



Auldhouse Community Church

Church Constitution

(Last updated/ approved by oscr, April 2014)

DECLARATION OF TRUST

by

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and

LAURA ELLEN WORKU, residing at 24 Sunnybank Drive, Clarkston, Glasgow, G76 7ST

(hereinafter referred to as "the Trustees")

WHEREAS the Trustees have resolved to establish a Trust to be known as "AULDHOUSE COMMUNITY CHURCH" (hereinafter referred to as "the Trust") with the charitable objects hereinafter set forth AND WHEREAS it is right and proper that the charitable objects of the Trust, the powers and duties of the Trustees and other relevant matters should be set forth in writing NOW THEREFORE WE HEREBY DECLARE as follows:-

FIRST

The purposes of the Trust are to advance the Christian Faith in accordance with the Statement of Faith set out in the Schedule annexed and signed as relative hereto and in furtherance thereof but not otherwise to carry out the following:-

- (a) the proclamation and furtherance of the Christian Faith by preaching and teaching of the Bible as the ultimate authority of the Trust, by the establishment and conduct of Auldhouse Community Church, in accordance with the Statement of Faith set out in the Schedule annexed and signed as relative hereto approved by the Trustees;
- (b) the continued conduct of a Church which shall meet, worship, witness and work in such place or places as the Trustees may decide;
- (c) the promotion of the ordinances of the Christian Faith set out in the Statement of Faith set out in the Schedule annexed and signed as relative hereto;
- (d) the support of Christian Churches or parachurch organisations which seek to advance the Christian Faith in Scotland or elsewhere in the world and the support of missionaries and missionary organisations seeking to advance the Christian Faith in Scotland or elsewhere in the world;
- (e) the relief of all those in need by reason of age, ill-health, disability, financial hardship or other disadvantage, without discrimination, exclusion or partiality;

- (f) the prevention or relief of poverty in Scotland or elsewhere in the world by gifts or donations to individuals, community organisations or Christian Ministries working in the Scotland or elsewhere in the world;
- (g) the advancement of education
- (h) the provision of recreational facilities or the organisation of recreational activities with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended;
- (i) the promotion of religious, social or racial harmony; and
- (j) such other activities which are charitable in purpose and shall further the attainment of the aforementioned objects of the Trust & of the Church to be established by the Trust.

SECOND

The assets of the Trust shall consist of all donations, legacies and other monies and property, heritable and moveable, real and personal which may hereafter be paid, transferred or issued to or acquired or accepted by the Trustees, all interest earned thereon and investments from time to time representing the same (hereinafter referred to as "the Trust Fund").

THIRD

The Trustees shall hold the Trust Fund for such charitable purposes only within the United Kingdom as are within the meaning assigned to the term "charitable purposes" under Section 7 of The Charities and Trustee Investment (Scotland) Act 2005 which is also regarded as a charitable purpose in relation to the applications of the Taxes Acts; DECLARING, without prejudice to the foregoing generality or the Trustees' discretionary powers, that the Trustees may apply the Trust Fund exclusively for the charitable purposes set out in Clause FIRST hereof and further declaring that no funds forming part of the Trust Fund aforesaid shall be paid or repayable to any of the Trustees other than by way of reimbursement of any sums or expenses necessarily incurred in the establishment of this Trust Deed.

FOURTH

The Trustees, in carrying out the purposes of the Trust, shall have the same full and unrestricted powers of dealing with the Trust Fund in all respects as if absolutely entitled thereto beneficially, provided always that such dealings are reasonably prudent having regard to the charitable purposes for which the Trust Fund is held; and without prejudice to the foregoing generality they shall have power in their discretion:-

- (a) to raise funds and invite and receive contributions from any person or persons whomsoever by way of loan, subscription, donation and pay-roll giving provided that the Trustees shall not undertake any permanent trading activities in raising funds for the said objects;
- (b) to retain, accept, purchase and sell stocks, bonds, securities or other investments of any and every description and invest in heritable and other securities whether authorised by the Trustees Investment Act 1961 or not and whether or not quoted on any recognised Stock Exchange;
- (c) to retain, accept, purchase and sell, lease, licence and take on lease or licence any property (or any part of any property), heritable and moveable, real and personal of any and every description and wherever situated including power to repair and insure against fire and other usual risks, all such heritable or leasehold property and to insure in respect

- of public liability & employer's liability or power to do anything that in the opinion of the Trustees is required for the provision of office accommodation & equipment for the Trust;
- (d) to retain, accept, purchase and sell any assets of any description and wherever situated in furtherance of the objects of the Trust;
 - (e) to borrow on such terms as the Trustees may think fit in furtherance of the objects of the Trust;
 - (f) to affiliate or become affiliated to any comparable charitable body having charitable purposes or a charitable purpose only as its objects or object and acquire and undertake all or any part of the assets, liabilities and engagements of any such body which the Trust may lawfully acquire;
 - (g) to make any charitable donation either in cash or assets in furtherance of the objects of the Trust;
 - (h) to make such loans or advances from the income of the Trust Fund for such one or more of the purposes of the Trust as the Trustees in their sole discretion may decide; and any such loans or advances shall be made to proper objects of charity with or without heritable or other security therefor or interest thereon and on such terms and conditions as the Trustees may in their sole discretion decide;
 - (i) to reimburse themselves out of the Trust Fund or any part thereof for any expenses or liabilities which they may reasonably incur in relation to the Trust Fund and the Trust hereby created in the performance or exercise of their duties and powers hereunder;
 - (j) to decide what money represents capital and what represents income of the Trust Fund and the proportion to which the expenses of the Trust are to be charged against capital and income respectively, notwithstanding any practice to the contrary and all similar questions which may arise in relation to the Trust;
 - (k) Subject to prevailing Employment law and to any requirements of The Charities and Trustee Investment (Scotland) Act 2005, to employ and pay proper and reasonable remuneration to staff and professional and technical advisers whose services are, in the opinion of the Trustees, required for the carrying out of the purposes of the Trust;
 - (l) to supervise and manage any persons employed by the Trust (including, without prejudice to the foregoing generality, by agreeing the terms and conditions of contracts of employment, conducting annual reviews of employees, setting and reviewing Personal Performance Objectives of the Pastor and Youth Worker of Auldhouse Community Church and any other employees annually prior to the Annual General Meeting of the Church, reviewing salary, benefits and other terms and conditions of employment of any employees including the Pastor and Youth Worker of the Church, ensuring that the prevailing requirements and provisions of Employment law are met and that fair pay and conditions are maintained and implemented at all times);
 - (m) to appoint solicitors, agents, factors, stockbrokers, accountants or other such persons to manage the Trust Fund and to pay to such person or persons who are

appointed (whether of their own number or not) suitable remuneration and commission for their trouble at the usual professional rates;

- (n) to establish and operate both current accounts and deposit accounts with bankers in the name of the Trust, provided that cheques drawn on such accounts shall not be signed by less than two persons who are authorised to do so.
- (o) to amend any of the provisions of this deed by any deed or deeds supplemental to this deed provided that no amendment shall be made which will cause the Trust to cease to be charitable in nature; and
- (p) to do all other lawful things, necessary for the attainment of the purposes of the Trust.

FIFTH

The Trustees shall not be liable for depreciation in the value of the investments made or retained by them, nor for any acts or omissions, nor for the insolvency of debtors, nor for the acts, omissions, neglect or defaults of each other nor of any banker, solicitor, factor or other agent employed by them nor for any alleged or actual actings beyond their powers. The Trustees shall (at the cost of the Trust) at all times maintain trustee liability insurance in terms and conditions approved by the Trustees after obtaining advice from a qualified Insurance Broker.

SIXTH

The Trustees shall have power to make, vary and revoke regulations for:-

- (a) the management of any property which may have been acquired;
- (b) the custody of monies, deeds, securities and documents belonging to the Trust;
- (c) the duty toward and care of employees.

SEVENTH

The Trustees may from time to time appoint a person to act as Honorary Secretary and a person to act as Honorary Treasurer of the Trust. Such persons may be, but need not be, Trustees and could be remunerated for their duties, subject to the terms and conditions of the Charities and Trustee Investment (Scotland) Act 2005.

EIGHTH

- (a) The Trustees may elect one of their number to be chairman of their meetings and may elect one of their number to be vice-chairman and if the chairman is absent from any meeting the vice-chairman (if any) shall preside otherwise the Trustees present shall before any other business is transacted choose one of their number to preside at that meeting.
- (b) A Quorum at a meeting of the Trustees shall be three or 50% of the Trustees for the time being whichever shall be the greater. Any decision to be made by the Trustees shall be carried by a simple majority of the Trustees.
- (c) The Trustees for the time being shall have full power from time to time to make regulations for the management of the Trust and to the conduct of their business and to

do all such lawful things as are necessary to advance the objects of the Trust declared in Clause FIRST.

- (d) The Trustees shall hold at least two ordinary meetings in each year and may hold such other ordinary meetings as may be required as in the case of special meetings which may be summoned at any time by any two Trustees' notice being given to all the other Trustees of the matters to be discussed.
- (e) The Trustees from time to time may appoint a Treasurer or Treasurers to receive and (subject as herein provided) to hold any monies which shall become payable to them as the Trustees of this Deed and the receipt of such Treasurer or one of them in the case of joint Treasurers shall be a good and valid discharge to the person or persons paying the same.
- (f) The number of Trustees shall be not less than three nor more than seven.
- (g) New Trustees shall be nominated from the membership of the Church by the Leadership Team of the Church (i.e. Auldhouse Community Church) and intimated to members of the Trust at an Annual General Meeting or Special General Meeting of the members. Nominations of the Leadership Team shall be approved by a show of hands at such a meeting or, at the discretion of the Leadership Team, members shall, (after two weeks' formal notice in writing has been given to them) be entitled to express their objections [in writing] to a nomination by the Leadership Team.
- (h) A Trustee shall cease to be a Trustee if he sends to the Chairman of the Trustees or the Secretary for the time being of the Trust, notice in writing of his intention to resign or ceases to be a member of the church.
- (i) A Trustee may be removed from their post if such Trustee:-
 - (i) becomes bankrupt or makes any arrangement or composition with their creditors generally.
 - (ii) is certified of unsound mind by a medical practitioner.
 - (iii) resigns their office by notice in writing.
 - (iv) is absent from 2 consecutive meetings of the Trustees without approval of the other Trustees and the other Trustees pass a resolution that the office of such Trustee shall be so vacated.
 - (v) is, in the opinion of a majority of the Trustees, persistently un-cooperative with the other Trustees and their wishes and/or causes disruption to the furtherance of the objects of the Trust or the meetings of Trustees.
 - (vi) is, in the opinion of a majority of Trustees, at any time in their tenure, engaged in inappropriate behaviour or misconduct in either fulfilling their duties or in their private life.

NINTH

The Trustees shall ensure that full and punctual accounts are kept of the Trust Fund and all income arising therefrom and all dealings therewith and all payments made thereunder and, at least once in each year, cause to be prepared a statement of accounts and balance sheet for the previous year complying with all relevant statutory requirements and, if required, shall cause such accounts to be each year by a professional auditor appointed by the Trustees.

TENTH

Save as hereinbefore expressly provided, the Trust Fund and income thereof shall be applied solely for the purposes of the Trust and no Trustee shall take or hold any interest therein save in the capacity as a Trustee or as a duly appointed employee or member of staff (provided that in the event of the Trustees appointing one or more of their number as an employee or member of

staff who shall be paid remuneration of any kind, such person or persons shall not participate in any decision regarding their appointment to an employed post or regarding their conditions of service and remuneration and a quorum of remaining Trustees shall approve their remuneration as being beneficial to the charitable purposes of the Trust and provided that a written agreement relating to the terms and conditions of employment is entered into and that in no circumstances shall more than half of the Trustees at any time be employed or remunerated by the Trust) or be interested in the supply of goods or services at the cost of the Trust in any circumstances whatsoever, provided that this sub-clause shall not prevent a Trustee from holding office or being a shareholder in a public company, shares in which are held on the Trust's behalf, or from obtaining the repayment of reasonable out-of-pocket expenses incurred on the Trust's behalf.

ELEVENTH

The Trustees, acting in accordance with Clause EIGHTH (b) hereof and subject to approval of their decision by 66% of the Church membership, shall have power to vary this Declaration of Trust and the trusts hereof in any particular (including without prejudice to the generality, power to make changes in relation to the appointment and cessation of appointment of ex-officio trustees) by deed or deeds which shall be expressed to be supplemental to this Declaration of Trust. From the date of such supplemental deed or deeds, this Declaration of Trust shall be read and construed as if the provisions of such supplemental deed or deeds were incorporated herein provided that no such alteration or variation shall be made that shall cause this Declaration of Trust to cease to be charitable in law.

TWELFTH

If at any time, the Trustees in their own absolute discretion are of the opinion that the purposes of the Trust can no longer be achieved or can be achieved in some other manner, the Trust may be wound up by unanimous resolution of the Trustees subject to approval of their decision by 66% of the Church membership. On winding up, the balance of the Trust Fund, after meeting all expenses, shall be paid or transferred by the Trustees to such other charitable body or fund having similar objects to the Trust as the Trustees in their absolute discretion consider fit.

LASTLY

This deed shall be construed and administered in accordance with the Law of Scotland: IN WITNESS WHEREOF

Statement of Belief.

*We believe in one **God**, the Father Almighty, Creator and Sustainer of all things, who eternally exists as a community of three persons sharing one essence.*

*We believe in **Jesus Christ**, his only Son, our Lord;*

...that he came into our world as the promised Saviour and King of Israel,

...that he was conceived by the power of the Holy Spirit and was born of the Virgin Mary,

...that he lived a life of perfect obedience to God and love towards others,

...that he suffered and died on the cross for the sins of all humanity,

...that he was buried, and descended into the place of the dead, but on the third day he rose again – having conquered death, sin and all the powers of evil,

...that he ascended into heaven and sat down at the right hand of God his Father, at the place of all authority, where he prays for and represents us before God,

...that he has established his Kingdom on earth and will come again to fully consummate this Kingdom and to judge all who are alive as well as those who have died.

*We believe in the **Holy Spirit**, the Author and Giver of life;*

...who proceeds from the Father and the Son,

...who is given freely to all who believe in Jesus Christ,

...who enables and equips us fully for life and service.

*We believe in one, holy, apostolic and universal **Church**, the fellowship of all Christians both now and through all ages;*

...in the gift of the forgiveness of sins,

...in the promise of the resurrection of the body,

...in the gift and promise of eternal life.

The Bible

We also believe that God, through the Holy Spirit, used human agents to record and preserve the integrity of the contents of the 66 books which we call the Holy Bible. We believe that, because the Bible is inspired by the Holy Spirit, it is the written Word of God, is without error in all that it affirms and is therefore authoritative, trustworthy, complete and relevant for life in every generation and age. God, who gave us these Scriptures, still speaks powerfully and directly through them today, as they witness to Jesus Christ who is the living Word of God, and through whose life and teaching we interpret the rest of Scripture. The supreme reasons why the Scriptures have been given are: to reveal to us who God truly is, to teach us about his purpose in human history, and to instruct us how we may know him and show us how we should now live.