

**THE CHURCH OF ST. MARY, ABERFOYLE**  
**Serving the Trossachs and Strathendrick**

**1. Charge.**

The Charge shall be an Incumbency known by the name of ST. MARY situated at Aberfoyle in the United Diocese of St. Andrews, Dunkeld and Dunblane of the Scottish Episcopal Church.

**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.**

The heritable property of the Charge shall be vested in the Trustees of the Diocese in trust for the Charge. Save as hereinafter provided in Article 25 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 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 General Synod.**

The Rector or Priest-in-Charge and Congregation shall conform to the resolutions of the General Synod, and in particular to the resolutions with reference to the election of Lay Representatives and the collection of funds for the General Synod, or such other body which 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 18 years of age whose names are on the Roll of Communicants of the Congregation, kept as provided for in the Code of Canons (Canon 41).

**6. Annual Meeting.**

Once in every year, within three months after 30th September, 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 accidental omission to give notice of a meeting shall not invalidate the proceedings at that meeting. The Chair of the Vestry, if present, shall preside, but in his/her absence, or during a vacancy in the charge, the meeting shall elect its own Chair. 10 shall be a quorum. The Chair 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; (b) to elect, if not appointed at a special meeting called for the purpose, the Lay Representative and Alternate Lay Representative (provided that no clerical Constituent Member shall vote in such election); (c) to appoint an independent examiner who shall be either a qualified member of one of the Institutes comprising The Consultative Committee of Accountancy Bodies Limited, or a person approved by the Diocesan Auditor, to examine the accounts of the Charge, and report thereon, or, if required by the Charities Accounts (Scotland) Regulations 1992 or other provisions corresponding to the same to which the Scottish

Episcopal Church is subject, to appoint an auditor in accordance with those regulations; declaring that in the event of a vacancy arising in the office of examiner or auditor between Annual General Meetings, the Vestry shall appoint an interim examiner or auditor who shall hold office until the next Annual General Meeting; (d) to receive the Report and Accounts of the Vestry and the Reports of the Lay Representative; and (e) to deal with any other competent business. The names of all candidates for election, together with the names of their proposers and seconders shall be lodged with the Chair prior to the commencement of the meeting; no speeches in connection with the election shall be permitted, and all elections, if contested, shall be conducted by secret ballot.

#### **8. Special Meetings.**

Special Meetings of the Constituent Members of the Congregation may be called at any time by the Rector or Priest-in-Charge or at the request of either a majority of the Vestry or not less than 15 Constituent Members, given in writing addressed to the Rector or 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 (and the accidental omission to give notice shall not invalidate the proceedings at any such meeting). 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 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.**

Seats in church are provided for the worshippers and shall be free and un-appropriated.

#### **11. Vestry.**

The temporal affairs of the Charge shall be under the management of a Vestry consisting of the Rector or Priest-in-Charge *ex officio*, the Lay Representative *ex officio*, a Secretary, a Treasurer, and not more than twelve nor fewer than three Constituent Voting 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 Chair, who shall have a casting as well as a deliberate vote, may, with the agreement of the Rector or Priest-in-Charge, and the approval of the Bishop, be a Lay Chair or in the case of his/her absence, a member elected by the Vestry. Special meetings of the Vestry may be called at any time at the request of three members by notice in writing addressed to the Secretary of the Vestry or at the request of the Rector or Priest-in-Charge. At least one elected member should retire annually, and should not be eligible for re-election that year, but this shall not apply to the Chairman, Secretary or Treasurer, if also elected as voting members. The elected member(s) to retire shall be those who are the longest serving. The term of service of an elected member shall normally be four years. Casual vacancies in Vestry membership occurring between Annual Meetings of the Congregation 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 Secretary and Treasurer appointed by the Vestry, if constituent members of the Congregation, shall be members of the Vestry, *ex officio*, but not entitled to a vote unless appointed or elected to serve also as voting members by the Congregation on the usual rotational basis.

## **12. Duties of Vestry**

The Vestry shall have charge of the fabric and property of the Church, and of any Rectory, Schools, 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 or Priest-in-Charge 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. Ordinary internal repairs are also the responsibility of the Vestry, except where any damage has been caused by the Rector or Priest-in-Charge and his/her family, when it is their responsibility. Internal decoration to maintain a reasonable standard is the responsibility of the Rector or Priest-in-Charge. 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 generally assist the Rector or Priest-in-Charge (subject always to his/her canonical rights and duties) in every way in their power in all matters affecting 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 may be invested in the Unit Trust Pool or other investment schemes administered or approved by the Scottish Episcopal Church, or deposited with a bank or building society or invested in securities both wider and narrower range so that, subject to the terms of any gift or bequest, the restrictions in the Trustee Investments Act 1961 shall not apply. In the event of any property heritable or moveable of whatever nature being gifted or bequeathed to the Charge, the same may be accepted and retained unrealised for such time as may be deemed advisable and, in the case of shares, whether the same are fully paid or not, and in the case of other property whether the same may be burdened or not. Investments held by the Vestry may be registered in the names of such members or officials of the Vestry or otherwise (including bank 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.

## **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 ensure the keeping of 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 do so by any member of the Vestry; (c) to issue notices of meetings; (d) to conduct necessary correspondence, and generally (e) to conform to instruction received from the Vestry. It shall be the duty of the Treasurer (a) to prepare and keep the accounting records of the Charge; (b) to prepare annual accounts, and submit them to the independent examiner/auditor appointed in terms of Article 7 hereof; (c) to ensure lodgement in a bank or building society, in an account opened in the name of the Charge for that purpose, all monies received by him/her on behalf of the Congregation; (d) to prepare and submit on an annual basis a proposed budget for the forthcoming year; (e) to exhibit when called upon his/her accounting records to any member of the Vestry, and generally (f) to conform to instructions received from the Vestry. The bank or building society account shall be operated 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 (written) report upon their transactions during the preceding year, including the congregational accounts under their charge with the Independent Examiner's/Auditor's certificate thereon. The Report and Accounts may be circulated throughout the Congregation before, at, or after the Annual Meeting. A copy of the

accounts and of any other written reports submitted to the Annual Meeting shall be appended to the minutes of the Annual Meeting.

**15. Appointment of Rector or Priest-in-Charge.**

Subject to the Bishop's approval of the candidate selected, the appointment of the Rector or Priest-in-Charge shall rest with the Vestry and the Vestry shall, immediately on a vacancy occurring, communicate with the Bishop, and thereafter act in consultation with him in the filling of the appointment. Upon presentation to the Bishop of a duly qualified person, and the Bishop's acceptance of the same, he/she shall be instituted as soon as possible, subject to Disclosure to comply with the requirements of the Child Protection Procedures. The person appointed shall enjoy as Rector or Priest-in-Charge all rights secured to him/her by this Constitution as from the date of his/her institution (or collation).

**16. Stipend of Rector or Priest-in-Charge.**

The stipend of the Rector or Priest-in-Charge shall be of such amount, and be provided in such manner, as may be agreed between him/her and the Vestry to the satisfaction of the Bishop, at not less than the rate of 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 not later than the last day of each month less income tax and national insurance contributions and, unless otherwise agreed by the Bishop, after deduction of any sums received by the Rector or Priest-in-Charge by virtue of employment or other ecclesiastical or secular work. No person shall, by reason only of his/her being a member of the Vestry, be deemed responsible personally for payment of stipend.

**17. Rectory.**

Where a Rectory has been erected or acquired for the Charge, it shall be for the use and benefit of the Rector or Priest-in-Charge, and he/she shall not let it, nor any part of it, without the consent of the Bishop and the Vestry. In the event of the death of the Rector or Priest-in-Charge his/her widow(er) and/or children shall have the use of the Rectory for three months thereafter.

**18. Appointment and Stipend of Assistant Clergy.**

The Rector or Priest-in-Charge shall, after consultation with the Vestry, have the appointment of any Assistant Curate or Curates whom the Bishop may license for the work of the Charge. The stipends of stipendiary Assistant Curates shall be such as are agreed upon by the Rector or Priest-in-Charge and Vestry, but shall be of an amount not less than the scale approved by the General Synod for the time being.

**19. Appointment to other Offices.**

The Vestry may, with the concurrence of the Rector or Priest-in-Charge, appoint suitable persons as Organist, Choirmaster, Verger etc. In the case of such officials, the Rector or 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 Rector or Priest-in-Charge.**

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

## **21. 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 foresake Communion with the Scottish Episcopal Church.
- (2) If he/she shall be canonically deposed.
- (3) If he/she 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 become vacant, and the Bishop approves in writing.
- (4) If the Incumbency is declared to be vacant under the provisions of Canon 13 of the Code of Canons (a) because of the physical or mental incapacity of the Rector and/or (b) because of his/her having absented him/herself without providing for the adequate performance of the ordinary services.
- (5) If the Charge is declared to be vacant under the provisions of Canon 53 of the Code of Canons.

## **22. Arrangements During a Vacancy.**

The care of the vacant Charge both in the provision of services and the pastoral care of the congregation shall be in the hands of the Bishop, who may appoint a priest to act as interim pastor or place the Charge in the care of Diocesan Chaplain or invite some other cleric to take services and attend to other pastoral duties. The emoluments and expenses during a vacancy shall be provided by the Vestry. The Communicants' and other Rolls and Registers of Baptisms, Confirmations, Marriages, Funerals and Burials shall be held by such person, and in such manner, as the Bishop may direct.

## **23. 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 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 not 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 Rector, this Constitution may be suspended, in accordance with the provisions laid down for such an eventuality in the Code of Canons (Canon 36).

## **25. Possible Extinction of Charge.**

If it shall be decided by the Bishop in Synod, with the concurrence of 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 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 Synod, may from time to time determine. In the event of an emergency, pending the summoning of the Diocesan Synod, 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 docket shall be signed therein by the Rector or Priest-in-Charge 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 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 Rector or Priest-in-Charge, Assistant Clergy, Vestry or Constituent Members of the Congregation or 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.

(Place)

(Date)

The foregoing Constitution was adopted by resolution passed at the..... meeting of the Congregation of the Incumbency known by the name of St. Mary situated at Aberfoyle in the United Diocese of St. Andrews, Dunkeld and Dunblane of the Scottish Episcopal Church of this date.

.....Chairman of the said .....meeting

(Place)

(Date)

..... Vestry Chairman, St. Mary's Aberfoyle

(Place)

(Date)

Approved:..... Registrar

(Place)

(Date)

Approved:.....Bishop of the United Diocese of St. Andrews Dunkeld and Dunblane.