

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

IN THE NAME OF ALLAH, THE MOST GRACIOUS, THE MOST MERCIFUL

**THE CONSTITUTION
OF THE
BERKSHIRE, HAMPSHIRE AND SURREY
BENGALI WELFARE ASSOCIATION (BWA)
REGISTERED CHARITY NO.1054503**

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August 8, 2010

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ARTICLE 1: NAME AND ADDRESS

The name of the association shall be “The Berkshire-Hampshire-Surrey Bengali Welfare Association” (BWA).

The registered office of the BWA shall be situated at: **282 London Road, Camberley, Surrey, GU15 3JP**. The entire premises at 282 London Rd shall always be known as M.A. Al-Kharafi Islamic Centre. Under no circumstances will any person, or any committee, ever be able to change the name of the association or the name of the centre. However, on written request from either Mr. xxxxxxxx or his direct descendents, the Executive Committee (EC) of the association may consider a change in name for the centre only.

ARTICLE 2: AIMS AND OBJECTIVES

- A. To advance the Islamic Faith in accordance with the teaching of The Holy Quran and Hadith according to the belief of Ahli-Sunnant-Wal-jamat (being followers of Iman Hanifa, Imam Shafi, Imam Malik and Imam Hambal).
- B. To advance the education of primarily but not exclusively Bengali children with the provision of mother tongue classes and English Language, Mathematics and Science.
- C. To provide facilities for obligatory prayers/recreation/leisure time occupation for members of the public in the interest of social welfare and with the object of improving the conditions of life of those members of the public for whom the facilities are intended;
- D. To relieve poverty of people primarily but not exclusively living in Bosnia (of all faiths, creed and colour) where they have been victims of war, or natural disasters, by provision of money, medicine, food, clothing and other appropriate means.
- E. To promote such other charitable purposes as the Executive Committee may from time to time determine.

ARTICLE 3: FURTHER AIMS AND OBJECTIVES

The EC may exercise the following powers in furtherance of the aims and objectives (but not otherwise):

- To develop, gain planning approval, build, re-build, extend, modify and acquire buildings on the sites of the association which is to be used by the Bangladeshi Muslim community and the greater Muslim community at large.

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- To accept donations from any quarter with/without conditions, make appeals to collect money in accordance with the law of the land and to maintain the premises.
- To invest or hold the funds as decided by the EC by way of majority consensus.

ARTICLE 4: THE STRUCTURE OF THE BWA

The structure of the BWA will be as follows:

1. EC Members (Trustees) including Office Bearers
2. Deed Holders
3. General Members (GM)

ARTICLE 5: EC MEMBERS/TRUSTEES AND OFFICE BEARERS

- A. For every three-year term, GMs will directly elect 17 members of the EC. Each EC member will also be a Trustee. The EC shall always comprise 17 members (all of Bangladeshi origin) including 8 Office Bearers as follows:
1. Chairman;
 2. Vice Chairman;
 3. Secretary;
 4. Assistant Secretary;
 5. Treasurer;
 6. Assistant Treasurer;
 7. Cultural and Sports Secretary;
 8. Social, Welfare and Education Secretary.
- B. The EC must comply with the eligibility requirements as laid down by the Charity Commission, hence, they will not qualify if they:
- have been convicted of an offence involving deception or dishonesty, unless the conviction is spent;
 - are an un-discharged bankrupt;
 - have previously been removed from trusteeship of a charity by the Court or the Charity Commissioner for misconduct;
 - are under a disqualification order under the Company Directors Disqualification Act 1986;
 - have been a member of, or having had affiliation with, any social, political or religious organization, which has been banned in the U.K.
- C. In the interest of fairness, only 1 member of any family may at any one time be a member of the EC (i.e. no sibling, father, son, etc. allowed).

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- D. The EC shall have the power to make the rules and regulations they deem fit and necessary in running the BWA, whereby decisions will be put to EC vote and only passed with a majority vote; in the case of a major decision the EC may opt to call an SGM. The EC may involve persons outside the committee to form groups, i.e. sub-committees, to assist in achieving the aims and objectives of the BWA.
- E. The EC shall run the Association's affairs keeping in mind that the Constitution of the BWA is subject to the Charity Commission Act.
- F. The EC shall have the power to appoint and dismiss teachers/employee as necessary.
- G. All EC members, including the Office Bearers, shall work voluntarily and will not be entitled to receive any salaries.

ARTICLE 6: DEED HOLDERS

- A. Deed Holders must be a GM and, may or may not be an EC member.
- B. All properties (The land) of the BWA will be vested in the name of 4 nominated Deed Holders. No personal/financial matters of the Deed Holders will affect the BWA's property and neither shall the Associations property impact any of the personal/financial matters of the Deed Holder.
- C. The EC will manage the BWA on behalf of the GM and respect, listen to and consider their opinions; the Deed Holder is obliged to follow the instructions as agreed by the EC. Deed Holders do not hold any rights, in any way, to the affairs of the Association (including the property), unless there is concern for breach of trust.
- D. The EC may replace or dismiss the Deed Holder at any time with a 2/3rd EC majority vote. Similarly, a vacancy for a Deed Holder may be filled with a 2/3rd EC majority vote. Without good cause, it will not be considered normal practice to change Deed Holders.

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ARTICLE 7: GENERAL MEMBERS

- A. Membership of the BWA shall be open to all Bangladeshi or Bangladeshi origin British nationals, aged over eighteen and living within a ten miles radius of 282 London Rd, Camberley, Surrey (including Farnham and Egham).
- B. Residents must be listed in the local council electoral register and must also be a permanent resident within the above-mentioned area for at least the past six months.
- C. There will be an annual membership fee of £5. The fee is subject to annual review by the EC. The fees will be utilized for the benefit of the BWA as the EC deems fit and in accordance with the Constitution.
- D. Only valid (and paid) GM's will be eligible to vote in the General Election of the BWA.

ARTICLE 8: ELECTION

- A. The Election will be by 'ballot' and shall take place on the last Sunday of March 2011, and thereafter in the same month, every 3rd year;
- B. The EC must appoint an Election Committee of 5 members from the EC;
- C. The EC shall appoint at least 3 Election Commissioners of whom 1 will be appointed Chief Election Commissioner. The Election Commissioners will be professionals (e.g. Independent Accountant, Local Councilor, community leader) who are not involved in any way with the BWA;
- D. The EC shall declare the election (including Election Schedule) at least ninety days before the completion of their term. All GMs shall be invited (written invitation) to make nominations within 14 days of the notice. The invitation to nominate must also be displayed on the notice board;
- E. There will be a nomination fee for the EC. The fee for an Office Bearer will be higher than the fee for a non-Office Bearer.
- F. Nominations will be submitted to the Chief Election Commissioner for prospective candidates to be declared;
- G. The Election Committee will make all the necessary arrangements for the Election including publicity. On Election Day, the Election Committee will hand-over to the

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Election Commissioners for the Election to commence. There will be a polling agent on behalf of each group (panel) in the polling area (room);

- H. Each GM shall be eligible to cast one vote only for any full panel or individuals;
- I. The Election Commissioners will take the necessary steps to ensure a credible, free and fair election;
- J. In the event of any conflict, the Chief Election Commissioner will resolve the conflict;
- K. The out-going EC must transfer their responsibility to the newly elected EC within two weeks from the election date and the newly elected EC must takeover within the same period;
- L. The EC must hand-over all files/documents, including minutes for all meetings held during their term, to the newly elected EC;
- M. The out-going Office Bearers shall furnish the in-coming Office Bearers with details of all properties belonging to the BWA, including a list of all deeds, records, accounts and documents of the BWA.
- N. Costs incurred by the Election cannot be redeemed from the Islamic Centre's funds. Election costs should be covered from the Nomination Fees collected. Individuals themselves must cover their own campaign costs.

ARTICLE 9: EC DUTIES

- A. Chairman and Vice Chairman:
 - To attend and preside over the meetings;
 - To liaise with appropriate authorities and to seek help in order to achieve the objectives of the BWA;
 - To exercise proper vigilance over accounts and other activities of the BWA;
 - To ensure minutes of the meetings are properly and correctly recorded in the proceeding book before signing.
- B. Secretary and Assistant Secretary:
 - To call meetings and write minutes of the meetings
 - To maintain office records of the BWA and deal with all correspondences.
 - To execute all the resolutions adopted by the EC.

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- To inform/guide the EC on issues of general concern.

C. Treasurer and Assistant Treasurer:

- To manage collections from the congregation (e.g. after Jumu'ah) with an objective to collect as much funds as possible and to ensure a smoothly run process;
- To be responsible for collection of funds pledged by individuals, local businesses, etc.
- To ensure funds collected for the Islamic Centre are not used for anything aside from the Islamic Centre. All cultural, sports and social activities must be funded under separate collections. Any surplus funds collected will be donated to the Islamic Centre funds.
- To deposit the monthly income to the BWA's relevant account within three working days of collection;
- To maintain a proper account of the income and expenditure of the BWA;
- To submit Accounts at the EC Meeting;
- To present the Statement of Accounts each year at the Annual General Meeting (AGM);
- To operate the account jointly by: Treasurer, Chairman, Secretary, and 3 other EC members. Withdrawal of funds will require at least 4 signatures.

D. Cultural and Sports Secretary:

- Arrange all cultural and sports events;
- Promote our own culture and sports and increase sports facilities, involving the younger generation;
- Liaise with other cultural and sports group etc.

E. Social Welfare and Education Secretary:

- Arrange social events
- Improve social and welfare activities,
- Identify and solve any educational needs and problems.

F. EC Members:

- To assist Office Bearers in executing actions taken by the EC;
- To attend EC Meetings.

ARTICLE 10: MEETINGS

A. EC Meetings

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The EC shall meet once a month. The Secretary will call the meeting on the first Sunday of every month; at least one week's written notice will be provided. EC members can also make suggestions for items to be included in the Agenda. The Agenda must be agreed by the Chairman and Secretary and must also include a report by the Chairman, Secretary and Treasurer

All GMs shall have due right to send suggestions to the Secretary for inclusion in the Agenda of the EC meetings. The Secretary, with the approval of the EC (1/3rd majority vote) may invite the GM to join that particular meeting if it is considered necessary. The GM may remain at the meeting only for the duration of the topic of the GMs concern.

B. The Annual General Meeting (AGM)

The AGM will be held on the 1st Sunday of March each year. The Secretary will make all arrangements for the AGM. Details of the AGM will be announced at least 14 days before the event. The AGM Agenda will be displayed on the Notice Board and will include the following items:

1. Confirmation of the minutes of the previous AGM;
2. Secretary's Report;
3. Treasurer's Report;
4. Statement of Accounts;
5. AOB (Any other business).

C. Special General Meeting (SGM)

- The EC can call an SGM with a 2/3rd majority vote by the EC;
- The Secretary shall make arrangements for the SGM serving written notice at least 7 days in advance. Should the Secretary fail to call such a meeting, the EC shall have the authority to arrange the meeting;
- The Office Bearers may call a SGM if there is a requisition signed by at least 60 (or 20%, whichever is the greatest) GMs.

ARTICLE 11: QUORUM

A. EC Meetings

The quorum for an EC Meeting shall be when at least 1/3rd of EC members are present.

B. AGM and SGM

The quorum for an AGM or SGM shall be, when at least 1/5th of GMs are present.

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ARTICLE 12: DISQUALIFICATION

- A The EC may cease the membership of any person (including EC Members, Office Bearers and GMs, by a 2/3rd EC majority vote) who causes damage to the goodwill or interest of the BWA. The EC must at all times be fair in their decisions.
- B Any EC member/Office Bearer of the BWA shall cease (by 2/3rd EC majority vote) to be an EC member/Office Bearer if they:
- without giving satisfactory explanation, fail to attend 3 consecutive EC Meetings of the BWA;
 - are a paid employee of the BWA;
 - are involved in activities that are detrimental to the interest and well being of the BWA;
 - fail to cooperate with other EC members to carry out any actions of the BWA or, for any acts of gross negligence in their work;
 - have been a member of, or had affiliation with, any social, political or religious organization, which has been banned in the UK.

ARTICLE 13: AMENDMENT OF THE CONSTITUTION

Amendment of the Constitution may be referred for resolutions, to the AGM, by a 2/3rd EC majority vote, of those present and voting, subject to the provision of the following clauses:

- A. No amendment may be made to the name of the BWA (Article 1), , Deed holders (Article 6), Article 16 (Dissolving the BWA) or this clause;
- B. No amendment may be made which would have the effect of making the BWA cease to be a charity in law;
- C. The EC shall promptly send the Charity Commission a copy of any Amendment made under this clause;
- D. The notice of the AGM must include 'Notice of Resolution', setting out the terms of the amendments proposed.

ARTICLE 14: ACCOUNTS

Qualified accountants shall be employed by the BWA to prepare and submit reports and statements at the end of the financial year. These reports and statements will be presented at the AGM, each year.

ARTICLE 15: GENERAL

A. EC Disputes

The committee itself shall in the first instance, determine any dispute amongst the Office Bearers and the EC. If the dispute is not resolved it will go to a subcommittee. If this is not satisfactory, this should go for independent arbitration. Arbitrators must be of Bangladeshi origin holding a good reputation within the Bangladeshi community.

B. EC Vacancies

In the event of a vacancy for an Office Bearer or EC Member by way of resignation or any other reasons, a meeting of the EC shall be called within a month of the vacancy (item to be included in agenda). The selection of such official/member shall be approved in that meeting. Office Bearers must be replaced from within the EC members, whilst EC members must be filled from GMs.

ARTICLE 16: DISSOLVING THE BWA

If the Executive Committee decides that it is necessary or advisable to dissolve the Association it shall call a meeting of all members of the Association, of which no less than 21 days notice (stating the terms of the resolution to be proposed) shall be given. If the proposal is confirmed by a 2/3rd majority of those present and voting, the Executive Committee shall have power to release any assets held by or on behalf of the Association. Any assets remaining after the satisfaction of any proper debt and liabilities shall be given or transferred to such other charitable institution(s) having objectives similar to the objects of the Association as the members of the Association may determine or failing that shall have some other charitable purpose. A copy of the Statement of Accounts, or account and statement for the final accounting period of the Association must be sent to the Commissioners.

Word count: 2854