

CONSTITUTION OF THE OLD CATHOLIC CHURCH IN THE CZECH REPUBLIC

CHAPTER I GENERAL PROVISIONS

§ 1

Self-perception of the Old Catholic Church in the Czech Republic

(1) The Old Catholic Church in the Czech Republic (the “Old Catholic Church“) is a particular church of the people of God which is a part of the one, holy, catholic and apostolic Church founded on God’s work of salvation perfected in Jesus Christ which in the Holy Spirit faithfully rests on apostolic foundations, institutions and rite, practices the faith in the undivided Church of the first millennium and manages its affairs autonomously.

(2) Christians associated in the Old Catholic Church maintain the faith of the ancient Church as it was passed on by the apostles and witnesses of faith and as it was preserved in ecumenical creeds of faith and universally recognised dogmas and decisions of ecumenical councils of the undivided Church of the first millennium.

(3) The historical reason why catholic Christians, in their deep conscience crisis, were forced to establish an autonomous church organization, which reason continues to persist, was the impossibility to accept the teachings of the First Vatican Council (1870) on supremacy of the bishop of Rome and his infallibility in matters of faith and morals, as it is in conflict with the Holy Scripture, as well as the faith and teachings of the ancient Church.

(4) The Old Catholic Church further subscribes to the tradition of SS. Cyril and Methodius, the legacy of Magister Jan Hus, Magister Jan Rokycana and the Bohemian Utraquist church. In these historical predecessors, the Old Catholic Church sees a spiritual continuity of the quest for, and finding of, forms of Catholicism and apostolicism faithful to the Holy Scripture and the ancient apostolic tradition of the ancient and undivided Church. Accordingly, the Old Catholic Church also uses its historical designation *Ecclesia catholica sub utraque Bohemiae*.

(5) The Old Catholic Church is a member of the Union of Utrecht of the Old Catholic Churches, and the bishops presiding over them. In the International Bishops Conference of the Union of Utrecht, the Old Catholic Church is represented by its bishop. The purpose of the Union of Utrecht is in particular to maintain the catholic character in the unity of the tradition of the faith, while the Old Catholic Church retains full autonomy in all administrative matters addressed by the provisions hereof.

(6) The Old Catholic Church strives to serve as a tool and a link in bringing together divided Christians, churches and other Christian church communities while being aware of the unity of the Church of Christ.

(7) The Old Catholic Church has an episcopal-synodal structure and is a local church within the meaning of the ancient church. The bishop exercises direct leadership of the Old Catholic Church, with the involvement of and joint decision-making by the people of God congregated in the Old Catholic Church.

(8) Members of the Old Catholic Church undertake, in the freedom of their conscience, to live in harmony with their church, to honour its rules and promote its interests and unity.

§ 2

Membership in the Old Catholic Church

(1) An individual baptized in the Old Catholic Church becomes a member of the Old Catholic Church; a person who was baptized in a different Christian denomination and who voluntarily applied to join the Old Catholic Church shall also become a member.

(2) The parish council, or a council of a filial community where such person voluntarily applied for joining the Old Catholic Church, shall decide on his/her acceptance. If the parish council or the council of the filial community rejects the applicant, the applicant shall be entitled to turn to the assembly of the parish or filial community which will decide on his/her application.

(3) Membership in the Old Catholic Church shall terminate upon voluntary exit, expulsion or death. Termination of membership shall be entered in the list of members of the respective parish or filial community.

(4) The synod shall decide on the expulsion of a member of the Old Catholic Church on the grounds of a gross violation of principles expressed in Section 1 of this Constitution of the Old Catholic Church in the Czech Republic (the “Constitution“).

§ 3

The Old Catholic Church and the State

(1) The Old Catholic Church is a separate legal entity established pursuant to the laws of the Czech Republic.

The name of the Old Catholic Church shall read “The Old Catholic Church in the Czech Republic.”

(2) The Old Catholic Church pursues its activities in accordance with the laws of the Czech Republic.

(3) Prague shall be the seat of the Old Catholic Church as a legal entity.

(4) The Old Catholic Church shall establish other legal entities in accordance with the laws of the Czech Republic, or may become a member/shareholder of another legal entity. The Old Catholic Church may further establish special purpose organisations in furtherance of the achievement of its tasks.

CHAPTER II BODIES OF THE OLD CATHOLIC CHURCH

The Old Catholic Church shall have the following bodies:

- a) synod
- b) bishop or church administrator
- c) synodal council

CHAPTER III THE SYNOD

§ 4

The synod shall be the supreme body of the Old Catholic Church. Its elected representatives shall represent the individual parish and filial communities. The synod shall present, direct and support the life of the Old Catholic Church, adopt internal regulations of the Old Catholic Church, and shall be authorized to make final decisions in all matters pertaining to the Old Catholic Church, save for matters concerning dogma and matters falling under the province of the bishop in his official capacity. All the bodies of the Old Catholic Church shall account to the synod with respect to the management of the matters entrusted to them. In the event of any dispute as to whether a particular matter has the nature of a dogma or falls under the province of the bishop in his official capacity, the theological board shall voice its position on the nature of the matter, and the synod shall adopt a final decision by a two-third majority of the votes. In the event that the synod decided, in accordance with the preceding sentence, that it is authorized to make a final decision in the matter concerned, the decision-making on such matter shall be deemed to constitute decision-making on a matter of key importance.

§ 5

Synod Composition

- (1) The synod shall have the following members:
- a) the bishop or church administrator,
 - b) members of the synodal council,
 - c) duly appointed clergy of the Old Catholic Church and pastoral assistants entrusted with spiritual service
 - d) elected delegates.

(2) Delegates pursuant to Section 1 (d) shall be elected by the individual parish and filial communities from among their members in accordance with a special regulation issued by the synodal council which observes the principle of proportionate representation of all the communities in the synod. When drafting the regulation, the synodal council shall rely on a current list of members of parish and filial communities of the Old Catholic Church.

(3) Lay delegates of the synod shall be in a simple majority over clergy.

§ 6

Powers of the Synod

The synod shall:

- a) adopt and amend the Constitution,
- b) issue guidelines implementing the Constitution, namely: Procedural Rules of the Synod; Rules for the Election of the Bishop, the Synodal Council and Bodies Established by the Synod, Economic Rules and Disciplinary and Judicial Rules,
- c) issue and amend other regulations of the Old Catholic Church, unless the Constitution entrusts such power to the synodal council,
- d) adopt final decisions vis-à-vis the state, other churches and religious societies or third parties, unless the Constitution entrusts such power to a different body,
- e) make final decisions on internal church affairs concerning the clergy and lay clergy,
- f) elect the bishop and order the synodal council to request his ordination by the Utrecht Union's International Bishops Conference, and decide on termination of the bishop's office,
- g) decide on a potential material provision for the exercise of the bishop's office,
- h) elect the synodal council (save for the bishop who is a member of the synodal council *ex officio*),
- i) elect members of specialized commissions of the synod,
- j) impose church fees,
- k) approve the budget and final accounts of the Old Catholic Church,
- l) decide on the dissolution of the Old Catholic Church as a legal entity.

§ 7

Synod Convocation

(1) An ordinary synod shall be held at least once in every three years. The date of the next synod shall be determined by the synod at the close of its meeting.

(2) The ordinary synod shall be convened by the bishop. In the event that the bishop fails to convene an ordinary synod despite repeated notices from the synodal council, the synodal council shall be authorized to do so in his stead. If even the synodal council fails to convene the ordinary synod, one third

of parish and filial communities acting jointly shall be authorized to convene same.

- (3) The bishop shall convene an extraordinary synod
- a) at his own initiative, following approval by the synodal council,
 - b) if more than one half of parish and filial communities so requests, or
 - c) if at least two thirds of the members of the synodal council so request.

The bishop shall be obliged to convene the synod at a request made pursuant to indents b) and c) within fourteen days, and the synod so convened must be held within two months of convocation. In the event that the bishop fails to convene the synod pursuant to indents b) and c), the provision of § 7 (2) shall apply *mutatis mutandis*.

§ 8

Deliberations of the Synod

(1) The synod shall be presided over by the bishop, or, in the bishop's absence, by the deputy chairman of the synodal council. If even the deputy chairman of the synodal council is absent, meetings of the synod shall be chaired by a member of the synodal council so authorized by the synod.

(2) Meetings of the synod shall be public. At the request of the bishop representing the chairman of the synod, of the synodal council or at least one third of the members present, public may be excluded for the entire duration of the synod meeting, or for individual issues being addressed.

(3) Unless stipulated otherwise hereafter, the synod shall resolve by a simple majority of votes of the members present. The synod shall form a quorum if more than one half of all its members are in attendance.

(4) When exercising the powers pursuant to § 6 (b), (c) and (h), the synod shall resolve by a simple majority of all members of the synod. When exercising the powers pursuant to § 6 (a), the synod shall resolve by a two-third majority of all the members of the synod. When exercising the powers pursuant to § 6 (e) and (f), the synod shall act in accordance with a special regulation. When deciding on a matter of key importance, the synod shall resolve by a three-quarter majority of all the members of the synod.

(5) A synod resolution has to be promulgated to be valid. A synod resolution shall be promulgated by the bishop within fourteen days in the Official Journal of the Old Catholic Church in the Czech Republic. The synod resolution shall enter into force upon promulgation, unless the resolution stipulates otherwise.

(6) Convocation of the synod and its rules of procedure shall be provided for in detail in a special regulation.

CHAPTER IV THE BISHOP

§ 9

(1) Through his election and ordination, the bishop succeeds to the apostolate consisting of a tri-fold service: to sanctify, teach and direct the community of the faithful entrusted into his care. The bishop shall enjoy all the rights and have all the obligations attached by the ecumenical councils of the ancient and undivided Church and the irrefutable Old Catholic tradition to the office of bishop. The synodal council shall participate in the bishop's service of providing direction to the extent stipulated by this Constitution.

(2) The bishop is the main administrator of the sacramental life in the Old Catholic Church. He shall exercise sacramental authority in all communities and sacral premises of the Old Catholic Church. The bishop shall in particular administer the sacraments and ordinations reserved for bishops.

(3) The bishop shall direct the liturgical life of the church. He shall have the right to hold services and preach in every community or any sacral premises used by the Old Catholic Church. He shall visit all the communities and parts of the church, and inform the synodal council by means of visitation reports. If the bishop attends a service, he shall preside over same *ex officio*, unless he decides otherwise. The bishop shall prepare and review liturgical materials and present proposals for any changes to the synod, or the synodal commissions, as the case may be.

(4) The bishop shall have a priority right and duty to preach the word of God and teach in the Old Catholic Church.

(5) The bishop shall further be responsible for the spiritual formation and education of priests.

(6) The bishop shall further in particular:

- a) convene the synod,
- b) supervise business affairs of the church,
- c) issue regulations and decisions concerning the Old Catholic Church together with the synodal council; such regulations may only be issued for implementation by and within the scope of regulations issued by the synod,
- d) represent the Old Catholic Church vis-à-vis third parties; the bishop shall advise the synodal council at its next meeting of any acts taken on behalf of the Old Catholic Church vis-à-vis third parties.

(7) The bishopric shall have its seat in Prague.

§ 10

Election of the Bishop

- (1) The Bishop shall be elected by the synod.
- (2) If the episcopal see (*episcopalis sedes*) becomes vacant, the deputy chairman of the synodal council shall convene the synod within two months for the purpose of election of a bishop. The provision of § 7 (2), second and third sentences, shall apply *mutatis mutandis*.
- (3) A priest appointed to service in the Old Catholic Church, at least 35 years of age, engaged in pastoral service in the Old Catholic Church for at least ten years and residing in the Czech Republic, who shall demonstrate his faith, knowledge, morals and other personal qualities adequate to the demands of the episcopal service, may be elected bishop.
- (4) Upon election, the priest shall become the bishop-elect. Until ordination, the bishop-elect shall serve as the Old Catholic Church administrator; if the episcopal see is vacant, the synodal council shall request, within 14 days of the bishop's election, that the Utrecht Union's International Bishops Conference consecrate the bishop. The bishop-elect shall become bishop upon ordination.
- (5) Election of the bishop shall be provided for in more detail in a special regulation.

§ 11

Termination of Service

- (1) The bishop's service shall terminate upon his death, retirement into emeriture (by resignation or otherwise), or upon termination of his office by the synod.
- (2) The bishop shall retire into emeriture upon reaching 65 years of age. The synod may extend the bishop's term of office by a maximum of three years. An emeritus bishop of the Old Catholic Church shall deserve respect for his experience and the position achieved within the church. If possible, at the invitation of the acting bishop, the emeritus bishop shall take part in confirmations, ordination of priests and other sacramental acts performed by the bishop by virtue of its ordination, or take part in specific spiritual administration.
- (3) The bishop's office shall terminate by virtue of the loss of his faith as professed upon his ordination as bishop. In such case, the bishop's office shall be pronounced terminated by the synod after hearing the theological commission and the Utrecht Union's International Bishops Conference.
- (4) Upon a motion filed by the synodal council or at least one half of the parish and filial communities, the

synod shall vote on pronouncement of termination of office if the bishop's person grossly contradicts the qualities pursuant to § 10 (3), if the bishop has been wilfully neglecting his duties in a material way, or if the bishop is unable to hold office due to long-term health problems.

§ 12

Church Administrator

- (1) Within 15 days of the episcopal see falling vacant, or if the election of a bishop is unsuccessful, the synodal council shall elect a church administrator from among duly appointed priests of the Old Catholic Church, to serve in such capacity until a new bishop is elected.
- (2) The administrator of the Old Catholic Church shall exercise the same powers as the bishop, save for the exercise of powers and discharge of duties belonging to the bishop by virtue of his ordination, save for the appointment of a vicar general.
- (3) The office of the Old Catholic Church administrator shall terminate when a new bishop is elected and sworn in.
- (4) The service of the Old Catholic Church administrator shall terminate upon the election and oath of the new bishop, upon the administrator's death, retirement into emeriture (by resignation or otherwise), or his removal by the synodal council or synod.

§ 13

Vicar General

- (1) With the consent of the synodal council, the bishop may appoint a vicar general from among clergy entrusted with service in the Old Catholic Church. A clergyman who is related to the bishop or who is the bishop's brother in law cannot be appointed vicar general.
- (2) The vicar general, as the permanent representative of the bishop for the entire bishopric, shall have a due and full power of attorney for any and all administrative matters. As regards spiritual matters, the vicar general shall be authorized to the extent stipulated by the bishop.
- (3) The vicar general shall be accountable to the bishop for the discharge of his office.
- (4) The vicar general shall attend the meetings of the synodal council. If the vicar general is not a member of the synodal council, he shall have an advisory vote in the bishop's presence, and a full right to vote in the bishop's absence; however, the vicar general shall not chair the synodal council in the bishop's absence.

(5) The office of the vicar general shall terminate upon:

- a) his death,
- b) his resignation,
- c) his removal by the bishop,
- d) vacation of the episcopal see.

CHAPTER V THE SYNODAL COUNCIL

§ 14

(1) The synodal council shall manage the Old Catholic Church when the synod is not in session.

(2) The synodal council shall consist of the bishop and 3 representatives from among the ranks of clergy and 5 lay representatives elected by the synod at the close of its deliberations in accordance with a separate regulation issued by the synod. Elected members of the synodal council may be only persons who have been members of the Old Catholic Church for a minimum of three years, have integrity and possess full legal capacity. Save for the bishop, not more than three members of the synodal council may belong to one and the same parish or filial community. Persons who are related or who are brothers-in-law cannot become members of the synodal council.

§ 15

Presidency

The bishop shall preside over the synodal council. The synodal council shall elect a deputy chairman from among the lay members of the synodal council. The deputy chairman of the synodal council shall direct the deliberations of the synodal council in the bishop's absence, and perform other tasks entrusted to him by this Constitution, the synodal council or internal regulations.

§ 16

Termination of office of a synodal council member

(1) The office of an elected member of the synodal council shall terminate upon the elapse of the term of office, death, resignation, loss of electoral eligibility and exit from the Old Catholic Church. Loss of integrity shall be pronounced by the synodal council by a simple majority of all its members. The office of an elected lay member of the synodal council shall further terminate upon his ordination.

(2) The term of office of the synodal council shall be defined by the period of time from election until the election of the new synodal council.

(3) If an office of an elected member of the synodal council becomes vacant before the elapse of the term

of office of the synodal council, a substitute shall take such member's place. Substitutes shall be two candidates for membership in the synodal council (a lay person and a clergyman) who were not elected during the election of the synodal council due to lack of votes but who won the highest number of votes among the unsuccessful candidates. If a substitute is unable to fill the vacant post, the synodal council may appoint a different member to such vacant post of another member: a clergyman to a vacant post previously held by a clergyman, and a lay person from among members of a parish council or filial community council.

§ 17

Powers of the synodal council

The synodal council shall:

- a) manage the assets of the Old Catholic Church,
- b) implement synod resolutions and issue regulations for that purpose together with the bishop,
- c) submit the budget and final accounts of the Old Catholic Church to the synod,
- d) publish the annual report of the Old Catholic Church every year,
- e) establish ecclesiastical legal entities, special purpose vehicles and approve acquisition of stakes in legal entities,
- f) create and fill jobs for the performance of various services in the Old Catholic Church,
- g) appoint and recall the Old Catholic Church administrator,
- h) decided on the manner of liquidation and designate a liquidator should the Old Catholic Church be dissolved as a legal entity.

§ 18

Deliberations of the Synodal Council

(1) The synodal council shall meet as required but in any case at least once in every quarter. The synodal council shall be convened by the chairman for a date determined at the preceding meeting of the synodal council. If the chairman fails to convene the synodal council despite repeated notices, it may be convened by a simple majority of its members.

(2) The synodal council shall form a quorum if at least five of its members are present. It shall adopt its resolutions by a simple majority of all the members present. In the event of equality of votes, the chairman shall have a casting vote.

(3) The synodal council shall follow the agenda approved at the beginning of every meeting, and shall adopt a resolution on every item on the agenda.

(4) Resolutions of the synodal council shall be promulgated within fourteen days in the Official Journal of the Old Catholic Church in the Czech Republic by the chairman and deputy chairman of the

synodal council. Resolutions of the synodal council shall enter into force upon promulgation, unless the resolution stipulates otherwise.

**CHAPTER VI
COMMUNITIES**

**PART ONE
PARISH**

§ 19

(1) A parish is a local community of believers in the Old Catholic Church which is established in perpetuity and in which spiritual administration is entrusted to the parish priest under the bishop's authority.

(2) A duly established parish is an independent legal entity. The name of the legal entity reads "Parish of the Old Catholic Church in...".

(3) The parish is represented vis-à-vis third parties by the parish priest, or parish administrator, as the case may be, and the chairman of the parish council.

§ 20

(1) Parishes shall be established as local communities of believers associated with the Old Catholic Church.

(2) Members of the parish shall be registered in the list of members of the community. A member may be a member of only one parish or filial community. Registration in the list of community members gives rise to the right to exercise community membership rights pursuant to this Constitution.

§ 21

Establishment and Dissolution of the Parish

(1) The synodal council shall decide on the establishment or dissolution of the parish as a legal entity in accordance with the laws of the Czech Republic. The establishment of a parish shall require a minimum of 30 members over 15 years of age. The synodal council may grant an exemption from this provision in justified cases.

(2) The relevant body of the Old Catholic Church shall apply for registration of the parish as a Czech legal entity without undue delay after the decision on its establishment is made.

§ 22

The pastoral administration of the parish shall be performed by the parish priest and the bishop. Other matters concerning the parish shall be addressed by the parish assembly and parish council in accordance with the provisions of this Constitution.

Bodies of the Parish

Parish Assembly

§ 23

(1) The parish assembly shall be a body representing the entire parish.

(2) The parish assembly shall comprise all the members of the parish registered in the list of members of the parish in question who have reached 15 years of age. The parish assembly may further be attended by a representative of the synodal council who, however, will not have the right to vote.

§ 24

The parish assembly shall

- a) elect and recall the parish priest,
- b) elect and recall the parish council,
- c) elect delegates of the parish for the synod,
- d) approve the budget and final accounts of the parish,
- e) decide on the collection of the church fee, if any was decided on by the synod,
- f) decide on the utilization of a part of the church fee for general requirements of the parish,
- g) decide on any disposal with the assets of the parish; where the act concerned pertains to real property, the parish assembly decision shall be subject to approval by the synodal council,
- h) file proposals for synod meetings,
- i) resolve on a proposal to convene an extraordinary synod,
- j) establish legal entities of the parish with the consent of the synodal council.

§ 25

(1) The parish assembly shall be held as required but in any case at least once a year.

(2) The parish assembly shall be convened by the parish council together with the parish priest. The convener shall be obliged to publish the notice of parish assembly, together with the proposed agenda, by announcing the same repeatedly during regular church services, on a notice board and by remote access at least one month prior to the contemplated date of the parish assembly. A parish assembly shall be convened whenever a minimum of 10% of parish members so request. Any potential dispute concerning the parish assembly shall be resolved by the bishop or the synodal council.

(3) The parish assembly shall be chaired and directed by the chairman of the parish council.

(4) The parish assembly shall form a quorum if at least 15% of the parish assembly members are

present. If the convened parish assembly does not satisfy the provision of the first sentence, a newly convened parish assembly shall form a quorum regardless of the number of members present. The parish assembly shall adopt resolutions by a simple majority of votes of the parish assembly members present.

(5) Minutes of the parish assembly shall be drawn and sent by the parish council chairman without delay after the parish assembly ends.

Parish Council

§ 26

(1) The parish council shall be a permanent representation of the parish.

(2) The parish council shall have the following members:

- a) parish priest or parish administrator authorized by the bishop,
- b) elected representatives of the parish.

§ 27

(1) The parish assembly shall elect a minimum of 4 and a maximum of 10 members to the parish council.

(2) For a lay parish member to be eligible for election, he/she has to be a member of the parish for at least a year, be at least 18 years old and possess full legal capacity.

(3) The term of office of elected members of the parish council shall be two years and members may be re-elected.

(4) If the office of an elected member of the parish council becomes vacant prior to the elapse of the term of office of the parish council, the parish council shall elect a substitute from among members of the parish; where a lay person is concerned, conditions for electoral eligibility shall be the same as those for a regular member of the parish council.

§ 28

The office of an elected member of the parish council shall terminate upon:

- a) elapse of the term of office,
- b) his/her death,
- c) his/her resignation,
- d) his removal by the parish assembly.

§ 29

The parish council shall elect its chairman from among its lay members.

§ 30

The parish council shall:

- a) prepare a draft budget and final accounts of the parish,
- b) appoint orderlies,
- c) perform any and all tasks related to the administration and development of the parish, unless this Constitution entrusts same to the parish assembly or the parish priest or parish administrator.

§ 31

(1) The parish council shall meet as required but in any case at least four times a year. Parish council meetings shall be convened informally by the parish council chairman following agreement with the parish priest. Meetings of the parish council shall be chaired by the parish council chairman or by any member of the parish council in his absence.

(2) The parish council shall form a quorum if a simple majority of its members is present. Resolutions of the parish council shall be adopted by a simple majority of the parish council members present.

(3) Minutes of the meetings of the parish shall be drawn up and the chairman of the parish council shall make them available for viewing by parish members.

Parish Priest

§ 32

The parish priest shall participate in the pastoral service of the church. The parish priest shall lead the parish under the authority of the bishop and in conjunction with the parish council. He shall in particular perform teaching, celebrate the Eucharist, and engage in pastoral and diaconal work in the parish under his direction. The parish priest shall be obliged to provide spiritual service to any Old Catholic Church members dwelling in his pastoral territory regardless of their parish membership.

§ 33

Appointment of the Parish Priest and Parish Administrator

(1) The parish priest shall be elected by the parish assembly. The parish priest is then appointed by the bishop. A refusal to appoint may be appealed to the synodal council both by the elected parish priest and the parish within one month. The decision of the synodal council may be appealed to the synod.

(2) With the consent of the synodal council, the bishop may appoint an administrator from among the clergy of the Old Catholic Church provided that:

- a) the parish assembly waives its community election rights,

- b) the election of the parish priest cannot be held, or
- c) the community failed to exercise its election rights in the last two years despite repeated notice.

§ 34

Electoral Eligibility of the Parish Priest

For a candidate to be eligible for election, he must be a member of the community of priests of the Old Catholic Church pursuant to § 49 of this Constitution.

§ 35

Inauguration

(1) The bishop or a priest authorized thereby shall inaugurate the parish priest during a service. In the course of the service, the parish priest shall plead allegiance to the Nicene Creed and the Declaration of Utrecht of 1889.

(2) Prior to the inauguration of the parish priest, the priest referred to above, together with the parish council, shall take stock of the contents of the church building, the parish archives and other assets of the parish and shall draw a record documenting same.

(3) Prior to his inauguration, the parish priest shall receive from the bishop an authorization for parish management and an extract from the register of ecclesiastical legal entities.

§ 36

Tasks of the Parish Priest

(1) The parish priest shall have an exclusive right to perform ecclesiastical service stemming from his ordination in the territory of his parish. The foregoing shall create no prejudice to the rights of the bishop. Another clergyman of the Old Catholic Church may work in the territory of the parish only by authorization from the bishop, delegation from the parish priest, or in a state of emergency.

(2) Together with the parish council, the parish priest shall keep a list of parish members. The list shall contain, for all the parish members, the names and addresses, dates of birth, baptism or joining of the Old Catholic Church, marital status (including wedding date), profession and other information relevant to the status of the member within the community. The parish priest and the parish priest shall continuously update the list of members.

(3) The parish priest shall be responsible for archiving any and all documentation concerning the parish.

(4) The parish priest shall perform other tasks stipulated by special regulations of the synod or the synodal council or their decisions.

§ 37

Termination of the Parish Priest's Service and Transfer of the Administrator to Other Ecclesiastical Service

(1) The parish priest's service shall terminate upon:
a) his death,
b) his retirement to emeriture at the age of 65,
c) defrocking (regulated by a special regulation),
d) resignation,
e) removal by the parish assembly,
f) dissolution of the parish.

(2) Transfer of the administrator shall be decided on by the bishop with the consent of the synodal council in the event that:
a) the parish was dissolved, or
b) the interests of the church so require; before such decision is made, the administrator concerned and the parish council of the parish concerned must be heard.

(3) Stock shall be taken at the departure of a parish priest or administrator. A record of stock-taking shall be drawn and deposited in the archives of the parish.

Assistant Clergyman

§ 38

(1) An assistant clergyman shall be a clergyman entrusted with tasks in the ecclesiastical service where a parish priest or parish administrator performs independent ecclesiastical administration.

(2) The assistant clergyman shall be entrusted with service in the parish by the bishop at the request of the parish assembly. He shall report to the parish priest (administrator) and the parish council and shall be accountable to them. The bishop shall decide on his recall with the knowledge of the parish assembly.

(3) The status of an assistant clergyman shall also be vested in a clergyman entrusted with specific ecclesiastical service.

Deacon in a Parish

§ 39

The deacon shall be authorized and recalled by the bishop from among the clergy to serve in a particular parish, and shall be at the disposal of the parish priest and parish council with a view to the nature of his service.

Special Provisions on Parishes without Bodies

§ 40

(1) After the parish priest's service ends, the bishop shall promptly appoint a parish administrator, to

serve until a new parish priest is elected. The administrator shall have all the rights associated with his ordination degree. The administrator shall be accountable to the bishop and the synodal council and shall be bound by their instructions, unless they decide otherwise. The parish council administrator shall be appointed by the bishop in writing and recalled with the consent of the synodal council.

(2) If a parish council cannot be established in a particular parish, the parish assembly shall elect one lay member of the parish who meets the conditions of parish council electoral eligibility pursuant to this Constitution. Such member of the parish, together with the parish priest, or, if there is no parish priest, with the administrator, shall represent the parish. The representation of the parish shall serve as a parish council. The representation of the parish shall resolve unanimously.

PART TWO FILIAL COMMUNITIES

§ 41

(1) Filial communities shall be established as local communities of believers associated with the Old Catholic Church.

(2) Members of the filial community shall be registered in the list of members of the community. Registration in the list of community members gives rise to the right to exercise community membership rights pursuant to this Constitution.

§ 42

Establishment and Dissolution

(1) The synodal council shall decide on the establishment or dissolution of the filial community. The establishment of a filial community shall require a minimum of 15 members over 15 years of age. In justified cases, the synodal council may grant an exemption from this provision. Should a filial community be established in the territory of any parish, the consent of its parish assembly shall be required. The synodal council shall consider the application, and if the parish in question consents, the bishop and the synodal council shall establish the filial community.

(2) If the filial community is to be registered as a Czech legal entity, the relevant body of the Old Catholic Church shall apply for its registration.

§ 43

The filial community may be a legal entity by decision of the synodal council. The name of the legal entity shall then read: "Filial community of the Old Catholic Church in ...".

Filial Community Administration

§ 44

Filial Community Administrator

The bishop shall appoint a filial community administrator for the filial community. The filial community administrator shall have the same rights and obligations vis-à-vis the filial community as a parish priest vis-à-vis a parish, and shall inform the bishop and the synodal council about its administration on a regular basis. If the filial community administrator is at the same time a parish priest or administrator of a parish, he shall be obliged to take any steps in the administration of the filial community in consensus with the parish council of the parish concern, so as not to jeopardize or materially disrupt the administration of his own parish.

§ 45

Filial Community Assembly

The filial community assembly shall be a body representing the entire filial community. The filial community assembly shall comprise all the members of the filial community registered in the list of members of the filial community in question who have reached 15 years of age.

The filial community assembly shall

- a) elect and recall the filial community council,
- b) elect delegates for the synod,
- c) accept proposals for synod meetings,
- d) decide on any disposal with the assets of the filial community; where the act concerned pertains to real property, the filial community assembly decision shall be subject to approval by the synodal council.

Convocation of the filial community assembly, its quorum and adoption of resolutions shall be governed by the provisions applicable to the parish assembly *mutatis mutandis*.

§ 46

Filial Community Council

The council of the filial community shall be established in the filial community as a permanent representation of the filial community. The filial community council shall consist of the filial community administrator and a minimum of two members of the filial community elected by the filial community assembly. The election and status of the filial community council shall be governed by the provisions applicable to the parish council *mutatis mutandis*. After any meeting of the filial community council, the administrator shall promptly send the

minutes of its meeting to the synodal council for comments.

**PART THREE
DIASPORA**

§ 47

Old Catholic Church believers living outside the territory of the church community in which they are registered may be provided with spiritual service by the clergymen of the nearest community, unless the bishop and the synodal council decide otherwise. If a group of at least five Old Catholic Church believers dwells outside the territory of a parish or filial community, it shall be entitled to request interim ecclesiastical administration from the synodal council. In such case, the bishop, acting in conjunction with the parish council of the nearest parish, may authorize one of the lay persons in the diaspora to conduct spiritual gatherings or liturgy of the Word, and where possible, shall arrange for an occasional stay of a clergyman.

**CHAPTER VII
CLERGY**

§ 48

(1) A clergyman is a person who is a member of the Old Catholic Church and who received the sacrament of ordination for the respective office in the Old Catholic Church, or who was recognized as having accepted the sacrament of ordination in a different church.

(2) The clergy congregates around the bishop. The bishop determines the sacramental actions of the clergy and supervises their practice, thus administering the sacramental life of the Old Catholic Church with the assistance of the clergy.

(3) The clergy shall be accountable to the Old Catholic Church for sacramental actions within the scope of their ordination and for the exercise of other powers entrusted to them by the Old Catholic Church.

§ 49
Priests

(1) A priest in the Old Catholic Church shall be:
a) a member of the Old Catholic Church who received the respective ordination,
b) a member of the Old Catholic Church who was ordained in a different church and satisfied the conditions stipulated by a special regulation of the synod,
c) a priest of a member church of the Union of Utrecht of the Old Catholic Churches, with whom the Old Catholic Church has a full sacramental

communion, and who was accepted by the bishop under contract, or has received the bishop's consent to act as a priest in the territory administered by the bishop.

(2) The main mission of priests in the Old Catholic Church is the sacramental service in line with their ordination, ecclesiastical administration of Old Catholic Church members in their territory, catechism, evangelisation and religious instruction in public schools, as the case may be.

(3) Only a candidate priest meeting conditions stipulated by a special regulation of the synod may be ordained as priest.

§ 50
Deacons

(1) A deacon in the Old Catholic Church shall be:
a) a member of the Old Catholic Church who was ordained as deacon,
b) a member of the Old Catholic Church who was ordained in a different church and satisfied the conditions stipulated by a special regulation of the synod,
c) a deacon of a member church of the Union of Utrecht of the Old Catholic Churches, with whom the Old Catholic Church has a full sacramental communion, who was accepted by the bishop under contract, or has received the bishop's consent to act as a deacon in the territory administered by the bishop.

(2) The main mission of deacons is to serve those in need (charity, diaconate), take care of the poor, sick and elderly, catechism, evangelisation and religious instruction in their territory. Deacons shall be at the bishop's disposal, and based on his instructions, at the disposal of other clergymen, in the discharge of ecclesiastical administration and liturgical life. The deacons shall participate in sacramental life of the church in line with their ordination.

(3) Only a candidate deacon meeting conditions stipulated by a special regulation of the synod may be ordained as deacon.

**CHAPTER VIII
PASTORATION ASSISTANTS**

§ 51

(1) Pastoration assistants may be appointed in a community solely upon a motion of the parish council and with the parish priest's (parish administrator's) consent, or upon a motion of the filial community council and with the filial community administrator's consent. Pastoration assistants shall be appointed and recalled by the bishop and shall have the same rights and obligations

as assistant clergy, save for the sacramental service reserved for the clergy.

(2) A pastoration assistant shall be a member of the Old Catholic Church entrusted by a clergyman with systematic work on pastoration, catechism, evangelisation, religious instruction or working with children, sick, elderly or socially disprivileged people in the specific area of ecclesiastical administration.

(3) Only a member of the Old Catholic Church meeting conditions stipulated by a special regulation of the synod may be appointed as pastoration assistant.

CHAPTER IX **DISCIPLINARY PROVISIONS**

§ 52

Members of the Old Catholic Church who fail to discharge their duties and comply with the provisions of this Constitution in a due manner may be given disciplinary punishment which is imposed by the bishop, the synodal council and the synod within their powers stipulated by a special regulation.

CHAPTER X **FINAL PROVISIONS**

§ 53

(1) This Constitution of the Old Catholic Church in the Czech Republic was approved by the 46th synod of the Old Catholic Church held on October 1-2, 2010, and shall enter into force on January 1, 2011.

(2) This Constitution is compliant with the laws of the Czech Republic.

(3) By approval of this Constitution of the Old Catholic Church in the Czech Republic, the Synod Rules and Rules of Ecclesiastical Communities of the Old Catholic Church in the Czech Republic dated November 15, 1997 shall be abrogated effective as of December 31, 2010.

(4) This Constitution shall create no prejudice to the provisions of the Covenant between the Bishop of the Old Catholic Church in the Czech Republic and the Bishop of the Church of England Diocese in Europe of 17 September, 2000.