

# **The Traditional Anglican Church**

**Constitution** adopted on the 13th August 2005

## **A Name.**

The name of the Association is The Traditional Anglican Church (“The Charity”).

## **B Administration.**

Subject to the matters set out below the Charity and its property shall be administered and managed in accordance with this constitution by the members of the Bishop’s Council constituted by clause H of this constitution (“the Bishop’s Council”).

## **C Objects.**

The objects of the charity shall be to advance the Christian religion by the propagation of the faith and instruction of the public in the practices set out in the schedule hereinafter appearing through its parishes and otherwise within England, Scotland and Wales, as far as this may be possible and, through its membership of the Traditional Anglican Communion, throughout the world.

## **D Powers.**

In furtherance of the objects but not otherwise the Bishop’s Council may exercise the following powers:

- (i) power to raise funds and to invite and receive contributions provided that in raising funds the Bishop’s Council shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of the law;
- (ii) power to buy, take on lease or in exchange any property necessary for the achievement of the objects and to maintain and equip it for use;
- (iii) power subject to any consents required by law to sell, lease or dispose of all or any part of the property of the Charity;
- (iv) power subject to any consents required by law to borrow money and to charge all or any part of the property of the Charity with repayment of the money so borrowed;
- (v) power to employ such staff (who shall not be members of the Bishop’s Council) as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision for the payment of pensions and superannuation for staff and their dependants;
- (vi) power to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the objects or of similar charitable purposes and to exchange information and advice with them;
- (vii) power to establish or support any charitable trusts, associations or institutions formed for all or any of the objects, including other member Churches of the Traditional Anglican Communion;
- (viii) power to appoint and constitute such advisory committees as the Bishop’s Council may think fit;
- (ix) power to do all such other lawful things as are necessary for the achievement of the objects.

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### **E. Membership.**

- (1) Membership of the Charity shall be open to any person over the age of 18 years interested in furthering the objects and who has made the declaration of membership in the form prescribed by the Presiding Bishop.
- (2) Clergy members shall be such members as are licensed by the Presiding Bishop to act as such.
- (3) Lay members shall be all other members, who may be organised in parishes (“Parochial Members”) or not so organised (“Unattached Members”).
- (4) The Bishop’s Council may by unanimous vote and for egregious moral or doctrinal reason terminate the membership of any individual. Provided that the individual concerned shall have the right to be heard by the Bishop’s Council, accompanied by a friend, before a final decision is made.

### **F. Voting at the Synod**

- (1) Every member of the Synod shall have one vote.
- (2) The Presiding Bishop and all clergy members shall be members of the Synod.
- (3) At the Annual General Meeting of each parish of the Church, which is to be held during the months of April or May, each parish shall elect by a majority vote two delegates from the Parochial Members of the parish as members of the Synod. All delegates are to be elected annually.
- (4) The Unattached Members shall elect by majority vote one delegate for every ten Unattached Members as members of the Synod. This election shall be held by postal ballot during the months of April or May each year.
- (5) All members of the charity shall be entitled to attend Synod and to ask questions, even if they are not members of the Synod.

### **G. Lay Trustees**

- (1) At the meeting of the Synod, the members shall elect from amongst themselves a secretary and a treasurer, who shall hold office from the conclusion of the meeting.
- (2) At the meeting of the Synod, the members shall elect from amongst the lay members as defined at E(3) at least three lay trustees, to serve on the Bishop’s Council from the conclusion of the meeting.
- (3) If there are more than three Area Deans appointed in accordance with clause H, the number of lay trustees shall be correspondingly increased.

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### **H. Bishop's Council**

- (1) The Bishop's Council shall consist of not less than seven nor more than fourteen members being:
  - (a) the Secretary and Treasurer elected in accordance with clause G (1);
  - (b) the lay trustees elected in accordance with clause G (2);
  - (c) the Presiding Bishop of the Traditional Anglican Church, who shall be the person recognised as such by the College of Bishops of the Traditional Anglican Communion. If nobody is so recognised, then the Vicar General appointed by the Primate of the Traditional Anglican Communion ("The Presiding Bishop");
  - (d) a registrar and up to five Area Deans appointed by the Presiding Bishop from the clergy members.
- (2) The Bishop's Council may in addition appoint not more than two co-opted members. Each appointment of a co-opted member shall be made at a special meeting of the Bishop's Council called under clause K(1) and shall take effect from the end of that meeting unless the appointment is to fill a place which has not then been vacated in which case the appointment shall run from the date when the post becomes vacant.
- (3) All the members of the Bishop's Council other than the Presiding Bishop shall retire from office together at the end of the Synod next after the date on which they came into office but they may be re-elected or re-appointed.
- (4) The proceedings of the Bishop's Council shall not be invalidated by any vacancy among their number or by any failure to appoint or any defect in the appointment or qualification of a member.
- (5) Nobody shall be appointed as a member of the Bishop's Council who is aged under 18 or who would if appointed be disqualified under the provisions of the following clause.
- (6) No person shall be entitled to act as a member of the Bishop's Council whether on a first or on any subsequent entry into office until after signing in the minute book of the Bishop's Council a declaration of acceptance and of willingness to act in the trusts of the Charity.

### **I. Determination of Membership of Bishop's Council.**

A member of the Bishop's Council shall cease to hold office if he or she:

- (1) is disqualified from acting as a member of the Bishop's Council by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision);
- (2) becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;
- (3) is absent without the permission of the Bishop's Council from all their meetings held within a period of six months and the Bishop's Council resolve that his or her office be vacated; or
- (4) notifies to the Bishop's Council a wish to resign (but only if at least three members of the Bishop's Council will remain in office when the notice of resignation is to take effect).

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### **J. Bishop's Council Members not to be personally interested.**

- (1) Subject to the provisions of sub-clause (2) of this clause no member of the Bishop's Council shall acquire any interest in property belonging to the Charity (otherwise than as a trustee for the Charity) or receive remuneration or be interested (otherwise than as a member of the Bishop's Council) in any contract entered into by Bishop's Council.
- (2) Any member of the Bishop's Council for the time being who is a solicitor, accountant or other person engaged in a profession may charge and be paid all the usual professional charges for business done by him or her or his or her firm when instructed by the other members of the Bishop's Council to act in a professional capacity on behalf of the Charity: Provided that at no time shall a majority of the members of the Bishop's Council benefit under this provision and that a member of the Bishop's Council shall withdraw from any meeting at which his or her own instruction or remuneration, or that of his or her firm, is under discussion.

### **K. Meetings and Proceedings of the Bishop's Council.**

- (1) The Bishop's Council shall hold at least one ordinary meeting each year. A special meeting may be called at any time by the Presiding Bishop or by any two members of the Bishop's Council upon not less than 4 days' notice being given to the other members of the Bishop's Council of the matters to be discussed but if the matters include an appointment of a co-opted member then not less than 21 days' notice must be given.
- (2) The Presiding Bishop shall act as chairman at meetings of the Bishop's Council. If the Presiding Bishop is absent from any meeting, the members of the Bishop's Council present shall choose one of their number to be chairman of the meeting before any other business is transacted.
- (3) There shall be a quorum when at least one third of the number of members of the Bishop's Council for the time being or three members of the Bishop's Council, whichever is the greater, are present at a meeting, provided that there shall always be at least one clergy member and at least one elected lay member present in such quorum.
- (4) Every matter shall be determined by a majority of votes of the members of the Bishop's Council present and voting on the question but in the case of equality of votes the chairman of the meeting shall have a second or casting vote.
- (5) The Bishop's Council shall keep minutes, in books kept for the purpose, of the proceedings at meetings of the Bishop's Council and any sub-committee.
- (6) The Bishop's Council may from time to time make and alter rules for the conduct of their business, the summoning and conduct of their meetings and the custody of documents. No rule may be made which is inconsistent with this constitution.
- (7) The Bishop's Council may appoint one or more sub-committees consisting of three or more members of the Bishop's Council for the purpose of making any inquiry or supervising or performing any function or duty which in the opinion of the Bishop's Council would be more conveniently undertaken or carried out by a sub-committee : provided that all acts and proceedings of any such sub-committees shall be fully and promptly reported to the Bishop's Council.

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### **L. Receipts and Expenditure.**

- (1) The funds of the Charity, to the extent that they are held centrally, including all donations contributions and bequests, shall be paid into an account operated by the Bishop's Council in the name of the Charity at such bank as the Bishop's Council shall from time to time decide. All cheques drawn on the account must be signed by at least two members of the Bishop's Council.
- (2) The funds of the Charity, to the extent that they are held at parish level, including all donations contributions and bequests, shall be paid into an account operated by the Parish in the name of the Charity at such bank as the Parish shall from time to time decide. All cheques drawn on the account must be signed by at least two members of the Parish Council.
- (3) The funds belonging to the Charity shall be applied only in furthering the objects.

### **M. Property**

- (1) Subject to the provisions of sub-clause (2) of this clause, the Bishop's Council shall cause the title to:
  - (a) all land held by or in trust for the charity which is not vested in the Official Custodian for Charities; and
  - (b) all investments held by or on behalf of the charity;  
to be vested either in a corporation entitled to act as custodian trustee or in not less than three individuals appointed by them as holding trustees. Holding trustees may be removed by the Bishop's Council at their pleasure and shall act in accordance with the lawful directions of the Bishop's Council. Provided they act only in accordance with the lawful directions of the Bishop's Council, the holding trustees shall not be liable for the acts and defaults of its members.
- (2) If a corporation entitled to act as custodian trustee has not been appointed to hold the property of the charity, the Bishop's Council may permit any investments held by or in trust for the charity to be held in the name of a clearing bank, trust corporation or any stockbroking company which is a member of the International Stock Exchange (or any subsidiary of any such stockbroking company) as nominee for the Bishop's Council, and may pay such a nominee reasonable and proper remuneration for acting as such.

### **N. Accounts**

The Bishop's Council shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to:

- (1) the keeping of accounting records for the Charity;
- (2) the preparation of annual statements of account for the charity;
- (3) the auditing or independent examination of the statements of account of the Charity; and
- (4) the transmission of the statements of account of the Charity to the Commission.

### **O. Annual Report**

The Bishop's Council shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual report and its transmission to the Commission.

### **P. Annual Return**

The Bishop's Council shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual return and its transmission to the Commission.

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### **Q. Annual Meeting of the Charity**

- (1) There shall be an annual meeting (“Synod”) of the Charity which shall be held in the month of September in each year or as soon as practicable thereafter.
- (2) Every Synod shall be called by the Bishop’s Council. The secretary shall give at least 21 days’ notice of the annual meeting to all the members of the Charity. All the members of the Charity shall be entitled to attend Synod. Those entitled to vote shall be as prescribed in clause E.
- (3) The Presiding Bishop as defined in clause H (1b) shall be chairman of Synod. If he is not present, before any other business is transacted, the persons present shall appoint a chairman of the meeting.
- (4) The Bishop’s Council shall present to each Synod the report and accounts of the Charity for the preceding year.
- (5) Nominations for election of lay trustees to the Bishop’s Council must be made by members of the Charity in writing and must be in the hands of the secretary of the Bishop’s Council at least 14 days before Synod. Should nominations exceed vacancies, election shall be by ballot of the Members of Synod as defined in clause F.

### **R. Special General Meetings.**

The Bishop’s Council may call a special general meeting of the Charity at any time. If at least ten members of the Charity request such a meeting in writing stating the business to be considered the secretary shall call such a meeting. At least 21 days’ notice must be given. The notice must state the business to be discussed.

### **S. Procedure at Synod and Special General Meetings**

- (1) The secretary or other person specially appointed by the Bishop’s Council shall keep a full record of proceedings at every Synod and special general meeting of the Charity.
- (2) There shall be a quorum when at least one quarter of the number of voting members of the Synod for the time being or ten members of the Synod, whichever is the greater, are present at any Synod or Special General Meeting.

### **T. Notices.**

Any notice required to be served on any member of the Charity shall be in writing and shall be served by the secretary or the Bishop’s Council on any member either personally, or by sending it through the post in a prepaid letter addressed to such member at his or her last known address in the United Kingdom, and any letter so sent shall be deemed to have been received within 10 days of posting. In the case of a notice to Parochial Members generally, as defined in clause E above, it shall suffice that notice be sent to their Parishes rather than to the members individually.

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### **U. Alterations to the Constitution.**

- (1) Subject to the following provisions of this clause the Constitution may be altered by a resolution passed by not less than two thirds of the voting members present and voting at a Synod or special general meeting. The notice of the Synod or special general meeting must include notice of the resolution, setting out the terms of the alteration proposed.
- (2) No amendment may be made to clause A (the name of charity clause), clause B (the objects clause), clause J (Bishop's Council members not to be personally interested clause), clause V (the dissolution clause) or this clause without the prior consent in writing of the Commissioners.
- (3) No amendment may be made which would have the effect of making the Charity cease to be a charity at law.
- (4) The Bishop's Council should promptly send to the Commission a copy of any amendment made under this clause.

### **V. Dissolution.**

If the Bishop's Council decides that it is necessary or advisable to dissolve the Charity it shall call a meeting of all members of the Charity, of which not less than 21 days' notice (stating the terms of the resolution to be proposed) shall be given. At this meeting, all members of the charity shall have one vote. If the proposal is confirmed by a two-thirds majority of those present and voting the Bishop's Council shall have power to realise any assets held by or on behalf of the Charity. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable institution or institutions having objects similar to the objects of the Charity as the members of the Charity may determine or failing that shall be applied for some other charitable purpose. A copy of the statement of accounts, or account and statement, for the final accounting period of the Charity must be sent to the Commission.

### **W. Arrangements until first Synod.**

Until the first Synod conducted under this constitution takes place, this constitution shall take effect as if references in it to the Bishop's Council were references to the persons whose signatures appear at the bottom of this document.

This constitution was adopted on the date mentioned above by the persons whose signatures appear at the bottom of this document.

**Signed**

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Schedule: clauses from the interim constitution and canons of 1996 as amended

### **2. FUNDAMENTAL DECLARATIONS.**

- 2.1 The Traditional Anglican Church, being a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth by the Ecumenical Councils of the undivided Church and embodied in the Creeds known as the Nicene Creed, Athanasius' Creed, and that which is commonly called the Apostles' Creed.
- 2.2 This Church receives all the canonical Scriptures of the Old and New Testaments as defined in Article VI of the Thirty-nine Articles of Religion as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary to salvation.
- 2.3 This Church will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of Bishops, Priests, and Deacons in the sacred ministry, which orders in accordance with the example of Christ and the Apostles shall ever be reserved to adult males.
- 2.4 This Church retains and affirms the traditional orthodox doctrine and principles of the Church of England as embodied in the Book of Common Prayer (1662) together with the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons, and in the Articles of Religion sometimes called the Thirty-nine Articles as being agreeable to the Word of God.

### **3. RULING PRINCIPLES**

- 3.1 As a member church of the Traditional Anglican Communion, this Church accepts the Concordat of the Traditional Anglican Communion, the foundational Declaration made by loyal Anglicans gathered in the Congress of Saint Louis in the year 1977 generally known as the Affirmation of Saint Louis, and the Chicago-Lambeth Quadrilateral (1888).
- 3.2 The standard of Faith and Worship of this Church is that expressed in the King James Version of the Holy Scriptures, sometimes known as the Authorized Version and in the Book of Common Prayer (1662) and the other authorized Prayer Books of the Member Churches of the Traditional Anglican Communion. For use in formal public worship in this Province, in addition to the aforesaid King James Version of the Holy Scriptures and the Book of Common Prayer (1662), a Parish may adopt the Holy Communion Liturgy of the Book of Common Prayer of the Episcopal Church of Scotland (1929) or The Holy Eucharist of the Welsh Book of Common Prayer, 1984 as an alternative to that of the Book of Common Prayer (1662) subject to the approval of the Bishop in Ordinary.
- 3.3 The sacramental life of this Church is affirmed as instituted by Christ, and as received by the Church of England in Article XXV of the Thirty-nine Articles of Religion and in the Catechism.
- 3.4 This Church recognizes lay, pastoral roles for women, together with their ancient orders including that of deaconess, as venerable vocations to which proper encouragement and reverence is due.
- 3.5 The doctrine and practice of this Church with regard to the estate of Holy Matrimony is that which has traditionally been taught and practised in accordance with the Book of Common Prayer.
- 3.6 No Council of this Church whether it be provincial, diocesan or parish shall take power or authority to itself to determine any question of faith and order nor any question of religious doctrine, ritual or ceremonial, the authority to determine such questions of faith, order, doctrine, ritual and ceremonial residing in the first instance with the Bishop or Bishops having diocesan jurisdiction in this Church and finally with the College of Bishops, in each case acting with such competent advice as may be available, and paying proper regard to the Fundamental Declarations of this Church.

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- 3.7 This Church acknowledges its primary identity of history, character, and purpose with the Church of England since its first establishment as a Romano-British Church which by the year of Our Lord 314 was recorded as being represented at the Council of Aries by three Bishops of Britain - Eborius of York, Restitutus of London, and Adelfius of Colonia Londensium, and later under the Diocesan Authority of St. Augustine of Canterbury in the year of Our Lord 597 until the governing bodies of that Church impaired its witness and being by the formal promulgation of heterodox principles of belief and practice in the year of Our Lord 1994. In this acknowledgement, the Church makes no claim to the property or rights of any other body. The Traditional Anglican Church further identifies with those member Churches of the Traditional Anglican Communion throughout the world as an integral portion of the One Holy Catholic and Apostolic Church namely: The Anglican Catholic Church in Australia, The Anglican Catholic Church of Canada, The Anglican Church in America, The Anglican Church of India (which is the legitimate successor to The Church of India, Pakistan, Myanmar, and Sri Lanka), The Church of Ireland (Traditional Rite), The Orthodox Church of Pakistan (Anglican), The Anglican Church of South Africa (Traditional Rite), such other churches as shall join the Traditional Anglican Communion, and those member churches of the Anglican communion that have remained constant in apostolic faith and order, preserving the unity of the One Holy Catholic and Apostolic Church. The Traditional Anglican Church will remain in communion with the aforesaid Churches so long as such communion is consistent with the Fundamental Declarations set forth in these Canons.
- 3.8 Subject to the essential principles safeguarded in the aforesaid canons and ever mindful of the duty defined in Article XXXIV of the Thirty-nine Articles of Religion to respect and understand that it is not necessary that tradition and ceremonies be in all places one, or utterly like, it shall be the desired aim of The Traditional Anglican Church to strive to embrace and safeguard the various traditions and ceremonies approved by lawful authority that we have received across the British Isles, which be not repugnant to the Word of God, and be ordained and approved by common authority.
- 3.9 This Church desires to be in full communion with the whole of the One Holy Catholic and Apostolic Church of Christ, and endeavouring to promote Christian Unity, shall regard as the minimum basis for such unity, the sharing of common Scriptures, Creeds, Sacraments, and Apostolic Ministry as identified in the Chicago-Lambeth Quadrilateral of 1888.