

CONSTITUTION OF THE LUTHERAN CHURCH IN IRELAND (Position as of 19 June 2011)

Preamble

The Lutheran Church in Ireland proclaims Jesus Christ as Lord of the worldwide Christian Church who through the Holy Spirit, works within the Church in Word and Sacrament.

The Lutheran Church in Ireland is committed to following the command of Jesus Christ to proclaim the Gospel.

The foundation of proclaiming the gospel in the Lutheran Church in Ireland is the Word of God revealed in Jesus Christ as set down in Holy Scripture in the Old and New Testaments, and as attested in the Lutheran Confessional writings, the Barmen Theological Declaration, and the Leuenberg Agreement.

Committed to these principles, the Lutheran Church in Ireland has adopted the following Constitution.

Article 1 Name and Domicile

(1) The name of the Lutheran Church in Ireland is the Evangelisch-Lutherische Kirche in Irland (English: The Lutheran Church in Ireland; Irish: An Eaglais Liútarach in Éirinn). Since 17 November 1961, it has been registered in Ireland with the Office of the Revenue Commissioners under the English name as a charity in accordance with the terms of Section 207 of the Taxes Consolidation Act of 1997 under No. CHY 5316.

(2) The Lutheran Church in Ireland has its domicile in Dublin.

(3) St. Finian's Church, Adelaide Road, Dublin 2 is the church of the Lutheran Church in Ireland.

(4) The Lutheran Church in Ireland regularly conducts services in several other places in Ireland.

(5) Further existing places of regular worship are considered as 'daughter congregations' and are not legally independent.

Article 2 Mission and Duties

- (1) It is the mission of the Lutheran Church in Ireland
- a. to serve the Gospel of Jesus Christ in word and sacrament;
 - b. to care for the fellowship in prayer and in following Jesus Christ;
 - c. to implement the mission entrusted to it;
 - d. to give public witness and offer loving service and assistance as well as Christian education and formation.

(2) The Lutheran Church in Ireland has a special duty to provide church service for all German-speaking Protestant Christians living in the Republic of Ireland and Northern Ireland. This service shall equally be provided for Lutherans of different nationalities and Protestant Christians of other traditions living in the Republic of Ireland and Northern Ireland regardless of nationality, as far as they wish to avail of it.

(3) It is incumbent on all members of the Lutheran Church in Ireland to ensure that its teaching is true and that the performance of its mission is carried out properly in its contemporary context. In order for the Lutheran Church in Ireland to discharge its duties, members of the Lutheran Church in Ireland are called to serve the Lutheran Church in Ireland as honorary or professional office holders.

Article 3 Contractual Links and Independence of the Lutheran Church in Ireland

(1) The Lutheran Church in Ireland is by contract associated with the Evangelical Church in Germany (Evangelische Kirche in Deutschland, EKD).

(2) The Lutheran Church in Ireland belongs to the Community of Protestant Churches in Europe (CPCE) through its signature of the Leuenberg Agreement.

(3) The Lutheran Church in Ireland is associated with the Lutheran World Federation (Lutherischer Weltbund) and the United Evangelical Lutheran Church of Germany (Vereinigte Evangelisch-Lutherische Kirche in Deutschland, VELKD).

(4) The Lutheran Church in Ireland takes an active role in the ecumenical life of Ireland through membership contributing to ecumenism and interreligious dialogue.

(5) In fulfilment of its mission, the Lutheran Church in Ireland organises and manages its affairs independently.

Article 4 Acquisition of Membership

(1) Membership of the Church of Jesus Christ is based on Holy Baptism.

(2) Membership of the Lutheran Church in Ireland is acquired by

a. Holy Baptism that was carried out in the Lutheran Church in Ireland,

or

b. joining the Lutheran Church in Ireland, provided that the baptised person or person joining the Lutheran Church in Ireland is normally resident in Ireland (Republic) or Northern Ireland.

(3) Any person can make a declaration of membership once they have reached the age of 18, have received Christian baptism and profess the Evangelical faith. Parents or guardians can make this declaration of membership for their baptised children who have not yet reached the age of 18.

(4) The declaration of membership should contain the name, date and place of birth, address, date of baptism and, where relevant, date of confirmation as well as a declaration concerning the obligation to contribute financially to the Lutheran Church in Ireland.

(5) The declaration of membership must be submitted to the Church Council. The Church Council may refuse membership. A refusal must be accompanied by an indication of the grounds on which it is based. The person who made the declaration may appeal against the refusal. The appeal must be submitted in writing to the Steering committee of the Church Assembly (see Article 15,4) within one month of the receipt of the decision refusing membership. The Church Assembly will make a decision on the appeal at its next meeting.

Article 5 Guest membership

- (1) The Church Council can grant the status of guest member on request, but is not legally obliged to. Guest membership does not entail a change of denomination.
- (2) Guest members are invited to participate in Sunday services and church life in general. Article 6 is applied respectively. Guest members are not entitled to vote.

Article 6 Rights and Obligations of Members

(1) As members of the Church of Jesus Christ, the constituent members of the Lutheran Church in Ireland are responsible before God. In word and action they shall bear witness to this in their public and private life. They respect the dignity of every individual as an image of God. They are aware of their obligation to preserve the natural habitat as God's creation.

(2) Members are invited to all church services and have the right

- a. to receive the sacraments,
- b. to receive pastoral care,
- c. to the performance of church rites such as Holy Baptism, marriage and burial of the dead,
- d. to Christian instruction.

(3) All members are invited to contribute with their gifts/talents to the organisation of the life of the Lutheran Church in Ireland, to undertake church and charitable functions and take part in ballots.

(4) Members from the age of 18 are entitled to vote and to be elected. Confirmed members have the right to vote if they reach the age of 14 in the year of the respective election.

(5) Notwithstanding each member's obligation to witness to the gospel, public proclamation of the word and administration of the sacraments in the Lutheran Church in Ireland shall be provided by lawfully commissioned ministers (ministry of proclamation).

- a. This ministry of proclamation of the gospel may be conferred for a defined period in time, particular extent, and place, and can be combined with other tasks in the church ministry.

Formatiert: Listenabsatz

- b. Preconditions and responsibility for commissioning persons with the public proclamation and administration of the sacraments will be laid down in detail in the regulations of the Lutheran Church in Ireland.
- c. In cases of emergency every member of the church can administer the public proclamation of the gospel.

Article 7 Termination of Membership

(1) Membership will terminate on

- a. (permanent) departure from Ireland/Northern Ireland,
- b. resignation,
- c. expulsion from the Lutheran Church in Ireland,
- d. death.

(2) Resignation shall be made by way of written declaration to the Church Council. Receipt of the declaration of resignation must be acknowledged in an appropriate manner.

(3) A member may be expelled from the Lutheran Church in Ireland, if he/she harms the interests of the Lutheran Church in Ireland. The decision will be made by the Church Council. Prior to the decision being made, the member will be given the opportunity subject to a reasonable time limit to defend himself/herself in person or in writing before the Church Council. The reasons for the decision to expel the member must be indicated and notified to the member by registered letter. The member has the right to appeal to the Church Assembly against the expulsion decision made by the Church Council. The appeal will have the effect of deferring the effectiveness of the decision. The appeal must be submitted to the Steering committee of the Church Assembly within one month of receipt of the expulsion decision. Provided the complaint is submitted in time, the Steering committee of the Church Assembly must put it before the next meeting of the Church Assembly. The Church Assembly's decision is final. If this is not done, the expulsion decision shall be deemed null and void. If the member fails to avail of the right to appeal against the expulsion decision or fails to observe the time limit set for submitting such appeal, the membership shall be deemed terminated.

Article 8 Members' Contributions

(1) Members are required to pay a regular financial contribution.

(2) Every member shall calculate his/her own financial contribution. Self-assessment by members should be based on the principle of voluntary sacrifice.

(3) The Church Council may lay down a guideline for this contribution.

The order should be changed here: Article 9: the bodies of the church, Article 10 ff treating them individually

Article 9 Pastor

- (1) The special duty of the pastor/s during his/her/their ministry is to preach the Gospel publicly and administer the Sacraments solely in accordance with the word of God and in obedience to the Lord of the Church on the basis of the obligations assumed on ordination.
- (2) In the exercise of the duties set out in par. (1), the pastor/s will be subject to supervision by the Office of the EKD. The Lutheran Church in Ireland will supervise the work of the pastor/s, with the exception of those decisions relating to his/her/their service or disciplinary regulations that are a matter for the EKD or its member church, which has released the current pastor/s.
- (3) All other rights and obligations arising from the reciprocal relationship between the pastor and the Lutheran Church in Ireland must be laid down in writing in an employment contract, which requires the approval of the Office of the EKD. Further details shall be regulated in the terms of office, if required.
- (4) The pastor/s will be selected for a specific period of time by the Church Council. In its deliberations when selecting a pastor/pastors, the Church Council shall also take into consideration the views of Church members.
- (5) The pastor/s will be inducted at a public Church service. The incumbent pastor/s shall make a commitment, in the presence of the community, to carry out his/her/their office in accordance with the vows taken on ordination and in line with Church regulations and this constitution.
- (6) The induction shall be carried out by an ordained pastor.
- (7) The pastor/s will act as supervisory authority in respect of persons assigned to him/her/them as curates working abroad, trainees, lectors, or predicants.
- (8) Pastors and curates shall respect and preserve the Lutheran confession of the Church. The same applies to curates working abroad, trainees, lectors, or predicants.

Article 10 Bodies of the Lutheran Church in Ireland

The bodies of the Lutheran Church in Ireland are:

- A. The Church Council (see Articles 10-14),
- B. The pastor/s (see Article 9),
- C. The Church Assembly (see Articles 15-18).

Article 11 The Church Council

- (1) The Church Council shall consist of the pastor/s and at least four but as a rule eight other members. It is elected for a period of three years. The pastor/s is a member of the Church Council ex officio.
- (2) The Church Council is entitled to appoint up to three additional persons who are eligible to vote according to Article 13.2, to serve on the Church Council for the duration of the current period, if required or considered helpful. The appointment shall be announced to the congregation in a regular Sunday service.
- (3) The Church Council shall select a chairperson, a deputy chairperson, treasurer and secretary from among its members. These persons shall act as executive committee.
- (4) If a member of the Church Council other than the pastor (or one of the pastors) has been appointed to be the chairperson of the Church Council, the pastor (or one of the pastors) shall hold the position of deputy chairperson. On being asked to act as chairperson, the pastor/s shall not decline the office.
- (5) It is not permissible for one person to hold more than one office (chairperson, deputy chairperson, treasurer and secretary) on the Church Council.
- (6) Two members of the Church Council, one of whom must be the chairperson or deputy chairperson, shall represent the Lutheran Church in Ireland for legal and non-legal purposes.
- (7) No persons who are first-degree relatives or married to one another can be members of the Church Council at the same time. Pastors who are a married couple shall be excepted from this rule, but only one of the two shall be entitled to vote.

Article 12 Responsibilities of the Church Council

- (1) The Church Council is responsible for all matters pertaining to the Lutheran Church in Ireland; in particular the fulfilment of the duties set out in Article 2, unless assigned under the constitution to another organ of the Lutheran Church in Ireland. In particular it has the following duties:
 - a. jointly with the pastor/s, to supervise faith and order of the Lutheran Church in Ireland,
 - b. to appoint the personnel needed for serving the community and to regulate their conditions of employment, if necessary in collaboration with the Evangelical

- Church in Germany (Evangelische Kirche in Deutschland), in particular to select the pastor/s and to enter into and terminate employment contracts with the pastor/s,
- c. to determine the number, times and locations of religious services and make decisions on the order of religious services and the life of the community,
 - d. to take decisions on accepting members into the community,
 - e. to prepare for and convene the Church Assembly and set the agenda,
 - f. to implement the decisions of the Church Assembly,
 - g. to draw up the annual budgets and monitor their implementation and prepare annual accounts at the end of every financial year,
 - h. to prepare a report for the Church Assembly on the life of the community and on the work of the Church Council at least once a year,
 - i. to safeguard the assets of the Lutheran Church in Ireland.
- (2) The Church Council decides about conducting a visitation of the pastor/s which may be requested by the EKD or the respective home churches of the pastor/s. A visitation shall include and involve the congregation.
 - (3) In the case of differences between the pastor/s and the Church Council both sides can invite a person of their confidence to mediate in the conflict. The other side shall accept this mediation.
 - (4) If these differences cannot be cleared, the EKD as second supervising institution beside the Church Council shall be involved (see Article 9.2).

Article 13 Term of Office of the Church Council

- (1) The members of the Church Council shall be elected by the Church Assembly for a period of three years, with effect from the date of the election; however, they will remain in office pending the election of a new Church Council. Re-election is permissible.
- (2) All members of the Lutheran Church in Ireland who are entitled to vote can be elected to the Church Council, provided they
 - a. have completed their 18th year,
 - b. have been registered members of the Lutheran Church in Ireland for at least 6 months,
 - c. contribute in an appropriate way towards the mission and the expenditure of the Lutheran Church in Ireland.
- (3) If a member resigns during his/her period of office, the Church Council may select a member of the Lutheran Church in Ireland, eligible under par. (2), as a replacement for the remainder of the term of office of the resigning member. Par. 11 (2) is not affected by this.
- (4) The members of the Church Council shall be inducted at a public religious service.
- (5) The members of the Church Council are obliged to observe permanent confidentiality about pastoral and all other matters that are confidential of their nature or specifically indicated as confidential.

(6) In the case of all members of the Church Council resigning simultaneously, the pastor/s conduct the affairs of the church together with the Steering committee of the Assembly and prepare/s new elections.

Article 14 Decisions of the Church Council

(1) The Church Council will generally make decisions at meetings, which as a rule will take place once a month. The Chairperson will convene the meeting, giving one week's notice and setting out the agenda in writing. The Church Council must be convened if a third of its members so request.

(2) The Church Council is quorate once more than half of its members are present. In making decisions, a majority of the valid votes cast shall be decisive. If there is a tied vote, the chairperson of the meeting of the Church Council shall have the casting vote. In the case of elections, where there is a tied vote, the decision will be made by drawing lots. When selecting the pastor/s, every endeavour should be made to achieve unanimity. In cases of doubt, the regulations set out in this paragraph shall apply. Two thirds of the valid votes cast are needed for submitting to the Church Assembly an amendment to the constitution.

(3) The meeting of the Church Council shall be chaired by the chairperson or, if he/she is unavailable, by the deputy chairperson, unless the Church Council appoints another person to chair the meeting.

(4) Decisions of the Church Council shall be recorded in writing. The minutes shall contain the time and place of the meeting of the Church Council, the names of those present, the decisions made and the signature of the chairperson of the meeting and of another member of the Church Council.

(5) A decision by the Church Council may, in exceptional cases, be made by mail (including electronic), if all the members of the Church Council consent to this procedure. These decision need to be confirmed in the next regular meeting of the Council and shall then be taken down in the minutes. The regulations of (2) apply.

Article 15 Composition and Duties of the Church Assembly

(1) All members as set out in Article 4 are entitled to vote in the Church Assembly provided that

- a. they have completed their 18th year, and
- b. they have been registered as members of the Lutheran Church in Ireland for at least 3 months.

(2) The Church Assembly is responsible for the following:

- a. approving the annual accounts of the Church Council and discharging the Church Council,
- b. approving the budget for the upcoming financial year drawn up by the Church Council,
- c. electing members of the Church Council,

- d. making decisions on appeals by applicants not admitted to membership (Article 4.5) and by expelled members (Article 6.3),
- e. making decisions about setting up and dissolving institutions of the Lutheran Church in Ireland,
- f. making decisions on changes to the constitution,
- g. making decisions on the contractual agreement with the Evangelical Church in Germany (Evangelische Kirche in Deutschland) and amendment thereof,
- h. making decisions about the dissolution of the Lutheran Church in Ireland.

(3) In matters that fall within the responsibility of the Church Council, the Church Assembly can make recommendations to the Church Council. The Church Council for its part can seek the views of the Church Assembly in matters coming within the scope of its responsibility.

(4) The Church Assembly appoints from its ranks a Steering Committee of three persons for a term of three years. The Steering Committee then appoints one of its members as Präses (chair person). The Steering Committee shall not be elected in the same assembly as the election of the Church Council.

Article 16 Convocation of the Church Assembly

(1) An ordinary Church Assembly shall take place once per calendar year minimum. It will be convened in writing by the Church Council, giving one month's notice and setting out the agenda. The notice period starts on the day following the despatch of the convocation. The convocation shall be deemed delivered to a member of the Church Assembly, provided it is addressed to the address most recently notified in writing by the member. The agenda will be set by the Church Council.

(2) In addition, the Church Council can convene an extraordinary Church Assembly at any time. It must convene an extraordinary Church Assembly where the interests of the Lutheran Church in Ireland so require or where the Church Council is requested in writing to convene such meeting by at least one third of the members of the Church Assembly, setting out to the Steering Committee the reasons for the request.

Article 17 Supplementary Motions for the Agenda of the Church Assembly

(1) Every member of the Church Assembly can request the Church Council in writing up to one week before the day of the Church Assembly to add additional items to the agenda. At the start of the Church Assembly, the Steering Committee shall amend the agenda accordingly.

(2) The Church Assembly shall decide on amendments to the agenda that are brought up at the start of the meeting. For a request to be accepted a majority of two thirds of the votes cast is necessary.

Article 18 Decision-making by the Church Assembly

- (1) The Church Assembly shall be chaired by the Präses (chairperson), or if he/she is not available, by another member of the Steering Committee. In the case of a member of the Steering Committee standing for elections to the Church Council, his or her membership in the Steering Committee shall be suspended. A member of the Church Assembly shall then be transferred to the Steering Committee for the duration of the voting process and the preceding discussion.
- (2) The Steering Committee will decide who will take the minutes.
- (3) The meeting of the Church Assembly is a public meeting. The Church Assembly may decide that the public should be excluded for individual items of the agenda. The Church Assembly will decide on the admission of the press, radio and television.
- (4) The Church Assembly will make decisions in general by a simple majority of the valid votes cast; abstentions will not be taken into account. However, to amend the constitution, a two-third majority of the valid votes cast will be necessary, while a four-fifth majority will be necessary to dissolve the Lutheran Church in Ireland.
- (5) The Steering Committee shall decide on the voting procedure. A secret ballot must be carried out, if one of the members present so request. For the election of members of the Church Council, a postal vote is permissible.
- (6) Minutes of the Church Assembly shall be kept and signed by the chairperson of the Assembly and the minute-taker, stating time and place of the Church Assembly, the person chairing the Church Assembly, the minute taker, the number of members present, motions carried, results of votes and voting procedure. In case of amendments to the constitution, the exact wording must be recorded.

Article 19 Subsidiary congregations

- (1) Members of subsidiary congregations are simultaneously members of the Lutheran Church in Ireland.
- (2) The members of subsidiary congregations may appoint a presiding committee of three persons. This presiding committee shall represent the subsidiary congregations in relation to the Church Council and regulates the matters of the subsidiary congregation insofar as they are not regulated by the Church Council.

Article 20 Trustees and Property

(1) The Lutheran Church in Ireland shall have power to hold, acquire, purchase, lease, licence, mortgage, and sell property which includes land and buildings.

(2) All property of the Lutheran Church in Ireland shall be vested in not less than three and not more than five Trustees upon trust for the Lutheran Church in Ireland but shall be subject to disposition by the Church Council.

(3) The Trustees shall be appointed by the Church Council to act as such for a period of five years from the date of appointment and shall be eligible for reappointment. Any vacancy occurring in the office of Trustee shall be filled by the Church Council. A Trustee may resign at any time on giving not less than 30 days prior notice in writing in any form to the Secretary of the Church Council. A Trustee may be removed from office during the said period by a majority of votes of the members of the Church Council present at an extraordinary Church Council Meeting convened for that purpose.

(4) The written direction of the Church Council signed by the Chairperson and the Deputy Chair Person shall be binding on and shall fully discharge the Trustees from all responsibilities in respect of the property of the Lutheran Church in Ireland involved in such direction; Provided Always and without imposing any duty or responsibility in this behalf on the Trustees, that any two of them shall have the power, before complying with any particular direction as aforesaid to require the Church Council within Thirty One days to convene an Extraordinary Church Assembly Meeting to consider and determine the propriety of the proposed disposition or transaction.

Article 21 Income and Property

1) The income and property of the Lutheran Church in Ireland shall be applied solely towards the promotion of its main object(s) as set forth in this Constitution. No portion of the income and property of the Lutheran Church in Ireland shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit, to the members of the Lutheran Church in Ireland. No member of the Church Council (Officer) shall be appointed to any office of the Lutheran Church in Ireland paid by salary or fees, or receive any remuneration or other benefit in money or money's worth from the Lutheran Church in Ireland, provided, however, that nothing contained herein shall prevent the payment of remuneration to the appointed Pastor/s as referred to in Article 9 herein for executive services to the Lutheran Church in Ireland.

The remuneration of Pastors is regulated by the contract between the Lutheran Church in Ireland and the Evangelische Kirche in Deutschland (EKD) in accordance with their practice.

- 2) However, nothing shall prevent any payment in good faith by the Lutheran Church in Ireland of
- a. Reasonable and proper remuneration to any member of the Lutheran Church in Ireland (not being a member of the Church Council (Officer)) for any services rendered to the Lutheran Church in Ireland;
 - b. Interest at a rate not exceeding 5% per annum on money lent by a member of the Church Council (Officer) or other members of the Lutheran Church in Ireland to the Lutheran Church in Ireland;
 - c. Reasonable and proper rent for premises demised and let by any member of the Lutheran Church in Ireland (including any member of the Church Council (Officer)) to the Lutheran Church in Ireland;
 - d. Reasonable and proper out-of-pocket expenses incurred by any member of the Church Council (Officer) in connection with their attendance to any matter affecting the Lutheran Church in Ireland;
 - e. Fees, remuneration or other benefit in money or money's worth to any Company of which a member of the Church Council (Officer) may be a member holding not more than one hundredth part of the issued capital of such company.

Article 22 Dissolution of the Lutheran Church in Ireland and Disposal of Property

1. A decision to dissolve the Lutheran Church in Ireland can only be taken by the Church Assembly. For this a majority as set out in Article 18.4 is required.
2. If upon the winding-up or dissolution of the Lutheran Church in Ireland there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, it shall be used in agreement between the Church Council of the Lutheran Church in Ireland and the Evangelische Kirche in Deutschland (EKD) and in accordance with the contract between the Lutheran Church in Ireland and the Evangelische Kirche in Deutschland (EKD).

Article 23. Additions, alterations or amendments

No addition, alteration or amendment shall be made to or in the provisions of this Constitution for the time being in force unless the same shall have been previously approved in writing by the Revenue Commissioners.

Article 24. Keeping of Accounts

Annual audited accounts shall be kept and made available to the Revenue Commissioners on request.

Article 25 Language

This constitution shall be executed in the German and English language. In doubt, the German version shall be binding.

Signed: _____ Dated: _____
Chairperson

Signed: _____ Dated: _____
Deputy Chairperson

Signed: _____ Dated: _____
Honorary Secretary

Signed: _____ Dated: _____
Honorary Treasurer