

ACT4

The Church Property Development Committee

A4.1 This Constitution is the combination of the old Church Property Committee, Act Sixteen approved by the GA under Resolution 290 and the Planning and Development Committee approved provisionally for a trial period of three years by the General Assembly in 1985. The General Assembly, in exercise of the powers assumed under Chapter ten of the Constitution enact as follows:

A4.2 A committee for the supervision and control, planning and development of all Church property is hereby established with the following terms of reference.

A4.3 Name: The Committee for the Supervision, Control, Planning and Development of All Church Property or in short The Church Property Development Committee.

A4.4 **Church Property Defined:** The property of this Church shall include all movable and immovable property of every description which is in legal possession of the Church or any property that shall be acquired in future by collection, gift or any other lawful means by any congregation, court or any organisation of the Church.

A4.5 All Church property shall be subject to the control of the Presbyterian Foundation as the executive body mandated by the General Assembly, which shall include such property already registered under the PCEA Registered Trustees and the St Andrews Church Board of Trustees. These latter bodies were allowed to continue without registering any additional property to avoid unnecessary heavy fees in the transfer of property. In the event of any dispute not being solved by the Presbyterian Foundation, the final decision shall rest with the General Assembly, provided that laws and ordinances setting up trustees in the three East African territories in accordance with a particular trust shall always be respected.

Membership

A4.6 Membership shall consist of one representative from each Presbytery -half the number of presbyteries bringing lay people and:

A4.6.1 two representatives from the Presbyterian Foundation.

A4.6.2 Chairman: the Chairman of the Presbyterian Foundation

A4.6.3 Secretary: the Secretary of the Presbyterian Foundation.

A4.6.4 officers of the General Assembly: Moderator, Secretary General and Finance Officer

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Meetings

A4.7 A statutory meeting of the committee shall be held prior to the General Assembly or the annual meeting of the GAC for the purpose of reporting to the Presbyterian Foundation in facilitating the report to these bodies. The committee shall also meet at least once more when there is need to do so. All meetings shall be called by the Chairman and the Secretary.

Powers and Duties

A4.8 The committee shall:

A4.8.1 carry out the instructions of the Presbyterian Foundation on the maintenance of any trust conditions under which immovable or other property were acquired by the Church.

A4.8.2 be responsible for short and long range planning of Church land development through the Presbyterian Foundation.

A4.8.3 exercise general supervision and control over the maintenance of all Church property as defined above, including the erection, upkeep and repairs of buildings and Church transport vehicles.

A4.8.4 promote a wise stewardship of the Church property through the Presbyterian Foundation.

A4.9 To this end, the Foundation shall have authority to:

A4.9.1 inspect property under its jurisdiction at least once between meetings of the General Assembly. (such inspection shall normally be undertaken by a competent and qualified person nominated by the committee, a representative of the Presbytery or Board' concerned and an office bearer of the Committee).

A4.9.2 instruct the appropriate court or Committee regarding the maintenance or repair of property inspected under (20.4.1) above, to ensure that any necessary action is taken and to report upon proceedings to the Presbyterian Foundation or Board concerned.

A4.9.3 bring to the Presbyterian Foundation all documents being prepared regarding the erection or disposal of permanent buildings and the purchase or sale of property and to propose alterations if necessary in the conditions of such documents to the court or Committee concerned through the Presbyterian Foundation. No undertaking may be entered upon by any Church court or Committee regarding the erection, purchase or disposal of immovable property without prior consultation with the Committee regarding the conditions of sale or purchase.

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A4.9.4 inspect buildings in the course of erection or other projects in the course of Development, to intervene in the conducting of such projects and if necessary to ensure that proper standards are maintained. To report the proceedings to the court or Board concerned and to the Presbyterian Foundation.

A4.9.5 take action on behalf of the Presbyterian Foundation, directed towards the improvement of or extension to existing properties, provided that any Court Committee or person having a legitimate interest in such properties shall always have a right to be heard by the Committee at any level of negotiations before a decision is taken by the committee which decision shall be communicated to the Presbyterian Foundation.

A4.9.6 ensure that all property is adequately insured against fire, theft and other contingencies, through a reputable insurance company or broker.

A4.9.7 set up subcommittees for the better ordering of its work.

A4.10 **Appeal:** Any dispute regarding a decision of the committee shall be referred

to the Presbyterian Foundation in the first instance.

A4.11 **The Quorum:** A quorum shall consist of the Chairman, the Secretary one of the Clerks of General Assembly, plus a quarter of Presbytery representatives.

A4.12 **Minutes:** The minutes of meetings shall be issued to all members, all presbyteries, the Presbyterian Foundation and any Standing Committees represented on the Committee.

Subcommittee on Ecclesiastical Buildings

Membership

A4.13 The Subcommittee shall consist of: a convenor and one other member, both with expert knowledge of the liturgical implications of Church architecture, or of buildings and construct on work ,nominated by the Church Properties Committee. Up to five others similarly qualified co-opted by the above.

Powers and Duties

A4.14 These shall be to;

A4.14.1 advise the Church Property Committee on all matters relating to erection, alteration addition to, improvement or demolition of any building erected on land vested in the Presbyterian Foundation, PCEA Registered Trustees or St Andrews Board of Trustees and to be available for consultation with Sessions, presbyteries or other Church organisations desiring to engage in such work.

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A4.14.2 prepare development plans for Church premises in relation to (20.4.1) the style of architecture of other buildings in the area and (20.4.2) the effects of such operations on the on-going projects of the Parish concerned, the Presbytery and of the PCEA in general.

A4.14.3 draft rules from time to time for the regulation of its own activities for submission to the Presbyterian Foundation through the Church Property Development Committee such rules to embody regulations for the approval of building plans and specifications.

Statistical Returns

A4.15 All presbyteries shall submit not later than thirty first December each year, a statistical return of the Church property within the bounds and a statement of any new projects for Development together with plans and estimates where appropriate. This information shall be co-ordinated by the Committee for presentation to the Presbyterian Foundation, which shall submit the report to GAC or GA, whichever is meeting next.

Expenses

A4.16 The travel expenses of non-Presbyterian members to the statutory meeting of the committee and the professional fees of any qualified person who may be employed by the committee shall be met from the funds of the Presbyterian Foundation. Other costs shall be met by the Presbytery or standing committee concerned.

Relation to the Presbyterian Foundation

A4.17 This Committee is the working arm of the Foundation while the Foundation undertakes official administrative responsibilities as well as the legal

implications.

A4.18 The committee shall be formed at all Church levels, that is, Presbytery, Parish and congregation.

Presbytery Committee Membership

A4.19 Chairman: the Moderator of Presbytery or someone appointed from the membership.

A4.20 Secretary: to be chosen from the membership.

A4.21 Treasurer: Presbytery Treasurer.

A4.22 Presbytery Clerk who shall also be an ex official member of Sessions.

A4.23 One member from each Session.

A4.24 A maximum of three co-opted members who are experts in this field.

Parish Committee Membership

A4.25 One elder from each congregation within the Parish.

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A4.26 Office Bearers shall be the Chairman (Moderator of the Parish or someone appointed from membership), Secretary (appointed from the membership) Treasurer (session Treasurer shall be Treasurer of till committee), and Session Clerk, ex official.

A4.27 A maximum of three co-opted persons who are knowledgeable in property development matters.

Congregational Committee Membership

A4.28 Chairman (appointed from the congregation by the Session), Secretary (appointed by the Session), Treasurer (the Treasurer of the congregation.)

A4.29 A maximum of three co-opted persons, not necessarily elders or deacons but those who can offer the necessary expertise.

Term of Service

A4.30 All members elected at all levels shall serve the committee for three years and shall be eligible for re-election. However, after the first three years of the formation of this committee, one third of the membership shall retire and be replaced with another one third. This procedure shall be repeated each year.

A4.31 If a member is transferred from his position, by either death or incapacity for the work committee shall replace that person.

A4.32 Any member who ceases to be a communicant member for whatever reason or who comes under Church discipline, shall automatically cease to be a member of the committee.

Meetings

A4.33 Presbyterial, sessional or congregational committees should meet at least four times a year. The Presbytery committee could meet twice a year and the meetings shall always be called by the Chairman and the Secretary.

Quorum

A4.34 Apart from the national level committee whose quorum is already established, the quorum shall be Chairman, Secretary and not less than one fifth of the total membership.

Alteration to the Terms of Reference

A4.35 The committee may propose alterations in these terms of reference at any level, but any such proposal shall not be effective until approved by the Presbyterian Foundation in the first place and ultimately by the GAC or General Assembly.

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ACTS 5

The Registered Trustees of the Presbyterian Church of East Africa

A5.1 (Based on the terms and conditions set forth in the Certificate of Incorporation of the Registered Trustees of the Presbyterian Church of East Africa).

A5.2 The General Assembly, in exercise of the powers assumed under Sections 43 - 48 of the Constitution, (now Chapter Fifteen) enacts as follows:

A5.3 There shall be established a Board of Trustees registered in Nairobi on 18th September, 1946 as a corporate body under the Land Perpetual Succession African Act of Kenya, with the following Constitution:

A5.4 Name: The Registered Trustees of the Presbyterian Church of East Africa, or in short,

The Board of Trustees

Membership

A5.5 The Board of Trustees shall consist of not more than eight members of the PCEA of known probity, who shall, as far as possible, be persons with experience in the administration of property. They shall be appointed to office by the General Assembly or its GAC. They shall hold office for five years from the date of their appointment, and be eligible for reappointment. The General Assembly or its GAC shall have the right to call on any trustee to resign, and the trustee shall thereupon be deemed to have resigned. The General Assembly or GAC shall then proceed to appoint a new trustee in his place. Casual vacancies shall be filled by the GAC as required. Every change of trustee shall be certificate in writing without delay by the Secretary of the Board to the Registrar General for changes in the Certificate of Incorporation.

Office Bearers

A5.6 The Board shall elect a Chairman from within its membership who shall hold office for such period as the board shall determine. The Secretary of the Board, who need not be a trustee, shall be the General Secretary of the PCEA until the General Assembly shall otherwise determine.

Meetings

A5.7 Meetings shall be called by the Chairman and Secretary as required.

Registered Trustees of P.C.E.A.

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Powers and Duties

A5.8 To arrange for the safe custody of the Common Seal of the Registered Trustees of the PCEA at Jitegemea House, Nairobi, in the Office of the General Assembly of the PCEA or in such other place in Kenya as the Board shall decide. To ensure that this Seal shall only be affixed to any instrument in the presence of at least four trustees, who shall countersign such

instrument with their signatures.

A5.9 To receive and field any amount of land or any interest therein in Kenya, and also to hold all donations, gifts and every other assurance of land (including the use and occupation thereof) of any interests therein which may thereafter under (Chapter Fifteen) of the Constitution and to dispose of particular items of such lands, donations, gifts and assurances.

A5.10 To ensure that such land, donations, gifts and assurances are held and used for purposes connected with the PCEA in the Republic of Kenya and subject to any trusts imposed or wishes expressed by donors.

A5.11 To arrange for the safe custody of all Title Deeds and other documents in relation to such land, donations, gifts and assurances.

A5.12 To advise the General Assembly and GAC on the adjudication disputes affecting the property of the PCEA.

A5.13 To exercise general supervisory function over the maintenance and control of all PCEA property, and to advise any court or committee of the PCEA concerned with that property, with a view to promoting high standards of stewardship in their use.

Quorum

A5.14 At least four trustees shall be required to be present to effect any act in their capacity as trustees.

Minutes

A5.15 Copies of the minutes of all meetings of the Board of Trustees shall be issued to all members and to the Clerks of the Assembly, the General Secretary and Honorary Treasurer of the PCEA if these are not members of the board.

Reports

A5.16 The Board of Trustees shall report to the General Assembly on its work since the previous General Assembly, and shall also present an annual report on its work to the annual statutory meeting of the GAC through the Presbyterian Foundation.

Registered Trustees of P.C.E.A.

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ACT 6

ST ANDREWS BOARD OF TRUSTEES CERTIFICATE OF IN CORPORATION UNDER THE LAND (PERPETUAL, SUCCESSION) ORDINANCE (CHAPTER 163)

I, WILLIAM ALLAN CUNNINGHAM MATHIESON,

Companion of the Order of Saint Michael and Saint George, member of the Order of the British Empire, Minister for Education, Labour and Land of the Colony and Protectorate of Kenya, do hereby grant a certificate of registration as a corporate body under the name of

“ST ANDREWS CHURCH NAIROBI REGISTERED TRUSTEES”

to:

- SIR CHARLES EDWARD MORTIMER, CBE Retired Civil Servant, of Post office Box number 6890, Nairobi,
- THOMAS KAY, Secretary of the Young Men’s Christian Association, of

Post Office Box Number 5034, Nairobi.

• HUGH MCLEVEN, Company Director, of Post Office Box Number 8000, Nairobi.

• DOUGLAS THOMSON HORNE, Company Secretary, of Post Office Box Number 1001, Nairobi.

Who have been duly and properly appointed Trustees by the Congregation at their annual meeting held at Nairobi on the twelfth day of November in the year One thousand nine hundred and fifty-seven.(1951)

Each of the said Trustees shall hold office at the discretion of the Annual Meeting held at Nairobi on the right to fill casual vacancies and the right to appoint new trustees shall vest in the Annual Meeting but the right of nomination to the meeting shall vest in The Session.

The appointment of every new Trustee shall be certified to me in writing under the hand of the remaining trustees; and, further, within one month after the expiration of five years after the date of this certificate (or wherever required by me), a return shall be made to me by the then Trustees of the names of the Trustees at the expiration of each such period with their residence and descriptions.

Registered Trustees of P.C.E.A.

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I HEREBY CERTIFY that due certification has been given of the appointment of **HERMAN ENGLERT LIPPINNOF** as a Trustee of the within-named corporate body in place of SIR CHARLES EDWARD MORTIMER.

DATE: This Eighth day of June in the year one Thousand Nine Hundred and Sixtyone. (1961)

REGISTRAR OF DOCUMENTS

I, JACKSON HARVESTER ANGAINE EGH, EBS, MP the minister for Land and Settlement, do hereby DECLARE and ORDER that as from the date hereof, the within-written corporate body shall have five (5) Trustees instead of four (4) Trustees as therein mentioned.

GIVEN under my hand, this 11th day of February in the year One Thousand Nine Hundred and Seventy -one (1971)

IMPORTANT NOTE: Since the Concordat between the Church of Scotland and PCEA was repealed, instead of dissolving this deed, it was agreed that the Chairman and Secretary of the Presbyterian Foundation become automatically members of this Trust by virtue of their office. The membership of Trustees must therefore correspondingly change.