclamation of the Baptist witness, at the discretion of the Executive of the Melkbos Baptist Fellowship.

18.2 The Fellowship may, at any time, revoke its membership of the Baptist Union of Southern Africa by a resolution approved by at least two-thirds of the members present at a Special Fellowship Business Meeting called for the purpose, provided three months' notice of motion has been given at a previous Fellowship Business Meeting.

SIGNED at MELKBOSSTRAND this 01st day of AUGUST 2017.

AS WITNESS:

AS OFFICE BEARERS, DULY AUTHORIZED:

The Fellowship
Baptist