

NANCEFIELD BAPTIST CHURCH CONSTITUTION

1. NAME:

- 1.1 The name of the church shall be **THE NANCEFIELD BAPTIST CHURCH** (hereinafter referred to as '**THE CHURCH**')

2. BAPTIST UNION OF SOUTHERN AFRICA:

- 2.1 The church as and when fully constituted, shall seek and maintain membership with the Baptist Union of Southern Africa but shall be independent of any control by it save as hereinafter provided. Having become a member the church shall remain in membership unless the membership shall resolve otherwise by a 90% (ninety per cent) vote of members present at a properly constituted meeting of members.

3. CHURCH GOVERNMENT AND OBJECTIVES:

- 3.1 The church recognizes 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 in Article 8.1.

3.2 The objectives of the Church shall be:

- 3.2.1 To glorify the Lord Jesus, the Head of the Church
- 3.2.2 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.

- 3.2.3 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)

4. STATEMENT OF FAITH:

4.1 The Church 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 supreme and 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 Christ died for our sins, a substitutionary sacrifice, according to the Scriptures, and that all who believe in him are justified on the ground 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 That, all who receive the Lord Jesus Christ by faith are born again of the Holy Spirit and thereby become children of God.
- 4.1.9 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.
- 4.1.10 That the one true Church is the whole company of those who have been redeemed by Jesus Christ and regenerated by the Holy Spirit; that the local Church on earth should take its character from this conception of the Church spiritual, and therefore that the new birth and personal confession of Christ are essentials of Church membership.
- 4.1.11 That the Lord Jesus Christ appointed two ordinances – Baptism and the Lord’s Supper – to be observed as acts of obedience and as perpetual witnesses to the cardinal facts of the Christian faith; that Baptism is the immersion of the believer in water as a confession of identification with Christ in burial and resurrection, and that the Lord’s Supper is the partaking of bread and wine as symbolical of the Saviour’s broken body and shed blood, in remembrance of His sacrificial death till He come.
- 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 the 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; it consists 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 recognize that God gifts His Church with Overseers (who are called Pastors or Elders) whose primary function is to lead in a spirit of servant hood, to equip and provide spiritual oversight, and Deacons whose primary function is to facilitate the smooth functioning of the Church. This principle further

recognizes 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 church structure or organization 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 Church meeting of which at least three months' notice has been given.

5. **MEMBERSHIP:**

The membership shall consist of:

- 5.1 Those whose names are in the church register of members at the time of the adoption of this Constitution.
- 5.2 Those who have given evidence of their personal salvation through faith in the Lord Jesus Christ have confessed that faith in Baptism by immersion; have accepted this Constitution and who have been admitted to membership in terms of Article 6.2.
- 5.3 Those who have been accepted by transfer, from some other Baptist Church (having been baptized by immersion, having accepted this Constitution) in terms of Article 6.3.
- 5.4 Those who freely and voluntarily apply for membership, do so on the understanding that adherence to the basic principles in the church's Statement of Faith constitutes an inherent requirement for membership of the Nancefield Baptist Church. They consent to the fact that should any member violate such principles he/she may be required by the leadership of the Church either to accept their counsel and discipline or to forfeit his/her membership of the Nancefield Baptist Church.

6. **ADMISSION OF MEMBERS:**

- 6.1 Every application shall be decided on at a General Meeting.
- 6.2 Application for church membership under Article 5.2 shall be made in the first instance to the Pastor or secretary. The

Executive shall make careful enquiry regarding the applicant's spiritual experience, and submit their recommendation to the General Meeting.

- 6.3 Application for church membership under Article 5.3 shall be made in the first instance to the pastor or Secretary. The Executive shall satisfy itself concerning the applicant's spiritual experience with a view to applying for a letter of transfer for submission to a General Meeting.

7. TRANSFER OF MEMBERS:

- 7.1 Any member in good standing who desires to join another Baptist Church shall be given a letter of transfer upon application from the church concerned.
- 7.2 Any member in good standing who desires to join a protestant Church other than Baptist shall be given a letter of commendation upon application of the church concerned.
- 7.3 A General Meeting shall be advised of any transfers.

8. PRIVILEGES AND OBLIGATION OF CHURCH MEMBERSHIP:

- 8.1 Under the divine Headship of the Lord Jesus Christ the final authority and responsibility in all matters touching the life and service of the Church rests with the membership. Each individual member has the responsibility and right to participate fully in the church's life and government, including the appointment of its leadership.
- 8.2 Every member shall be entitled and expected to attend General Meetings, unless prevented by some reasonable cause, and to

exercise his/her vote for the welfare of the whole church, in a spirit of prayer and love.

- 8.3 Members shall be expected to support the ministry and maintain the fellowship of the church – by prayer, by attendance at services, whenever possible by engaging in some specific service, by conscientious giving as God’s provision enables and by introducing strangers to the church.

9. **CHURCH DISCIPLINE:**

- 9.1 If any member is absent from services of the church and/or neglects to comply with any of the privileges and obligations of membership for a prolonged period without apparent good reason, the Executive shall make enquiry. Should no satisfactory response result; the Executive may submit a recommendation to a General Meeting.
- 9.2 In the unhappy event of any allegation of unworthy conduct or erroneous belief against any member, the Executive shall, if after careful enquiry make such a course necessary, report to a General Meeting for appropriate action.
- 9.3 The suspension or expulsion of any member shall be resorted to only if all efforts at restoration prove unsuccessful.
- 9.4 In purely personal matters, members shall be expected to act in accordance with the Lord’s injunction in Matthew 18:15-17.

10 **THE ORDINANCES:**

10.1 **Baptism:**

In addition to those desiring to join the Church in accordance with Article 5.2 the Pastor shall be free to baptize by immersion any believer who desires thus to confess the Lord Jesus.

10.2 The Lord's Supper:

The Lord's Supper shall be observed – as far as possible – on the first and third Sunday of the month – or at such times as the Church shall decide. Attendance shall be open to all who love the Lord Jesus as Lord and Saviour.

11. GENERAL MEETINGS:

11.1 Annual General Meeting:

11.1.1 The church business year shall end on 30th June and the Annual General Meeting shall be held as soon thereafter as possible, but not later than 3 months after 30th June.

11.1.2 Reports and audited financial statements shall be submitted by the Secretary and Treasurer respectively.

11.1.3 All departments of the church shall submit reports.

11.1.4 The Annual elections of Deacons shall take place.

11.1.5 The Agenda shall be posted / made available to all members prior to the meeting.

11.2 Ordinary (or Quarterly) General Meeting:

11.2.1 Ordinary (or Quarterly) General Meetings shall be held in November, February and May.

11.2.2 The Agenda shall be made available to members prior to the meeting.

11.3 Special General Meeting:

11.3.1 Special General Meetings shall be convened –

11.3.1.1 As required in the Constitution

11.3.1.2 On the initiative of the Executive

11.3.1.3 Upon written request of at least 10 members (stating the purpose), and within one month of such request.

11.3.2 Notice of a Special General Meeting shall be issued/distributed to all members prior to the meeting, clearly specifying the matters to be submitted for consideration.

11.4 Quorum:

11.4.1 20% of the total membership present when a meeting proceeds to business shall constitute a Quorum.

11.4.2 If a General Meeting fails to procure a Quorum it shall automatically reconvene at the same time and place seven days later, and the members then present shall constitute a Quorum.

11.5 Notice of Meetings:

11.5.1 Notice of all General Meetings shall be given at both services on two Sundays preceding the date of the meeting and as required by (11.1.5) (11.3.2)

11.5.2 The non-receipt of the notice as required by 11.1.5 and 11.3.2 shall not invalidate the proceedings at the meeting.

11.6 Voting:

11.6.1 Only members who have attained the age of 18 Years shall be entitled to vote.

11.6.2 Only members in membership for not less than six months at the time of the meeting shall be entitled to vote.

11.6.3 Unless otherwise required elsewhere in this Constitution all matters shall be decided by the majority vote of those present.

11.6.4 Voting shall be by show of hands unless

11.6.4.1 Otherwise required elsewhere
in this Constitution

11.6.4.2 One member requests a ballot

11.6.5 There shall be no postal or proxy voting

12. CHAIRMAN:

12.1. The Pastor, - or in the event of there being more than one – the Senior Pastor, shall be ex-officio Chairman of the General and Executive meetings – except when his own position is under consideration or when he may elect to vacate the Chair.

12.2. In the absence of the Pastor, the Assistant / Associate Pastor shall act as Chairman with the same exception as in 12.1

- 12.3 When 12.1 or 12.2 do not apply the meeting shall elect a Chairman for the particular meeting.
- 12.4 The Chairman shall have a deliberative and a casting vote.
- 12.5 If 1/3rd of members present and entitled to vote object to any matter brought up without proper prior notice, the Chairman shall rule that it be referred to a future General Meeting.

13. THE EXECUTIVE:

- 13.1 The Pastor or Pastors, together with Deacons and Elders (if any), shall constitute the Executive.
- 13.2 The Executive shall act as generally or specifically directed by the church in General Meeting assembled and shall be accountable to the church for all tasks delegated it, and for the proper administration of all church funds.
- 13.3 The Executive shall meet at least once monthly if possible.
- 13.4 50% of the Executive shall constitute a Quorum.
- 13.5 At its first meeting after the Annual General Meeting, the Executive shall appoint from its own number a Secretary and Treasurer, these appointments to be confirmed at the next General Meeting.

14. DEACONS:

- 14.1. The church may from its membership elect deacons – who, at the time of election, will be –
 - 14.1.1 over 21 years of age,

- 14.1.2 in membership not less than six months.
- 14.2 The number of Deacons shall not be less than four.
- 14.3 A Deacon shall hold office for two consecutive years but shall be eligible for nomination for re-election for further two-year consecutive periods.
- 14.4 Nomination for the office of Deacon shall be submitted in writing to the Church Secretary duly signed by the nominee, proposer and seconder not later than eight days prior to the date of the meeting when the election shall take place.
- 14.5 The names of all nominees shall be made known at both services on the Sunday prior to the date of the meeting at which the election shall take place.
- 14.6 In the event of a vacancy occurring in the office of Deacon such vacancy may be filled in the aforesaid manner at a General Meeting, but only for the unexpired period of the previous incumbent's term of office.
- 14.7 Voting shall be by ballot.
- 14.8 Only nominees receiving more than half the votes of members present shall be declared elected to fill any vacancies.

15. ELDERS:

- 15.1 The Church may, from time to time, see fit to appoint to the office of Elder such person/persons recognized as gifted by the Holy Spirit for this office, and who satisfy the requirements as detailed in Timothy and Titus.

- 15.2 After having also considered any suggestions from Church members the Executive shall recommend to a General Meeting such person/persons from its membership of maturity, good standing in the Faith, and in the secular world, as it considers suitable for appointment to this office. The name/s of the person/s to be recommended shall be made known at the time notice of the meeting is given, the nominee's prior consent having been obtained.
- 15.3 The initial appointments of each recommended candidate shall be on the favorable ballot vote of two thirds of the members present.
- 15.4 Each Elder shall hold office for two consecutive years, and continuance in office for further periods of two years shall be on the favorable vote of two thirds of the members present at a General Meeting.
- 15.5 Elders shall be members of the Executive.
- 15.6 The number of elders deemed desirable shall be decided from time to time at a General Meeting on the recommendation of the Executive.
- 15.7 The Elders shall consult with and assist the pastor/s in the caring ministry and spiritual oversight of the church.

16. THE PASTORATE:

- 16.1 The choice and appointment of a Pastor/Pastors is vested in the membership of the church.
- 16.2 When an appointment becomes necessary the procedure shall be as follows:

- 16.2.1 A General Meeting shall appoint not less than four members to serve with the Executive as a Call Committee.
- 16.2.2 The Call Committee shall recommend only one name to any Special General Meeting of the church.
- 16.2.3 The invitation shall be contingent upon the following:
 - 16.2.3.1 At least 2/3rds of members present shall vote in favour by ballot.
 - 16.2.3.2 The prospective Pastor/Pastors shall have been baptized by immersion and shall accept in writing this Constitution.
 - 16.2.3.3 The Pastor shall become a member of the Church upon assuming the pastorate.
 - 16.2.3.4 The prospective Pastor's name shall be on one of the Ministerial lists of the Baptist Union of S.A.
 - 16.2.3.5 Any engagement between the church and the Pastor shall be terminable by three months' notice on either side, unless otherwise mutually agreed upon.
 - 16.2.3.6 "The Code of Pastoral Ethics" of the Baptist Union of Southern Africa shall be accepted and signed by the Pastor.
 - 16.2.3.7 A letter of appointment including the duties of the Pastor and the conditions of service shall be prepared and upon

acceptance, signed by the Pastor/Pastors.

16.2.3.8

“A Personnel Committee” shall be appointed by the church to communicate the terms and conditions of service with the Pastor/Pastors. They shall conduct an Annual appraisal with the Pastor/Pastors concerning their ministry. They shall take care of the well-being of the Pastor/Pastor’s and shall address tensions, convey any affirmation and if necessary issue warnings to the Pastor/Pastors with regard to their ministerial duties. The Pastor/Pastors have the right of appeal to a properly constituted church meeting. This committee shall attempt to deal with any pastoral grievances of the church or Pastor, failing which clause 25 of this constitution shall be invoked. The Personnel Committee shall familiarize themselves with the requirements of the South African Labour Relations Act 66 of 1995 as amended, when dealing with the Pastor/Pastors especially with regard to the termination of employment by the church. This Personnel Committee shall also be responsible for letters of appointment and all other responsibilities as outlined above for the Pastor and for all other employees of the church.

16.2.3.9 The retirement age of a Pastor shall be upon turning 65 years of age. Thereafter the church may wish to extend the Pastor's ministry on an annual basis.

17. DEPARTMENTS:

- 17.1 The appointed leaders of all departments shall be church members.
- 17.2 The leader appointed by each department shall be approved by the Executive and ratified at a General Meeting.
- 17.3 Each department shall appoint its own committee.
- 17.4 The Family Bible Hour / Sunday school shall appoint its own staff.

18. FINANCE:

- 18.1 Voluntary giving shall support the church.
- 18.2 The methods of voluntary giving shall be decided upon by the Deaconate
- 18.3 Proper books of account shall be maintained.
- 18.4 The members shall appoint annually a competent person or persons who shall examine the church securities, audit the Accounts and Financial Records of the church and furnish a report thereon to the members in writing, not less than 14 days prior to the Annual General Meeting (see 11.1.2). Such report shall refer to the existence of the securities and the adequacy of

the records maintained and shall express an opinion on the accuracy of the Accounts presented.

19. FINANCIAL TRANSACTIONS:

The Church shall have power to buy, sell, donate, let or hire, exchange, transfer, receive by way of donation or otherwise, movable and immovable property and to invest its funds in Government or Municipal stock, mortgage bonds, or on fixed deposit or otherwise, in Banks, Post Offices, or approved organizations and shall further have power to borrow money with or without security in such manner as the Church shall think fit, negotiate loans from Bankers or others by overdraft or otherwise and by passing mortgage and notarial bonds for registration with the proper authorities, and to open and operate upon banking accounts, and to make, draw, accept, discount, execute and issue promissory notes, bills of exchange and other negotiable and transferable instruments to guarantee the performance of contracts by any person or duly constituted Church having objectives wholly or partly similar to the objectives of this Church.

20. IMMOVABLE PROPERTY:

- 20.1 All immovable property acquired by the church in any manner shall be registered in the name of the Trustees of the Church.
- 20.2 The trustees for the time being of the Baptist Union of Southern Africa shall be the Trustees for the time being of the Church. They shall act as required by resolution of a General Meeting.
- 20.3 All acquisitions of immovable property in any manner shall require the approval of a General Meeting, due notice having been given of the proposed transaction.

20.4 Any proposal to sell, donate, exchange, mortgage, hypothecate, or otherwise alienate or encumber any immovable property shall have the prior approval of a Special General Meeting by a 2/3rds majority vote of the members present.

21. SALE OF PROPERTY:

The proceeds derived from the sale or other disposal of any property of the church shall be used in such manner, as the church may deem best fitted to secure the furtherance of its objectives.

22. INDEMNITY:

The Trustees and all Officers of the Church 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 duties, except such as they shall incur by their own wrongful action done intentionally or with gross negligence.

23. DISSOLUTION:

23.1 The dissolution of the church may be affected by the 2/3rds majority vote of members present at a Special General Meeting.

23.2 In the event of 23.1, such meeting shall thereupon authorize the Executive to take the necessary steps to wind up the affairs of the church, and in particular to transfer the immovable property in due and proper form to the Baptist Union – (see 23.4)

23.3 Should the number of Deacons be less than required by Clause 14.2, the meeting shall appoint and authorize any other person or persons to comply with the requirements.

- 23.4 In the event of the church at any time ceasing to exist, all acquired property or rights to property at such time shall ipso facto vest in and become the property of the Baptist Union which shall hold, administer or deal with it in such manner as the said Union through its Executive Committee may deem best fitted to secure the objects in clause 3.
- 23.5 The church shall be deemed to have ceased to exist –
- 23.5.1 when dissolution shall have been resolved in accordance with 23.1;
- 23.5.2 when public worship shall have been discontinued for a consecutive period of six calendar months;
- 23.5.3 when the number of members whose names and full addresses are known, has dropped to below 10.

24. MODIFICATION OF THE CONSTITUTION:

- 24.1 Any proposal to change this Constitution may be submitted by way of notice of Motion to any General Meeting.
- 24.2 Such Notice of Motion shall be circulated to all members for consideration at a Special General Meeting convened not less than three months after the General Meeting referred to in 24.1.
- 24.3 Proposed changes shall require the approval of 2/3rds of the members present at the meeting with the reservation that the number so present shall be not less than ten, regardless of the number of members on the membership roll.
- 24.4 In that approval of this Constitution by the Executive of the Baptist Union of Southern Africa is a pre-requisite to

membership of such Union, any amendment of this Constitution or any replacement thereof, shall likewise be subject to the approval of such Executive as a condition of continuing membership.

- 24.5 Notwithstanding anything to the contrary hereinbefore contained, no modification of this Constitution may be made which has the effect directly or indirectly of modifying the principle outlined in Clause 3.1 (the nature of the Church) and Clause 8.1 (final authority resting with membership).
- 24.6 It shall be understood that Clause 3.1, 8.1 and 24.6 are entrenched, and may not be revoked, amended or amplified.
- 24.7 The Statement on Baptist Principles contained in Clause 4.2 is an entrenched provision and may not be revoked or amended save on a 90% majority vote of members present and entitled to vote at a duly constituted special church meeting of which at least three months' notice has been given.
- 24.8 In the event of the church withdrawing from the Union, all monies made available for the development of the church and its properties by the Baptist Union shall be immediately refunded to the Baptist Union. This clause is entrenched.

25. RESOLUTION OF DIFFERENCES / AREAS OF CONCERN

- 25.1 In the unhappy event of serious disputation or anxious concern
- As between a group or groups of members and the remaining membership,
 - or
 - As between the Pastor and the whole membership or a group or groups within that membership, or
 - As between a Pastor and his Executive, or

- As between the Executive and the membership, or
- As between Pastor and Pastor which in the opinion of any one of the disputants abovementioned is impinging on the effective ministry of the church or is seriously threatening its unity, it shall be the right and privilege of any such Pastor or of any four members of the Executive Committee or of any ten church members to either.

25.1.1 Call for a special meeting of the Executive Committee with a view to resolving the differences. They shall invite three persons who are not members of the church, nominated by the Executive of the Association with which the Church is in membership, to be present at such a meeting. One of these people shall be nominated to serve as Chairman of the meeting or meetings.

25.1.2 It shall be the obligation of the disputants and of the church membership as a whole to afford the Church Executive and the three Association representatives when so invoked; every reasonable opportunity to assist in bringing about a God-honoring solution. The Association representatives may, if they so elect, submit a written report with appropriate recommendations.

25.1.3 In the unlikely event of these deliberations still not resulting in any satisfactory resolution of the differences or the areas of concern, then the Association representatives shall recommend to the Area Co-ordinator that an independent person be appointed to lead the church through a conflict resolution process as in 25.1.5 etc below

or

- 25.1.4 Request the Area Co-coordinator of the Association with which the church is in membership, to recommend from an independent mediator person to lead the church through a conflict resolution process.
- 25.1.5 During this process, which will involve a number of meetings and interviews, it shall be the obligation of all members of the church to participate in whatever way may be required of them in order that a satisfactory God-honoring resolution of differences or areas of concern may be achieved.
- 25.1.6 The person appointed by the Area Co-ordinator shall be recompensed by the church for his/her services and travel.

26 AMENDMENT AS REQUIRED BY THE TAX EXEMPTION UNIT OF SARS

- 26.1 The sole object of the public benefit organisation is to carry on one or more public benefit activity as defined in section 30(1) of the Act, in a non-profit manner and with an altruistic or philanthropic intent.
- 26.2 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.
- 26.3. At least 85% of such public benefit activity/activities, measured either in cost or time spent, are carried out for the benefit of persons in the Republic.

- 26.4. 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 relating to such organisation, provided that these provisions shall not apply in respect of any trust established in terms of a will of any person who died on or before 31 December 2003.
- 26.5 No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
- 26.6 The funds of the public benefit organisation will be used solely for the objects for which it was established, or shall be invested with a financial institution as defined in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990) or in securities listed on a stock exchange as defined in the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985).
- 26.7 The public benefit organisation will not carry on any business undertaking or trading activity unless specifically permitted in terms of section 30(3)(b)(iv) of the Income Tax Act.
- 26.8 On dissolution of the public benefit organisation, the remaining assets must be transferred to –
- aa. Any similar public benefit organisation, which has been approved in terms of section 30 of the Act.
 - bb. 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 or principal object the carrying on of any public benefit activity; or
 - cc. 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.

- 26.9 No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A: Provided that a donor (other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of section 10 (1) (cA) (i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
- 26.10 A copy of all amendments to the constitution, trust deed, memorandum and articles of association, or other written instrument under which the public benefit organisation was established, will be submitted to the Commissioner for the South African Revenue Service.
- 26.11 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.
- 26.12 The public benefit organisation will submit the required returns for income tax together with the relevant supporting documents.
- 26.13 In the case of any public benefit organisation which provides funds or assets to any association of persons contemplated in paragraph **(b)(iii)** of the definition of "public benefit activity", reasonable steps will be taken to ensure that the funds are utilised for the purpose for which it has been provided.
- 26.14 The public benefit organisation will, within such period as the Commissioner may determine, register in terms of section 13(5) of

the Non-profit Organisations Act,1997 (Act No. 71 of 1997), and comply with any other requirements imposed in terms of that Act.

- 26.15. Where the public benefit organisation has been approved in terms of section 18A(1)(b)(i) of the Act 75% of the funds received by the organisation by way of donations which qualify for a deduction, will be distributed (or an obligation will be incurred to so distribute) within twelve months from the financial year end during which such donations were received.

CONFIRMATION / ACCEPTANCE OF THE CONSTITUTION:

The Constitution, and all amendments as printed above was adopted at a business meeting of the Nancefield Baptist Church, called in terms of the constitution, and held on 22 February 2006.

Secretary

Chairman

(Each Member shall accept this Constitution as indicated on the membership application or by signing a copy of the Constitution)