



THE CONSTITUTION OF THE WESSEX SHIA ITHNA ASHERI JAMAAT

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THE CONSTITUTION OF THE WESSEX SHIA ITHNA ASHERI JAMAAT

1.0 NAME

The name shall be the Wessex Shia Ithna Asheri Jamaat (hereinafter referred to as "the Jamaat")

2.0 REGISTERED OFFICE

The registered office of the Jamaat shall be the premises for the time being used by the Jamaat for religious and social meetings (such premises is hereinafter referred to as "the Imambara") or such other places within the Wessex area as the Executive Committee may direct.

3.0 AIMS AND OBJECTS

3.1 The objects of the Jamaat shall be: -

(1) the advancement of Islam in accordance with the tenets and doctrines of the Shia Ithna Asheri *shariah* (which expression means the laws and rules of the Shia school of thought, and hereinafter references to the *shariah* shall be construed as references to the Shia Ithna Asheri *shariah*);

(2) The promotion and advancement of education in accordance with the *shariah*;

(3) The relief of poverty and disease amongst the adherents of the Shia Ithna Asheri faith.

3.2 In furtherance of the objects specified in Clause 3.1 above, and in so far as it shall be lawful in accordance with the laws of England, but not otherwise, the Jamaat, through its Executive Committee (hereinafter referred to as "the Committee") shall have the power to do all or any of the following acts and things:

(1) To encourage the practice of the Islamic religion in accordance with the *shariah* within as well as outside the Shia community in the United Kingdom as well as elsewhere;

(2) To spread knowledge of Islamic religion in accordance with the *shariah* with a view to gaining adherents;

(3) To establish and maintain mosques, imambaras, places of worship and centres for the promotion and advancement of knowledge of Islam as taught by the *shariah*;

(4) To hold and arrange all Islamic religious services and ceremonies in accordance with the *shariah* and in particular the performance of *nikaah*, divorce and burial;

(5) To provide religious education in the principles of the Islamic faith as taught by the *shariah*;

(6) To pay or to assist in the payment of the funeral expense of deceased Muslims who have died in straitened circumstances;

(7) To establish, take over, maintain, endow or otherwise assist in the formation of religious or educational establishments where the Islamic religion is taught in accordance with the *shariah* so long as the objects of such establishments shall be exclusively charitable;



- (8) To receive gifts and donations, whether or not impressed with any special trust (provided such trust is exclusively charitable), to be held and applied for the promotion or in furtherance of the objects of the Jamaat;
- (9) To issue and distribute -
 - (a) Appeals for gifts and donations;
 - (b) Reports on the works and activities of the Jamaat;
- (10) To do all such lawful acts and things as may further the attainment of the aims and objects of the Jamaat.

3.3 Notwithstanding Clause 11 of this Constitution or any other provision of this Constitution as it presently stands or as it may stand from time to time as amended, no amendment shall be made to this Clause, including this part thereof, (being Clauses 3.1, 3.2, and 3.3) and no amendment shall be made to this Constitution so as to cause the Jamaat to cease being a charitable organisation in accordance with the laws of England.

4.0 *MEMBERSHIP*

4.1 *CLASSIFICATION*

There shall be the following classes of members:

- (a) Full members;
- (b) Associate members.

4.2 *ELIGIBILITY*

- (1) Full membership of the Jamaat shall be open to any Shia Ithna Asheri who has attained the age of eighteen years.
- (2) Associate membership of the Jamaat shall be available to any Shia Ithna Asheri who is full time student or under the age of eighteen years.
- (3) With the consent of the Executive Committee, Associate membership shall also be available to any Shia Ithna Asheri who is qualified to be a full member but who elects to be an Associate member instead.

4.3 *APPLICATION FOR MEMBERSHIP*

- (1) Persons desiring to be members shall in the first instance apply to the Honorary Secretary for appropriate application form.
- (2) A person shall become a member upon the acceptance by the Honorary Secretary of his application form and the requisite subscription and upon his undertaking to pay annual subscriptions on due dates.

4.4 *RIGHTS AND DUTIES OF MEMBERS*

- (1) All members shall have the right to receive notices of and attend General Meetings.
- (2) Full members only shall have the right to vote at meetings of the Jamaat and elect or be elected office holders, members of the Committee and Trustees.
- (3) All members shall abide by this Constitution and the bye-laws.



- (4) All members shall be required to pay their subscriptions annually on receiving from the Honorary Secretary notification of the subscription due from them.

4.5 *RESIGNATION/DISQUALIFICATION*

- (1) A member may terminate his membership at any time by giving the Honorary Secretary a notice in writing.
- (2) A resigning member shall continue to remain liable for all subscriptions and other payments due from him.
- (3) A member shall be disqualified from continuing as a member if he ceases to be a Muslim professing the Shia Ithna Asheri faith PROVIDED THAT before the Committee makes a final decision in such a case the member concerned shall have a right to be heard by the Committee.
- (4) Where a member fails to pay the subscription or other payment due from him to the Jamaat within three months of the receipt by such member of a final notice in writing from the Honorary Secretary stating the amount due and calling for a settlement of the account, the Executive Committee may decide to terminate the membership of such member whereupon such member shall cease to be a member PROVIDED THAT in any such case the member shall have the right to be heard by the Committee before a final decision is made

AND PROVIDED ALSO THAT such decisions of the Committee shall not take effect unless approved by the Jamaat at its next General Meeting.

4.6 *SUBSCRIPTIONS*

- (1) Any person accepted as a member shall forthwith pay the subscription for the year in which he becomes a member.
- (2) Every member shall be required to pay the annual subscription on the first day of January of each year.
- (3) The amount of the subscription and other payments to be made by members shall be fixed by the Jamaat at a General Meeting.

5.0 *GENERAL MEETINGS*

5.1 *CATEGORIES*

A General Meeting shall be an Annual General Meeting or an Extraordinary General Meeting or a Special General Meeting.

5.2 *ANNUAL GENERAL MEETING*

- (1) The Annual General Meeting of the Jamaat shall be held within four months after 31 December each year for the purpose of: -
 - (i) The adoption of the minutes of the previous General Meeting;
 - (ii) Receiving from the Committee a report and the audited Balance Sheet and accounts of the preceding financial year;
 - (iii) Approving the budget of the ensuing year;



- (iv) where the term of office of members of the Committee has expired, electing at the Annual General Meeting office bearers and members of the Committee;
 - (v) Appointing auditors of the Jamaat;
 - (vi) Transacting any other business specified in the Notice convening the General Meeting.
- (2) A member wishing to move any resolution at an Annual General Meeting shall give notice thereof in writing to the Honorary Secretary not less than fourteen days before the date of such meeting PROVIDED ALWAYS that Chairman of the General Meeting may, at his discretion and for good cause, permit a member to introduce a motion of which no due notice has been given.

5.3 *EXTRAORDINARY GENERAL MEETING*

- (1) An Extraordinary General Meeting shall be called by the Committee as and when the Committee may determine.
- (2) Upon a written petition to call a General Meeting for any matter of importance or urgency, such petition having been signed by at least eight full members of the Jamaat and having been delivered to the Honorary Secretary, the Committee shall convene an Extraordinary General Meeting within six weeks of the receipt of such petition by the Honorary Secretary.

5.4 *SPECIAL GENERAL MEETING*

A Special General Meeting may be convened by the Executive Committee when a matter of great importance and urgency has to be discussed and approved by the Jamaat and when deliberations upon and conclusion of such matter can not await the usual time required for the convening of an Extraordinary General Meeting, or to transact business referred to in Clause 6.3

5.5 *NOTICE OF GENERAL MEETINGS*

- (1) At least twenty-one clear days before an Annual General Meeting or an Extraordinary General Meeting, a notice of such meeting together with the details of the matters to be transacted at the meeting shall be circulated to all members entitled to receive such notice, and a copy of such notice and such details shall also be posted upon the Notice Board of the Jamaat.
- (2) For the purpose of a convening a Special General Meeting at least four working days' notice shall be given to all members entitled to receive such notice.
- (3) Non-receipt of such notice or any such details by a member shall not invalidate the meeting.

5.6 *QUORUM*

- (1) Subject to Clause 12 of this Constitution, at all General Meetings eight full members of the Jamaat shall constitute a quorum.
- (2) If a meeting commences with a quorum any subsequent lack of quorum during the proceedings shall not invalidate the proceedings of that meeting.
- (3) The quorum requirements shall not apply in relation to a Special General Meeting.



- (4) If within half an hour of the time appointed for an Annual General Meeting or an Extraordinary General Meeting a quorum is not formed, the Chairman for the meeting shall adjourn the meeting to a date either fixed at the same time or to be fixed by the Committee. At the reconvening of the meeting so adjourned the quorum requirements shall not apply.

5.7 *STANDING ORDERS*

5.7.1 *ORDER OF BUSINESS*

The order of business at every General Meeting of the Jamaat shall be as follows:

- (a) Confirmation and adoption of the minutes of the last General Meeting and the minutes of any other General Meetings not previously confirmed or adopted.
- (b) Matters arising from any such minutes.
- (c) Reports which are required to be placed before the Annual General Meeting.
- (d) Business required to be dealt with at the meeting in accordance with the agenda specified in the notice for the meeting.
- (e) Motions for which due notice has been given.
- (f) Any motion accepted by the Chairman for deliberation by the meeting although due notice may not have been given.
- (g) Any other business

5.7.2 *ORDER OF DEBATE*

- (i) Any member speaking on a motion from the floor shall at all times address the chair.
- (ii) A member who speaks shall direct his speech strictly to the motion, or to any amendment thereto to be proposed by himself, or to any amendment proposed by any other member, or to a point of order.
- (iii) A member shall not address the meeting more than once on any motion or any amendment unless otherwise authorised by the Chairman, but the mover of any original proposition may reply, and in his reply shall strictly confine himself to answering previous speakers, and shall not introduce any new matter into the debate, PROVIDED ALWAYS that a member may speak on a point of order, or for the purpose of making a personal explanation.
- (iv) No speech shall exceed five minutes in length, except in the case of the original mover of the motion when the duration shall not exceed ten minutes. The Chairman in his discretion may extend the duration of the speech of any member.
- (v) A motion or amendment once made and seconded shall not be altered or withdrawn without the consent of the Chairman.

5.7.3 *MOTIONS*

- (a) *NOTICE OF MOTION*



- (i) Save as otherwise provided a member may introduce a motion at any meeting if at least seven clear days' notice in writing signed by the member has been given to the Honorary Secretary, stating clearly the nature and substance of the proposed motion.
- (ii) If a motion of which notice has been given is not moved and seconded when it comes up in due course before the meeting, it shall, unless the Chairman otherwise permits, be treated as dropped, and shall not be moved without fresh notice.

(b) *MOTIONS WITHOUT NOTICE*

- (i) At any meeting the Chairman may at his discretion permit a member to introduce a motion of which no notice has been given.
- (ii) Every such motion shall be moved and seconded, and shall, if so required by the Chairman, be reduced to writing and read to the meeting, before it is further discussed or put to vote.

5.7.4 *AMENDMENTS*

- (i) Every amendment shall be relevant to the motion upon which it is moved.
- (ii) When an amendment upon an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of, but notice of any number of amendments may be given.
- (iii) An amendment shall be either an addition or an omission, or an addition as well as omission, of words to the original motion.
- (iv) If any amendment is carried, the motion as amended shall take the place of the original motion and shall become the question upon which further amendments may be moved.
- (v) If any amendment is rejected, other amendments may be moved on the original motion.

6.0 *THE EXECUTIVE COMMITTEE*

6.1 *COMPOSITION*

6.1.1 The Executive Committee shall comprise of: -

- (i) The President;
- (ii) The Vice President;
- (iii) The Honorary Secretary;
- (iv) The Honorary Treasurer; and
- (v) One other member; and shall be elected at the General Meeting electing a new Committee:
PROVIDED ALWAYS that the President and the majority of the total number of all the other members of the Executive Committee at any time shall be full members of the Jamaat who are Khoja Shia Ithna Asheris.
- (v) All Members of the Executive Committee shall be the managing trustees and the Trustees appointed under section 9.4 of this Constitution shall be the holding Trustees.

6.1.2 A member of the Jamaat shall be deemed to be a Khoja Shia Ithna Asheri if -



- (a) such member, or his spouse, or any parent or grand parent of such member or of his spouse, is or, during his life time has ever been or was, a full member of any other Jamaat or any Muslim religious organisation the full membership of which is or, as the case may be, was restricted to Khoja Shia Ithna Asheris; or
- (b) such member or his spouse, or any of his ancestors was a native of Gujerat or Cutch in India.

6.2 *ELIGIBILITY*

6.2.1 Subject to the following provisions of this Clause, and the proviso to Clause 6.1.1 all full members shall be eligible for election to the Executive Committee.

6.2.2 No member under the age of twenty-five years shall be eligible for nomination for the post of the President or Interim Chairman under Clause 6.3.2.

6.2.3 Any member who has -

- (a) been certified or otherwise adjudged to be of unsound mind or insane; or
- (b) been convicted at any time of any offence involving moral turpitude, deception or dishonesty, unless the conviction is legally regarded as spent; or
- (c) been discharged bankrupt; or
- (d) made composition with his creditors and has not been discharged; or
- (e) at any time been removed by the Commissioners or by the Courts in England, Wales, or Scotland from being a managing trustee because of misconduct; or
- (f) been disqualified from being a company director; or
- (g) failed to make payments under county court administration orders

shall not be eligible to hold or continue in office as President, Honorary Secretary, Honorary Treasurer or other member of the Committee.

6.3 *ELECTION*

6.3.1

- (a) All office bearers elected at an Annual General Meeting shall hold office for a period of two years. All office bearers elected at a Special General Meeting shall hold office for two years less the period between the last Annual General Meeting and the Special General Meeting which elected the office bearers.
- (b) "Office bearer" shall mean the President, the Vice President, the Honorary Secretary, Honorary Treasurer or a member of the Executive Committee.

6.3.2 In the event of the Annual General Meeting failing to elect the Executive Committee when such election has become due, the retiring Committee shall continue in office for a further period of three months within which time, but not earlier than six weeks from the date of the Annual General Meeting, a Special General Meeting shall be called to elect a new Executive Committee for the ensuing period, or an Interim Chairman if the Special General Meeting is unable to elect office bearers.

6.3.3 The retiring Executive Committee shall also serve notice to the Trustees of the Jamaat summoning the Trustees to attend the Special General Meeting. The notice shall further state that if the Special General Meeting fails to elect new office bearers or an Interim



Chairman, it shall become incumbent upon the Trustees in accordance with Clause 9.4.3 to temporarily assume the charge of the affairs of the Jamaat and to nominate an Interim Chairman within six weeks.

6.3.4 The Interim Chairman shall nominate his Committee (referred to as the "Interim Committee") and shall exercise all the functions of the Executive Committee under this Constitution, and shall, within three months but not earlier than six weeks of his assuming office, call a Special General Meeting to elect new office bearers for the ensuing period.

6.3.5 In the event of any delay in convening an Annual General Meeting for the election of office-bearers, the retiring Committee shall continue in office until an Annual General Meeting is convened:

PROVIDED ALWAYS that every effort shall be made by the office bearers to convene such Annual General Meeting as soon as possible after the same has become due and in the event of no such Meeting being convened within three months of the expiry of the period during which it should have been convened, any four full members of the Jamaat may petition the President in accordance with paragraph ii of the clause 7.1 for an Annual General Meeting, whereupon the President shall either direct that such a meeting be called or direct that a Special General Meeting be called to explain to the Jamaat why an Annual General Meeting can not be called.

6.3.6 The Special General Meeting called pursuant to Clause 6.3.2 may be deemed to be an Annual General Meeting and proceedings may be conducted accordingly.

6.3.7 *TRANSFER OF POWER AND TRANSITION*

Transfer of power to the newly elected Executive Committee or to the Interim Committee shall be done in an orderly manner and shall be completed within thirty days of the election of the new office bearers, or, in the case of an Interim Chairman, within fifteen days of his election or nomination as the case may be. For all intents and purposes, the new Committee shall be deemed to have assumed office on the thirty first day of their election, and the Interim Chairman on the sixteenth day of his election or nomination as the case may be.

6.4 *POWERS AND DUTIES*

6.4.1 *GENERAL*

The Committee shall have the power to generally do and perform all such matters and things as may be necessary for the carrying out of the functions and duties conferred or imposed on the Executive Committee under this Constitution.

6.4.2 *OFFICERS AND STAFF*

The Committee may from time to time employ, on such terms and conditions as it may determine, such Aalims, agents, servants and workmen, not being members of the Committee, as may be necessary for the proper performance of the functions of the Committee. Such employees and contractors shall be under the orders of the Committee only.

If any member of the Jamaat has any cause of complaint he shall be entitled to submit his complaint in writing to the Committee. The appointment and dismissal of staff in the employment of the Jamaat shall be under the exclusive control of the Committee and its decisions on such matters shall be final.

6.4.3 *SUB-COMMITTEES*



- (a) The Executive Committee may appoint from amongst its members or members of the Jamaat such sub-committees, either of a general or special nature, as the Committee may from time to time consider necessary. Each such sub-committee shall, subject to any general or special directions of the Executive Committee, be in immediate charge of the affairs of the particular function of the Jamaat for which it is responsible.
- (b) All acts and proceedings of a sub-committee shall be reported back to the Executive Committee fully and promptly by the secretary of the sub-committee, and no such sub-committee shall incur any expenditure except in accordance with a budget previously agreed upon by the Executive Committee.

6.4.4 *BYE LAWS*

The Committee may from time to time, subject to the approval of the Jamaat, make, vary, and revoke bye-laws for the regulation of the internal affairs of the Jamaat and the conduct of the members. All bye-laws shall be submitted for approval to the Jamaat at a General Meeting, and if so approved shall, until revoked by the Committee, be binding upon the members.

6.4.5 *TERMINATION OF OFFICE*

An office bearer (including any member of the Executive Committee) shall cease to hold office -

- (a) if he dies or ceases to be a member of the Jamaat, or if he resigns by a notice in writing to the President or the Honorary Secretary, or if any of the circumstances specified in Clause 6.2.3. arise in respect of him; or
- (b) if, without any good and sufficient cause, such member fails to attend three consecutive meetings of the Committee, and the Committee has, by a unanimous vote of all other members, decided that such member shall cease to continue in office: PROVIDED THAT such member shall have the right to be heard by the Committee before a final decision is made under this paragraph.

6.4.6 *VACANCIES*

- (a) The Executive Committee shall have power to appoint any full member of the Jamaat to fill any casual vacancy in the Executive Committee or a sub-committee including vacancy in the post of the Vice President, the Honorary Secretary, and the Honorary Treasurer. Any person so appointed shall hold office for the remainder of the term of his predecessor.
- (b) Where the office of the President becomes vacant, the Vice President shall assume office as the President and thereupon the Committee shall proceed to elect a Vice President in accordance with paragraph (a) above.
- (c) If, however, the President and three other members of the Executive Committee resign at any one time, the entire Committee shall be considered to have been automatically dissolved and within six weeks of such resignation a General Meeting shall be called for the election of a new Committee

PROVIDED THAT until such time as the new Committee is elected the old Committee shall carry on the necessary management of the day to day and any urgent business of the Jamaat.

6.5 *MEETINGS OF THE EXECUTIVE COMMITTEE*



- (a) The Honorary Secretary shall give to the members of the Committee at least fourteen days' notice of its meeting.
- (b) Upon a requisition by at least five members of the Committee the Honorary Secretary shall call a Special Meeting of the Committee within ten days of the receipt by him of such requisition.
- (c) Four members of the Committee shall form a quorum.
- (d) Save where otherwise required by this Constitution the decisions of the Committee shall be by a majority of the members present at the meeting.
- (e) The Committee shall meet at least once every two months.

7.0 *DUTIES OF THE OFFICE BEARERS*

7.1 *THE PRESIDENT*

- (i) The President shall be the administrative head of the Jamaat and shall preside over all General, Committee, and sub-committee meetings when present at such meetings.

He shall have the powers necessary to ensure orderly proceedings in the meetings. At any meeting of the Committee, but at no other meeting, the President shall have a casting vote in addition to his deliberative vote.

- (ii) The President shall direct the Honorary Secretary to convene Committee meetings when necessary. It shall be incumbent upon the President to give such a direction upon the receipt of a petition from at least four full members of the Jamaat requesting such a meeting.
- (iii) The Committee shall ensure that the Jamaat is represented at all meetings of the World Federation of Khoja Shia Ithna Asheri Muslim Communities, The Council of European Jamaats and any other organisation of which the Jamaat is a member by at least two members of the Jamaat one of whom shall be a member of the Committee. ONE such representative shall address members of the Jamaat at the first gathering after attending the meetings giving a summary of the proceedings.

7.2 *VICE PRESIDENT*

In the absence of the President the powers, duties, and rights of the President shall vest in the Vice President. Where at any General or Committee meeting the President and the Vice President are absent, the full members or, as the case may be, the members of the Committee shall elect one of their number to be the chairman of that meeting and such chairman shall have, in respect of that meeting, all powers of the President.

7.3 *HONORARY SECRETARY*

- (i) The Honorary Secretary shall keep all records of the Jamaat and deal with all correspondence in accordance with the direction of the Committee or the President;
- (ii) The Honorary Secretary shall keep a record of the minutes of all General and Committee Meetings. He shall also convene all meetings as directed by the President.
- (iii) The Honorary Secretary shall prepare the Annual Report of the state of affairs of the Jamaat, and after its approval by the Committee present the same at its Annual General Meeting.



- (iv) The Honorary Secretary shall prepare a list of members of the Jamaat and publish the same in such manner as the Committee may approve.
- (v) The Honorary Secretary shall maintain and update regularly the register of members.
- (vi) The Honorary Secretary shall officiate at engagements and weddings and shall be responsible for issuance of marriage certificates.
- (vii) The Honorary Secretary may delegate all or any of his functions to an Assistant Secretary.

7.4 *ASSISTANT SECRETARY*

- (i) The Committee may, if it deems it necessary to do so, appoint, from amongst its members, an Assistant Secretary.
- (ii) The Honorary Secretary shall post on the Notice Board of the Jamaat a notice of any appointment of an Assistant Secretary.
- (iii) The Assistant Secretary shall generally assist the Honorary Secretary and act on his behalf in his absence.

7.5 *HONORARY TREASURER*

- (i) The Honorary Treasurer shall be responsible for all financial transactions of the Jamaat and maintain records thereof and submit such records to the Committee from time to time.
- (ii) Deposit all the monies of the Jamaat with the Jamaat's bankers.
- (iii) Keep accounts of all receipts and payments and maintain proper books of accounts and furnish them to the Committee and the auditors as and when requested to do so.
- (iv) Present to the Annual General Meeting duly audited Income and Expenditure Account and Balance Sheet for the twelve months from the date of the last audited annual accounts and a summary of audited Income and Expenditure Account for the remaining period ending with a date as near the date of the meeting as may be practicable.

7.6 *ASSISTANT TREASURER*

- (i) The Committee may, if it deems it necessary to do so, appoint, from amongst its members, an Assistant Treasurer.
- (ii) The Honorary Secretary shall post on the Notice Board of the Jamaat a notice of any appointment of an Assistant Treasurer.
- (iii) The Assistant Treasurer shall generally assist the Honorary Treasurer and act on his behalf in his absence.

7.7 *MUKHI*

- (i) The Committee may, if it deems it necessary to do so, appoint any of its member to be the Mukhi of the Jamaat and delegate to the Mukhi the responsibilities for arranging religious functions, liaising with Aalims or religious instructors and speakers, opening the Imambaras and mosques and generally doing all such acts and things as the Committee may direct.
- (ii) The Honorary Secretary shall post on the Notice Board of the Jamaat a notice of any appointment of a Mukhi.



8.0 *FINANCIAL PROVISIONS*

8.1 *BANKERS*

The Funds of the Jamaat shall be deposited with such bankers as the Jamaat may from time to time designate.

8.2 *AUTHORISED SIGNATORIES*

The Honorary Treasurer shall sign all cheques, money orders, postal orders and all other financial documents and instruments and shall submit the same for counter signature to the President, or, in his absence, the Vice President, or the Honorary Secretary.

In the absence of the Honorary Treasurer any such financial document or instrument may be signed by the President and either the Vice President or the Honorary Secretary.

8.3 *EXPENDITURE*

The Committee shall have the power to incur all the expenses necessary for the proper and efficient management of the Jamaat and for the carrying out the objects and activities of the Jamaat.

8.4 *BORROWING*

Subject to such consents as may be required by law and subject also to any mandate given in that behalf by the majority of members present and voting at a General Meeting, the Committee shall have the right from time to time to raise or borrow such sums or sums of money as may be required for the purposes of the Jamaat.

8.5 *ACCOUNTS*

The financial year of the Jamaat shall end on the last day of the month of December in each year and the audited accounts of each such financial year shall be presented by the Honorary Treasurer at the first Annual General Meeting after the end of the financial year as required by Clause 7.5

8.6 *AUDIT OF ACCOUNTS*

8.6.1 If in any financial year the income of the Jamaat exceeds £ 100,000, then the accounts of that financial year and the succeeding financial year shall be audited by a firm of professional accountants who shall be appointed as auditors by the Executive Committee in consultation with the Trustees and shall be paid such remuneration as the Executive Committee may determine.

8.6.2 In all cases to which paragraph 8.6.1 does not apply, the annual accounts of the Jamaat shall be prepared as may from time to time be required by law.

8.6.3 Where any Act of Parliament or any directions by the Charities Commission require accounts to be in any particular form or audited in any particular manner then the provision of such law shall be complied with notwithstanding paragraph 8.6.1 and 8.6.2.

8.7 *INVESTMENT*

The Executive Committee must invest Jamaat funds in accordance with the Trustee Investment Act of 1961.

8.8 *ANNUAL RETURN TO THE CHARITIES COMMISSION*



- (a) The President must, within ten months of the end of the financial year concerned or such time as may be required by law, submit the following to the Charities Commission:
 - (i) An Annual Report describing the activities of the Jamaat for the past year including in this basic information about the Jamaat and those who administer it.
 - (ii) The accounts of the Jamaat in such form and manner as the Charities Commission may direct.
 - (iii) A copy of the report and the statement of accounts shall be made available to every full member of the Jamaat.

9.0 *TRUSTEES*

9.1 *NUMBER OF TRUSTEES*

There shall be five Trustees.

9.2 *ELIGIBILITY*

9.2.1 Only full members over the age of thirty years shall be eligible to hold office as Trustees: PROVIDED ALWAYS that the majority of the total number of Trustees in office at any time shall be full members of the Jamaat who are Khoja Shia Ithna Asheris as defined in Clause 6.1.2

9.2.2 Any member who has -

- (a) been certified or otherwise adjudged to be of unsound mind or insane; or
- (b) been convicted at any time of any offence involving moral turpitude, deception or dishonesty, unless the conviction is legally regarded as spent; or
- (c) been discharged bankrupt; or
- (d) made composition with his creditors and has not been discharged; or
- (e) at any time been removed by the Commissioners or by the Courts in England, Wales, or Scotland from being a managing trustee because of misconduct; or
- (f) been disqualified from being a company director; or
- (g) failed to make payments under county court administration orders

shall not be eligible to hold or continue in office as a Trustee.

9.3 *ELECTION OF TRUSTEES*

The Trustees shall be elected at a General Meeting and shall hold office for a period of five years. On expiration of their term of office new Trustees shall be elected as soon as possible and until the new Trustees have been elected the retiring Trustees shall continue to hold office.

The retiring Trustees shall be eligible for re-election. The eldest of the Trustees shall be the Senior Trustee.

9.4 *DUTIES, POWERS AND MEETINGS OF TRUSTEES*



- 9.4.1 All free-hold and lease-hold estates, lands, premises, and other immovable properties of the Jamaat shall vest in the Trustees. All other assets of the Jamaat, not required by the Committee for its immediate working purposes, shall vest in the Trustees. All properties and asset so vested in the Trustees or which the Trustees may acquire on behalf or for the purpose of, the Jamaat shall hereinafter be referred to as "the Trust Fund."
- 9.4.2 The Trustees shall be holding Trustees and shall hold the Trust Fund upon trust to apply the same for the furtherance of the objects of the Jamaat in accordance of the direction in writing of the Executive Committee.
- 9.4.3 Where a General Meeting fails to elect a new Committee or an Interim Chairman in circumstances described in Clause 6.3.3 the Trustees shall, if called upon by the retiring Executive Committee, assume charge of the affairs of the Jamaat and shall, within six weeks of doing so, nominate an Interim Chairman.
- 9.4.4 The Trustee shall have the following powers which they shall exercise only in accordance with the directions of the Executive Committee:
- (a) To acquire, by purchase, exchange, gift or otherwise, free-hold and lease-hold estates, lands, premises, and other immovable properties as well as movable assets for the use or benefit of the Jamaat, and to hold the same as part of the Trust Fund.
 - (b) Subject to such consents as may be required by law, to sell, exchange, lease, or mortgage any free-hold or lease-hold estate, land, premises, or any movable asset, which may at any time form part of the Trust Fund.
- 9.4.5 *REGULATIONS GOVERNING MEETINGS ETC.*
- (a) The Trustees shall hold meetings as and when it may be necessary and always when required to do so by the Committee.
 - (b) The Senior Trustee, or in his absence, any Trustee nominated by the other Trustees present at the meeting, shall preside at the meeting. The Trustees shall provide and keep a minute book in which shall be entered the proceedings of the meeting of the Trustees and which shall, at the conclusion of the meeting, be signed by the Senior Trustee or other Trustee presiding at the meeting. Where such minutes have not been signed, they shall be presented to a subsequent meeting and, if confirmed, signed by the Trustee presiding over that meeting.
- 9.5 *TERMINATION OF OFFICE*
- A Trustee shall cease to hold office if he dies or ceases to be a full member of the Jamaat, or if he resigns by a notice in writing to the President or the Honorary Secretary, or if any of the circumstances specified in Clause 9.2.2 arise in respect of him.
- 9.6 *VACANCIES*
- In the event of a vacancy arising by operation of Clause 9.5 such vacancy shall be filled as soon as may be possible at the next General Meeting. Any person elected to fill any such vacancy shall hold office for the remainder of the term of office of his predecessor.
- 10.0 *GENERAL PROVISIONS*
- 10.1 *LEGAL REPRESENTATION*
- The President and the Honorary Secretary shall represent the Jamaat in all legal matter and proceedings.



10.2 *ELECTION OF A PERSON ABSENT FROM GENERAL MEETING*

A full member of the Jamaat shall not be debarred from being elected to any office of the Jamaat, including that of a Trustee, by reason only of his absence from the meeting at which his name is proposed for election if such member has indicated his consent to being elected to such office either in writing or verbally to the President or the Honorary Secretary.

10.3 *PROXY VOTE*

No member who is absent from any meeting of the Jamaat or the Committee or the Trustees shall be entitled to vote at that meeting by proxy.

10.4 *SEAL OF THE JAMAAT*

The Seal of the Jamaat shall be kept at the offices of the Jamaat or in the custody of such member of the Committee or such Trustee as the Committee may nominate. The seal shall be affixed to any document or instrument only in the presence of at least two Trustees and the President or the Honorary Secretary. A record of the use of the seal shall be maintained and updated by the person nominated for the purpose by the Committee.

10.5 *APPEALS FOR DONATIONS*

All appeals for donations and gifts shall be with the consent of, and in accordance with the directions of, the Committee. All public collections will be in accordance with the Charities Act 1992.

11.0 *ALTERATIONS AND AMENDMENTS TO THE CONSTITUTION*

- (i) A full member wishing to propose any amendment to this Constitution shall give notice in writing to the Honorary Secretary enclosing a copy of his proposed amendment.
- (ii) The Executive Committee shall review the proposed amendment and if satisfied that it is not contrary to the laws of England and Wales circulate the same to all members at least twenty eight days before the General Meeting at which the proposed amendment is to be considered.

If no General Meeting has been planned, the Committee shall make every reasonable effort to convene an Extraordinary General Meeting for the consideration of the proposed amendment as soon as may be possible after the expiry of the period of days from the date when the proposed amendment was circulated to all the members: PROVIDED THAT if in the opinion of the Committee any such proposed amendment to this Constitution is of such a nature as to require urgent consideration by a General Meeting, the Committee may reduce such period of twenty eight days to ten days.

- (iii) A resolution for an amendment to this Constitution shall not be passed unless it is voted upon by a majority of two-thirds of the full members present and voting at the General Meeting.
- (iv) If a proposed amendment to this Constitution fails to obtain the requisite number of votes at a General Meeting, such amendment or any other amendment substantially similar thereto shall not be introduced for at least the period of six months immediately following the date of such General Meeting.

12.0 *DISSOLUTION*



- (a) The Jamaat shall not be dissolved except by a resolution passed at a General Meeting by not less than eighty percent of the votes of all the full members present at the meeting. The quorum for such a General Meeting shall not be not less than at least seventy-five percent of the total number of the full members of the Jamaat. If a quorum is not present, consideration of the resolution relating to dissolution shall be deferred to a subsequent General Meeting to be convened for the purpose. The condition relating to quorum shall apply to every such subsequent meeting.

In the event of the dissolution of the Jamaat all the assets remaining after the satisfaction of all its debts and liabilities shall be given and transferred to such charitable institution or institutions having objectives similar to those of the Jamaat as the General Meeting may specify in the resolution for dissolution. In no case shall any such asset be distributed to the members of the Jamaat.

13.0 CONSTRUCTION

- (a) All references in this Constitution to the Charities Act 1992 shall be construed as including references to any Act of Parliament amending or replacing the same.
- (b) Every reference to the male gender shall include a reference to the female gender and no person shall be precluded from becoming a member of the community or from holding office provided for in this constitution by reason only of being a female.

I, The Undersigned, The honorary Secretary Of The Wessex Shia Ithna Asheri Jamaat, Hereby Certify That This Is The Revised Constitution Of The Wessex Shia Ithna Asheri Jamaat And Came Into Effect In June 2008.

Mr Abbas B. Rahim
Hon. Secretary