

RESOLUTION PASSED AT THE EGM OF THE KSIMC OF
LONDON AT THE HUJJAT ISLAMIC CENTRE ON
26th MARCH 2017.

It is hereby resolved that the proposed amendments to the constitution replace in its entirety all the clauses of the constitution of The KSIMC of London. If the Charity Commission approval is required for any part of the text before it can be adopted, such text (but not the remainder of the text) will remain subject to the subsequent approval by the Charity Commission.

Updated at (1) the EGM on Sunday 8 October 2017, continuing on Friday 13 October 2017; (2) the EGM on Sunday 29 April 2018; (3) the AGM on Saturday 23 June 2018; and (4) the AGM on Saturday 8 June 2019.

**THE KHOJA SHIA ITHNA-ASHERI
MUSLIM COMMUNITY OF LONDON**

CONSTITUTION

In the name of Allah, the Beneficent, the Merciful

1 NAME

The name of the charity is The Khoja Shia Ithna-Asheri Muslim Community of London (hereinafter referred to in this Constitution as “the Jamaat”).

2 REGISTERED OFFICE

The registered office of the Jamaat shall be in the Imambara Building, or such other place in London as may be designated by the Executive Committee.

3 OBJECTS

The Objects of the Jamaat are to promote and advance, by such means as are in accordance with the laws of England exclusively charitable, the Islamic religion in accordance with the principles of the Shia Ithna-Asheri Sharia and to provide for the relief of poverty among Muslims of the Shia Ithna-Asheri faith.

4 POWERS

4.1 In furtherance of the foregoing Objects, but not further or otherwise, the Jamaat through its Executive Committee shall have power:

4.1.1 to encourage the practice of the Islamic religion as taught by Shia Ithna-Asheri Sharia among the community of the Khojas, and throughout the world;

- 4.1.2 to spread knowledge of the Islamic religion as taught by Shia Ithna-Asheri Sharia with a view to gaining adherents;
- 4.1.3 to establish and maintain Mosques, Imambara and other places of worship;
- 4.1.4 to hold and arrange Islamic religious services and ceremonies and in particular the performance of nikah;
- 4.1.5 to provide religious education in the principles of the Islamic faith as taught by the Shia Ithna-Asheri Sharia;
- 4.1.6 to pay or assist in paying the funeral expenses of deceased Muslims who have died in straitened circumstances;
- 4.1.7 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 principles laid down by the Shia Ithna-Asheri Sharia so long as the objects of such establishments are exclusively charitable;
- 4.1.8 to receive donations whether impressed with any special trust (provided such trust is exclusively charitable) or not, but always to be held and applied for the promotion of the Objects;
- 4.1.9 to issue appeals for donations and periodical reports on the work of the Jamaat;
- 4.1.10 to provide financial assistance towards the purchase of owner occupied residential properties by beneficiaries who are members of the Jamaat; and
- 4.1.11 to do all such lawful acts as shall further the attainment of the Objects of the Jamaat.

4.2 Notwithstanding clause 18 of this Constitution or any other clause or provision of this Constitution as it presently stands

or as it may stand from time to time amended, no amendment whatsoever shall be made to clauses 3 and 4 of

this Constitution and no amendment shall be made to any other clause so as to cause the Jamaat to cease to be charitable in law.

- 4.3 In the event of the dissolution of the Jamaat the property belonging thereto shall be transferred to such other organisation or organisations as the members at the time of dissolution shall resolve, being organisations whose objects (a) are similar or reasonably similar to the Objects of the Jamaat, and (b) are exclusively charitable, and subject thereto shall be held upon trust for the promotion and advancement of the Islamic faith in accordance with the principles of the Shia Ithna-Asheri Sharia.

5 MEMBERSHIP

- 5.1 Membership shall be open to any person who is a Khoja Shia Ithna-Asheri who has attained the age of 18 years and who is interested in promoting the Objects. Membership shall also be open to the non-Khoja spouse of a member of the Jamaat, provided the spouse has attained the age of 18 years, professes the Shia Ithna-Asheri faith and is interested in promoting the Objects. Any child of such a marriage shall also be eligible to be a member of the Jamaat provided he or she has attained the age of 18 years, professes the Shia Ithna-Asheri faith and is interested in promoting the Objects.
- 5.2 The Executive Committee may prescribe the procedure for application for membership.
- 5.3 The Executive Committee must keep a register of members.
- 5.4 The membership year will run from 1st January to 31st December of each calendar year. As transitional provisions for the adoption of this constitution the previous membership year commencing on 1st Muharram 1438 shall end on the last day of Dhul Hijjah 1438 and a short transitional membership period will commence from 1st Muharram 1439 to 31st December 2017.
- 5.5 A member whose subscription is at least three months in arrears shall have his membership suspended which shall automatically be reinstated retrospectively on payment of the amount due.

- 5.6 A member whose subscription is at least six months in arrears shall cease to be a member but shall be reinstated retrospectively on payment of the amount due on reapplication.
- 5.7 A member may resign by written notice to the Honorary Secretary.
- 5.8 Membership of the Jamaat shall not be transferable and shall cease automatically if a member ceases to be a Muslim professing the Shia Ithna-Asherifaith.
- 5.9 A member will not enjoy the full rights of membership if in addition to the membership of the Jamaat he is a member of another Khoja Shia-Ithna-Asheri Jamaat anywhere in the world. Where such dual membership exists, then the membership of the Jamaat will be deemed to be guest membership and as such, will preclude such member from voting at General Meetings or from standing for any position in the Executive Committee. In all other aspects, he will enjoy the benefits of membership.

6 GENERAL MEETINGS

- 6.1 Members shall be entitled to attend general meetings of the Jamaat in person. General meetings shall be called with at least 21 clear days' written notice to the members specifying the business to be transacted.
- 6.2 There shall be a quorum at a general meeting if the number of members present in person is at least 50.
- 6.3 If a meeting commences with a quorum, any subsequent lack of quorum during the proceedings shall not nullify the meeting. However, if within half an hour of the time appointed for any general meeting a quorum is not formed, the person chairing the meeting shall adjourn the meeting to a date and/or time to be fixed by him or her. At the reconvening of the meeting, 30 members present in person shall form a quorum. No business shall be transacted in any meeting where the quorum goes below 50 during the meeting or at the adjourned meeting referred to in this clause 6.3 other than that of which members have been given notice.

- 6.4 The President or (if the President is unable to do so) the Vice-President or any of the other office bearers shall preside at a general meeting and shall chair the meeting.
- 6.5 Except where otherwise provided by this Constitution, every issue at a general meeting shall be determined by a simple majority of votes cast by the members present in person.
- 6.6 Except for the chairperson of the meeting, who has a second or casting vote if there is a deadlock, every member present in person shall be entitled to one vote on every issue.
- 6.7 Prior to the commencement of voting, if a secret ballot is demanded by a member, the chairperson shall permit this.
- 6.8 An AGM must be held every year, on the first Sunday of June and shall commence at 10:30 and conclude by 19:30 unless it is not possible because (i) it is a public holiday in the United Kingdom either the Friday before and/or the Monday after, or (ii) that day is an auspicious day according to the Shia Ithna-Asheri Calendar, in which case the Honorary Secretary shall notify the members of the change to the first possible Saturday thereafter at least three months before the revised date for the AGM (provided that such a notification shall not constitute a notice of a general meeting for the purposes of clause 6.1). For the avoidance of doubt the AGM shall always take place in the month of June.
- 6.9 At an AGM the members:
- 6.9.1 consider and approve the minutes of the previous AGM;
 - 6.9.2 consider and approve the minutes of all EGMs and SGMs held since the previous AGM;
 - 6.9.3 adopt the audited accounts of the Jamaat for the previous financial year;
 - 6.9.4 receive the report of the Executive Committee on the Jamaat's activities since the previous AGM;
 - 6.9.5 approve the budget for the forthcoming financial year;

- 6.9.6 note the retirement of those members of the Executive Committee who wish to retire or are retiring at the end of their term;
 - 6.9.7 (if applicable) note the election of a new Executive Committee;
 - 6.9.8 appoint an auditor for the Jamaat;
 - 6.9.9 set the amounts of subscriptions; and
 - 6.9.10 discuss and determine any issues of policy or deal with any other business placed before them by the Executive Committee, notice of which has been given in accordance with clause 6.1.
- 6.10 Any proposal by the Executive Committee to spend more than £25,000 on any single capital project shall require the prior approval of the members passed by a simple majority of the members present in person at a general meeting or an AGM.
- 6.11 Any proposal by the Executive Committee to spend more than £25,000 on a single non-capital project that is not already included in the budget previously approved by members shall require the approval of the members passed by a simple majority of the members present in person at a general meeting or an AGM.
- 6.12 Any proposal by the Executive Committee to borrow money shall require the prior approval of the members passed by a two-thirds majority of the members present in person at a general meeting or an AGM.
- 6.13 Any general meeting which is not an AGM shall be an EGM or an SGM.

7 STANDING ORDERS

7.1 Order of business

7.1.1 The orders of business at every AGM shall be as follows:

- (a) recitation from the Holy Quran and translation thereof;
- (b) the matters set out in clause 6.9;
- (c) motions on which due notice is given in accordance with clause 7.3; and
- (d) any other business.

7.2 Order of debate

7.2.1 Any member speaking on a motion from the floor shall at all times address the chairperson.

7.2.2 A member who speaks shall direct his or her speech strictly to the motion under discussion, or to an amendment to be proposed by himself or herself or to a question of order or clarification.

7.2.3 A member shall not address the meeting more than twice on a motion or an amendment unless otherwise authorised by the chairperson, but the mover of any original proposal may reply, and in his or her reply shall strictly confine himself or herself to answering previous speakers, and shall not introduce any new matter into the debate, provided always that a member may speak to a point of order, or for the purpose of making a personal explanation to the issue under discussion.

7.2.4 No speech shall exceed five minutes in length, except in the case of a mover of an original motion in which case the speech shall not exceed ten minutes. These

periods, may however, be extended at the discretion of the chairperson.

7.2.5 A motion or an amendment once made and seconded shall not be altered or withdrawn without the consent of the chairperson.

7.3 Motions – notice of motion

A member who wishes to propose a motion (which must be seconded by another member at the time of submission of the notice) at the AGM shall give notice thereof in writing to the Honorary Secretary not less than 14 clear days before the date of such AGM, stating clearly the nature and substance of the proposed motion and all such notices shall be circulated to the members at least 10 clear days before the date of the AGM. If a motion of which notice has been given is not moved by the member proposing the motion when it is brought in due course before the meeting, it shall be treated as dropped, and shall not be moved without fresh notice.

7.4 Amendments to motions

7.4.1 Every amendment shall be relevant to the motion upon which it is moved.

7.4.2 Whenever an amendment upon an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment has been dealt with after reasonable debate, but notice of any number of amendments may be given.

7.4.3 An amendment shall be either:

- (a) an addition to;
- (b) an omission of; or
- (c) an addition and omission of words to the original motion,

but for the avoidance of doubt an amendment shall not include a proposal the effect of which is to defeat the motion.

7.4.4 If any amendment is carried, the motion as amended shall take the place of the original motion and shall become the question upon which any further amendments may be moved.

7.4.5 If any amendments are rejected, other amendments may be moved on the original motion.

7.4.6 Once all amendments (if any) have been dealt with, the motion shall then be put to vote.

8 EXTRAORDINARY GENERAL MEETINGS

8.1 An EGM may be called to be held at any time by the Executive Committee. The Executive Committee shall include in the notice calling the meeting an explanation of why the matters in the notice must be considered by the members in advance of the next AGM of the Jamaat.

8.2 If the members wish to call an EGM, a document with at least 50 signatures of the members of the Jamaat (inclusive of the proposer and three co-sponsors) shall be delivered to the Honorary Secretary setting out the matter or matters of importance or urgency to be discussed at the EGM. The Executive Committee shall convene an EGM within 4 weeks of the members' request.

8.3 The members' written request shall contain the name, address, telephone number and signature of all the members wishing to call the EGM.

8.4 No business shall be transacted at an EGM other than that of which notice is given when calling the EGM.

9 SPECIAL GENERAL MEETINGS

An SGM may be called by the Executive Committee on at least four clear days' written notice to the members when it

considers that a matter or matters of great importance and urgency must be discussed and resolved upon by the members, and when such matter or matters cannot await the usual time required for the convening of an EGM and the notice for the SGM shall contain an explanation as to why such matter or matters cannot await the usual time required for the convening of an EGM. No business shall be transacted at an SGM other than that of which notice has been given.

10 Elections

10.1 The Honorary Secretary shall call an Election for the sole purpose of electing new members of the Executive Committee. An Election shall be held on a Sunday and shall commence at 10:30 and conclude at 19:30, at least two weeks before the AGM. An Election shall be called with at least 21 clear days' written notice.

10.2 Term

10.2.1 Members of the Executive Committee shall be elected for a term of two years from the date of the AGM immediately following his or her election, with the possibility to be elected for two consecutive terms in total. This means that an ordinary member of the Executive Committee or an office bearer can serve in that specific capacity for a maximum of four years consecutively.

10.2.2 In the event that a new Executive Committee is not elected then the incumbent Executive Committee shall continue for another year in accordance with this Constitution until elections can be held before the next AGM.

10.2.3 In this clause 'year' means the period between one AGM and the next.

10.3 Each eligible member of the Jamaat shall have one vote at the Election.

10.4 The Electoral Commission shall be responsible for arranging and conducting the elections in accordance with this Constitution and all its Rules and electoral processes. The Honorary Secretary shall provide all necessary assistance and resources as requested by the Electoral Commission.

11 THE EXECUTIVE COMMITTEE

11.1 The members of the Executive Committee as charity trustees shall be responsible for the administration of the Jamaat's affairs, property and funds.

11.2 The full number of the Executive Committee shall be at least six (from whom there shall be a President, an Honorary Secretary and an Honorary Treasurer) and not more than fourteen individuals, all of whom must have been members for at least two years. At least three of the Executive Committee must be women and at least three of the Executive Committee must be men. All of the Executive Committee shall be elected by the members at an Election, save for the Executive Committee member responsible for co-ordinating the Ladies Committee (the "Chairlady") and two other female Executive Committee members who shall be elected only by the female members at that Election.

11.3 The Executive Committee shall consist of:

- 11.3.1 the President;
- 11.3.2 the Vice-President;
- 11.3.3 the Honorary Secretary;
- 11.3.4 the Assistant Secretary;
- 11.3.5 the Honorary Treasurer;
- 11.3.6 the Assistant Treasurer;
- 11.3.7 the Chairlady; and
- 11.3.8 seven Committee Members,

and all of the Executive Committee shall be elected by the members at an Election save for the Chairlady and two other

female Executive Committee members who shall be elected only by the female members at that Election.

- 11.4 Following the election of the new Executive Committee, the incumbent Executive Committee shall liaise with the incoming Executive Committee to achieve an orderly handover. For the avoidance of doubt, individuals elected at Elections shall not become charity trustees of the Jamaat until the conclusion of the AGM immediately following the Election.
- 11.5 The Executive Committee may at any time co-opt an eligible member of the Jamaat as a member of the Executive Committee to fill a vacancy in their number (save in relation to the office of President) or (subject to the maximum number permitted by clause 11.2) as an additional member of the Executive Committee, but an individual so co-opted holds office only until the next Election.
- 11.6 An individual automatically ceases to be a member of the Executive Committee if:
- 11.6.1 he or she is disqualified under the Charities Act from acting as a charity trustee;
 - 11.6.2 a registered medical practitioner who is treating that person gives a written medical opinion to the Jamaat stating that he or she has become physically or mentally incapable of acting as a charity trustee and may remain so for three months;
 - 11.6.3 he or she is absent without notice from two consecutive meetings or absent with or without notice from six consecutive meetings of the Executive Committee;
 - 11.6.4 he or she ceases to be a member of the Jamaat;
or
 - 11.6.5 he or she resigns by written notice to the Executive Committee (but only if at least six

members of the Executive Committee will remain in office).

11.7 In the event that the President and three other members of the Executive Committee resign within seven days of one another, the entire Executive Committee shall be automatically dissolved, and an Election shall be called within one month of the resignations for the election of a new Executive Committee, who will assume office at the point the result is declared. Notwithstanding the foregoing, until a new Executive Committee is elected, the remaining members of the Executive Committee shall carry on the necessary management of the Jamaat.

11.8 A technical defect in the appointment of a member of the Executive Committee of which the Executive Committee is unaware at the time shall not invalidate decisions taken at a meeting.

12 PROCEEDINGS OF THE EXECUTIVE COMMITTEE

12.1 The Executive Committee must hold at least ten meetings each year and each meeting shall be called on at least ten clear days' notice. The notice shall include the agenda for that meeting as well as the minutes, action points and outcomes of the immediately preceding meeting and/or special meeting of the Executive Committee.

12.2 In addition to the ten meetings referred to in clause 12.1 above, upon a request by at least five members of the Executive Committee the Honorary Secretary shall call a special meeting within 7 clear days of the receipt of such a request. The request shall contain an explanation as to why the matters to be discussed cannot await the next meeting of the Executive Committee. No business shall be transacted at a special meeting other than that contained in the request.

12.3 A quorum at a meeting of the Executive Committee shall be six, of whom at least two shall be office bearers.

- 12.4 The President (or if the President is unable to do so, the Vice-President, or if the Vice-President is unable to do so any other member of the Executive Committee chosen by members of the Executive Committee who are present at the meeting) shall preside at the meeting of the Executive Committee.
- 12.5 Every issue may be determined by a simple majority of the votes cast at a meeting of the Executive Committee.
- 12.6 Except for the person chairing the meeting, who has a second or casting vote if there is a deadlock, every member of the Executive Committee shall have one vote on each issue.
- 12.7 The Honorary Secretary shall arrange for a summary of the matters discussed at meetings of the Executive Committee and their outcomes to be posted on the notice board of the Jamaat within two weeks of the date of each meeting.
- 12.8 The Honorary Treasurer shall arrange for a summary of the quarterly management accounts of the Jamaat to be made available to a member for inspection and posted on the notice board of the Jamaat within two weeks of the date of the Executive Committee meeting at which they were discussed.
- 12.9 The Honorary Treasurer shall ensure that a copy of the audited accounts is sent to each member of the Jamaat at least 21 days before the AGM.
- 12.10A procedural defect of which the Executive Committee is unaware at the time shall not invalidate decisions taken at a meeting of the Executive Committee.

13 DECISION MAKING OF THE EXECUTIVE COMMITTEE

The Executive Committee shall have the following powers in the administration of the Jamaat:

- 13.1 to delegate any of their functions to sub-committees consisting of two or more individuals appointed by them (but at least one member of every sub-committee must be a member of the Executive Committee and he or she shall perform the role of chair and/or co-ordinator of the sub-committee). The President and the Honorary Secretary shall be ex officio members of every sub-committee of the Executive Committee. All proceedings of sub-committees must be recorded and reported promptly by the co-ordinator to the Executive Committee and all expenditure by a sub-committee shall require the prior approval of the Executive Committee.
- 13.2 to invite individuals or representatives of organisations to attend meetings of the Executive Committee. For the avoidance of doubt, such individuals or representatives shall not be members of the Executive Committee, they shall not count towards the quorum for a meeting, they shall not have any power to vote on a matter and they shall leave the meeting if requested by the chairperson.
- 13.3 to make regulations consistent with this Constitution to govern the proceedings of the Executive Committee and proceedings of the sub-committees.
- 13.4 to make regulations consistent with this Constitution to govern the administration of the Jamaat including the operation of bank accounts and the commitment of funds.
- 13.5 to establish procedures to assist the resolution of disputes (i) between sub-committees and (ii) between any member of the Jamaat and any sub-committee or the Executive Committee.
- 13.6 to establish procedures for the nomination, training and integration of members of the Executive Committee as well as those who are interested in becoming members of the Executive Committee.

14 BENEFITS TO MEMBERS OF THE EXECUTIVE COMMITTEE

- 14.1 The property, funds and other assets of the Jamaat must be used only for promoting the Objects and shall belong to the Jamaat and not to its members or the Executive Committee.
- 14.2 No member of the Executive Committee or connected person may receive any payment of money or other material benefit (whether direct or indirect) from the Jamaat except:
- 14.2.1 under clause 14.3 (contractual payments);
 - 14.2.2 reimbursement of legitimate and reasonable expenses of the member of the Executive Committee actually incurred in the administration of the Jamaat (not exceeding a total of £2,000 per year per member of the Executive Committee where it relates to personal requirements);
 - 14.2.3 the benefit of indemnity insurance; and
 - 14.2.4 The Council of European Jamaats and The World Federation of KSIMC.
- 14.3 A connected person of a member of the Executive Committee may be an employee of the Jamaat and a connected person of a member of the Executive Committee may enter into a contract with the Jamaat to supply goods or services in return for a payment or other material benefit, but only if:
- 14.3.1 the goods or services are actually required by the Jamaat;
 - 14.3.2 the goods or services are procured on an open tender basis; and
 - 14.3.3 the nature and level of the benefit is legitimate, reasonable and at no more than market value in relation to the value of the goods or services and is set at a meeting of the Executive Committee in accordance with the procedure in sub-clause 14.5.
- 14.4 A member of the Executive Committee may receive goods, services or benefits provided by the Jamaat on the same terms as ordinarily provided to a member of the Jamaat.

14.5 Whenever a member of the Executive Committee or connected person has a personal interest in any matter to be discussed at a meeting of the Executive Committee or a sub-committee, the individual concerned must:

14.5.1 declare the nature and extent of the interest before the meeting or (where not possible) at the meeting before discussion begins on the matter, such interest to be noted and minuted at the relevant meeting;

14.5.2 be absent from that part of the meeting;

14.5.3 not be counted in the quorum for that part of the meeting; and

14.5.4 be absent during the vote and have no vote on the matter.

15 PROPERTY AND FUNDS

15.1 Funds that are not required for immediate use must be deposited with a reputable financial institution authorised by the UK regulator, as directed from time to time by the Executive Committee.

15.2 The Executive Committee should consider investing funds, that are not required to be used in the next 12 months, until needed, subject to any other provisions of this Constitution.

15.3 Investments and other property of the Jamaat (including but not limited to all the freehold and leasehold land and premises) shall, to the extent possible, be held in the name of the Jamaat.

15.4 Investments and other property of the Jamaat (including but not limited to all the freehold and leasehold land and premises) that cannot be held in the name of Jamaat, shall to the extent possible be held in the names of either:

(i) two nominee companies acting under the control of the Executive Committee; or

(ii) one or more trust corporations as holding trustees for the Jamaat, which must be appointed (and may be removed) by deed executed by the Executive Committee, and in each case each office bearer of the Executive Committee shall be a director of each nominee company or trust corporation respectively and no other person may be a director of any of them.

15.5 Investments and other property of the Jamaat (including but not limited to all the freehold and leasehold land and premises) that cannot be held in the name of the Jamaat or in accordance with the provisions of clause 15.4 above shall be held in the names of the President, the Vice-President, the Honorary Treasurer and the Honorary Secretary, who shall together act as *ex officio* holding trustees for the Jamaat.

15.6 In the case of land, such investments and other property of the Jamaat (including but not limited to all the freehold and leasehold land and premises) that cannot be held in the name of the Jamaat or in accordance with the provisions of clauses 15.4 and 15.5 above shall be held in the name of the Official Custodian for Charities under an order of the Commission or the Court.

15.7 Any proposal by the Executive Committee to dispose of any real property shall require the prior approval of the members passed by a two thirds' majority of the members present in person at a general meeting or an AGM.

Notwithstanding clause 15 of the Constitution, where necessary to facilitate the Hujjat Housing Scheme, Jamaat funds may be held in the name of one or more nominated individuals (for the benefit of the Jamaat) as selected by the Executive Committee.

16 RECORDS AND ACCOUNTS

16.1 The Executive Committee must comply with the requirements of the Charities Act in respect of the keeping of financial records or the audit of accounts, and the preparation and transmission to the Commission of:

16.1.1 annual returns;

16.1.2 annual reports; and

- 16.1.3 annual statements of account.
- 16.2 The Executive Committee must keep proper records of:
 - 16.2.1 all proceedings at general meetings;
 - 16.2.2 all proceedings at meetings of the Executive Committee;
 - 16.2.3 all reports of sub-committees;
 - 16.2.4 all professional advice obtained;
 - 16.2.5 all other items required in order to comply with the provisions of clause 12 of this Constitution; and
 - 16.2.6 all loans or grants (whether religious or otherwise).
- 16.3 Accounting records relating to the Jamaat must be made available, for inspection by any member of the Executive Committee, at any time during normal office hours. Notwithstanding the generality of the foregoing, a member shall have a right to raise enquires on the summary of quarterly unaudited management accounts made available pursuant to clause 12.8 and the Honorary Treasurer shall respond to the enquiry within a reasonable period of time.
- 16.4 For the avoidance of doubt, no member (other than (i) the current Executive Committee, and (ii) for the period during which he or she was an Executive Committee Member, the past Executive Committee Members) shall have a right of access to the minutes of the Executive Committee's deliberations.

17 NOTICES

- 17.1 Notices under this Constitution may be sent by hand, by post or by email or posted on the Jamaat's website.
- 17.2 The address at which a member is entitled to receive notices shall be the address noted in the register of members (or, if none, the last known address). The email address to which a member is entitled to receive notices shall be the email address noted in the register of members (or, if none, the last known email address).
- 17.3 Any notice given in accordance with this Constitution shall be treated for all purposes as having been received:

- 17.3.1 24 hours after being sent by email or delivered by hand to the relevant address;
 - 17.3.2 three clear days after being sent by first-class post to that address;
 - 17.3.3 four clear days after being sent by second-class post or overseas post to that address;
 - 17.3.4 24 hours after the date on which it is posted on the Jamaat's website provided a link to it is also sent by email to the members;
 - 17.3.5 on being handed to the member personally; or, if earlier,
 - 17.3.6 as soon as the member acknowledges actual receipt.
- 17.4 A technical defect in the giving of notice of which the members or the Executive Committee are unaware at the time does not invalidate decisions taken at a meeting.

18 AMENDMENTS

This Constitution, as well as all Rules may be amended at a general meeting by two thirds of the votes cast, subject to the following:

- 18.1 If a member (as opposed to the Executive Committee, to which clause 18.2 applies) proposes to amend the Constitution, that member shall give notice of the proposal in writing to the Honorary Secretary, setting out the changes proposed and the reasons for those changes. The notice in writing must be received by the Honorary Secretary at least six weeks before the general meeting at which the resolution to amend the Constitution shall be considered.
- 18.2 If the Executive Committee proposes to amend the Constitution, notice of the proposal shall be given in writing to the members in accordance with clause 18.3, setting out the changes proposed and the reasons for those changes.
- 18.3 Members must be given at least 21 clear days' notice of any proposed amendments to the Constitution.

18.4 No amendment shall be valid if it would make a change to the Objects or to this clause or destroy the charitable status of the Jamaat, in each case without the prior written consent of the Commission.

18.5 Clauses 4.3 and 19 may not be amended without the prior written consent of the Commission.

18.6 If a proposed amendment fails to obtain the requisite number of votes the same or a similar proposal shall not be introduced until after the expiration of 3 months from the date of last such voting.

18.7 No amendment may be made to clause 1 of this Constitution unless approved by 75% of all eligible members.

19 DISSOLUTION

The Jamaat shall not be dissolved except by a resolution passed at an EGM by a unanimous vote of the members present. The quorum for an EGM to consider the dissolution of the Jamaat shall be 75% of eligible members. If the members decide to dissolve the Jamaat, the Executive Committee shall remain in office as charity trustees and shall be responsible for the orderly winding up of the Jamaat's affairs.

20 DEFINITIONS AND INTERPRETATION

20.1 In this Constitution:

'AGM' means an annual general meeting of the Jamaat;

'charity trustee' has the meaning prescribed by the Charities Act;

'the Charities Act' means the Charities Acts 1992 to 2011;

'clear day' does not include the day on which notice is given or the day of the meeting or event;

'the Commission' means the Charity Commission for England and Wales or any body that replaces it;

‘connected person’ means any spouse, civil partner, cohabitee, parent, child, brother, sister, grandparent or grandchild of a member of the Executive Committee, any charity (other than The Council of European Jamaats and The World Federation of KSIMC), company or firm of which a member of the Executive Committee is (a) a trustee, (b) a director (or equivalent), (c) an employee or (d) a member or shareholder (or equivalent) being beneficially entitled to more than one per cent of the share capital (or equivalent);

‘EGM’ means a general meeting of the members of the Jamaat called in accordance with clause 8 which is not an AGM or an SGM;

‘Election’ shall have the meaning given to it in the Rules;

‘Electoral Commission’ shall have the meaning given to it in the Rules;

‘financial year’ means the Jamaat’s financial year;

‘firm’ includes a limited liability partnership;

‘holding trustee’ means an individual or corporate body responsible for holding the title to property but not authorised to make any decisions relating to its use, investment or disposal;

‘Imambara Building’ means the Husaini Islamic Centre, Wood Lane, Stanmore, Middlesex HA7 4LQ, United Kingdom.

‘indemnity insurance’ means insurance against personal liability incurred by any member of the Executive Committee for an act or omission which is or is alleged to be a breach of trust or breach of duty, unless the member of the Executive Committee concerned knew that, or was reckless whether, the act or omission was a breach of trust or breach of duty;

‘the Jamaat’ means the charity comprised in this Constitution;

‘material benefit’ means a benefit which may not necessarily be financial but has a monetary value;

‘member’ and **‘membership’** refer to membership of the Jamaat;

‘months’ means calendar months according to the Gregorian calendar;

‘the Objects’ means the charitable objects of the Jamaat set out in clause 3;

‘office bearers’ means the office of the President, Vice-President, Honorary Secretary, Assistant Secretary, Honorary Treasurer and Assistant Treasurer and **‘office bearer’** means any one of them;

‘open tender basis’ shall have the meaning given to it in the Rules;

‘the Rules’ means the Jamaat’s rules governing the proceedings of the Executive Committee and the proceedings of other committees or sub-committees or other matters relating to the governance of the Jamaat, which are an integral part of, carry the same weight as, and are appended to, this Constitution.

‘SGM’ means a general meeting of the members of the Jamaat called in accordance with clause 9 and which is not an AGM or an EGM;

‘trust corporation’ has the meaning prescribed by section 205(1)(cxxviii) of the Law of Property Act 1925 (but does not include the Public Trustee);

‘written’ or **‘in writing’** refers to a legible document on paper including a fax message or email; and

‘year’ means Gregorian calendar year.

20.2 References to an Act of Parliament are references to the Act as amended or re-enacted from time to time and to any subordinate legislation made thereunder.

ADOPTED AT THE EGM MEETING HELD AT THE HUJJAT ISLAMIC CENTRE WHICH CONCLUDED ON 26th MARCH 2017

SIGNED

Name: Mustafa Mohamed Jaffer

PRESIDENT

WITNESS

SIGNED

Name
Address

Occupation

**THE KHOJA SHIA ITHNA-ASHERI
MUSLIM COMMUNITY OF LONDON (THE “JAMAAT”)
RULES**

1 PRELIMINARY STATEMENT

- 1.1 These Rules have been prepared to combine in a single document the Jamaat’s rules governing the proceedings of the Executive Committee and proceedings of sub-committees and other matters relating to the governance of the Jamaat.
- 1.2 The Rules shall be amended in accordance with clause 18 of the Constitution.

2 EXECUTIVE COMMITTEE – MEMBERSHIP

2.1 Eligibility to serve as a member of the Executive Committee

2.1.1 A member shall not be eligible for nomination to the Executive Committee if:

2.1.1.1 the member has been convicted of a criminal offence (other than a 'summary only' road traffic offence);

2.1.1.2 is currently declared bankrupt (or is subject to bankruptcy restrictions or an interim order) or has an individual voluntary arrangement with creditors;

2.1.1.3 is disqualified from being a company director;

2.1.1.4 has previously been removed as a trustee by either the Charity Commission or the High Court due to misconduct or mismanagement; and/or

2.1.1.5 the member has not been a member of the Jamaat for at least two years immediately

preceding his or her nomination (in the case of male members effective immediately and in the case of female members with effect from the date falling two years after these Rules are first effective).

- 2.1.2 A prospective candidate for membership of the Executive Committee shall be required to sign on his or her nomination papers a declaration of willingness to serve as a charity trustee of the Jamaat (see Appendix) and a confirmation that he or she is eligible to be a member of the Executive Committee as set out in these Rules.

2.2 Executive Committee Code of Conduct

Members of the Executive Committee shall:

- 2.2.1 act in the best interests of the Jamaat and fulfil their respective responsibilities as defined in Rule 3;
- 2.2.2 ensure that their decisions have no private or personal financial interest and they never use their position as members of the Executive Committee for personal financial gain of any sort;
- 2.2.3 disclose precisely and in accordance with the terms of the Constitution, any direct or indirect financial interest (relating, for example, to their employment and/or other charitable, voluntary, public and commercial activities) which could influence their judgment or give the impression that the member of the Executive Committee concerned was acting for personal financial motives;
- 2.2.4 keep all personal and other sensitive or confidential information relating to the Executive Committee or the Jamaat confidential and never disclose the same to any person or organisation other than the Executive Committee, save to the extent required by law, otherwise permitted by the Constitution or the Rules, or provided all necessary and other appropriate consents have been obtained; and

2.2.5 respond within 28 days of receipt of all communications relating to a matter concerning the Jamaat and sent by a member of the Jamaat to that specific member of the Executive Committee.

2.3 Resignation, disqualification and removal

2.3.1 A member of the Executive Committee may resign or be disqualified at any time. Should a resignation occur mid-term, the resignation shall be recorded in writing in the minutes of the next meeting of the Executive Committee.

2.3.2 The Constitution sets out the cases in which a member of the Executive Committee shall cease to hold office.

2.4 Co-options

The Executive Committee may co-opt new members at any time (save for the office of President) but must ensure the maximum number of members of the Executive Committee permitted by the Constitution is not exceeded. Any co-opted members shall hold their position only until the next Election and they may stand for election at the next Election if they wish. Time spent as a co-opted member shall not count towards the limits on terms of service as a member of the Executive Committee.

3 EXECUTIVE COMMITTEE – RESPONSIBILITIES

3.1 Role of the President

The President shall ensure that the Executive Committee functions as a unit and shall work closely with the Executive Committee and staff of the Jamaat to ensure the charity is pursuing its vision and mission and achieving agreed objectives. The responsibilities of the President shall be to:

3.1.1 preside over all Executive Committee and sub-committee meetings (when present at such meetings). The President shall have a second or casting vote if there is a deadlock in addition to a deliberative vote at all meetings;

3.1.2 direct the Honorary Secretary to convene Executive Committee meetings;

- 3.1.3 together with the Honorary Secretary, represent the Jamaat in all legal matters and proceedings;
- 3.1.4 ensure that members of the Executive Committee fulfil their duties and responsibilities;
- 3.1.5 ensure that the Executive Committee operates within its charitable objectives, the Constitution and the Rules;
- 3.1.6 ensure that the Executive Committee regularly reviews risks and opportunities consistent with the Constitution and the Rules;
- 3.1.7 ensure that the Executive Committee fulfils its duties to ensure sound financial health of the Jamaat, with systems and controls in place to ensure financial accountability;
- 3.1.8 chair meetings of the Executive Committee ensuring collective ownership of decisions and that they are taken in the best interests of the Jamaat;
- 3.1.9 act as an ambassador for the Jamaat and represent the charity at external functions, meetings and events;
- 3.1.10 ensure that the Jamaat receives professional advice when it is needed; and
- 3.1.11 ensure there is a nominated lead from the Executive Committee for safeguarding and child protection.

3.2 Role of the Vice-President

3.2.1 The role of the Vice-President shall be to:

- (a) assist the President at all times to fulfil his or her responsibilities; and
- (b) in the absence of the President, exercise the powers, duties and rights of the President.

- 3.2.2 In the event of the resignation, disqualification or death of the President, the Vice-President shall assume the office of the President and shall direct the Executive Committee to convene an Election within six weeks of the resignation, disqualification or death of the President for the purpose of the election of a new President.

3.3 Role of the Honorary Treasurer

The role of the Honorary Treasurer shall be to maintain an overview of the Jamaat's financial affairs, in particular its financial viability and to ensure that effective financial measures, controls, records and procedures are maintained. The responsibilities of the role shall be to:

- 3.3.1 be accountable for all financial transactions of the Jamaat, and to maintain records thereof, and present a report to the Executive Committee at every meeting with a written report in every calendar quarter;
- 3.3.2 be accountable for all the funds collected by or on behalf of the Jamaat and to deposit monies with the Jamaat's bankers;
- 3.3.3 keep account of all receipts and payments, assets and liabilities and maintain proper accounting records and furnish them to the Executive Committee and the auditors as and when necessary;
- 3.3.4 keep the Executive Committee informed about its financial duties and responsibilities;
- 3.3.5 be accountable for the production, presentation and approval of budgets, accounts and financial statements by the Executive Committee on a timely basis;
- 3.3.6 prepare and present written financial reports to the Executive Committee every calendar quarter;
- 3.3.7 ensure that the financial resources of the Jamaat meet its requirements;

- 3.3.8 ensure that the Executive Committee formulates an appropriate reserves policy;
- 3.3.9 ensure that the Jamaat complies with all laws and regulations applicable to its finances;
- 3.3.10 ensure that appropriate accounting policies, procedures and controls are in place;
- 3.3.11 ensure that the Jamaat has an appropriate investment policy, monitoring the Jamaat's investment activity and ensuring its consistency with the charity's objects, policies and legal and regulatory responsibilities;
- 3.3.12 ensure that assets are adequately maintained and insured;
- 3.3.13 ensure that the accounts are prepared and disclosed in the form required by all applicable laws and regulations;
- 3.3.14 ensure that the accounts are audited and that any recommendations made by the auditors are implemented;
- 3.3.15 ensure that a copy of the audited accounts is sent to each member of the Jamaat at least 21 days before the AGM and make a formal presentation of the accounts at the AGM, drawing attention to important points in a coherent and easily understandable way and reply to questions from members received in advance of the AGM, either at the AGM or in writing prior to the AGM; and
- 3.3.16 formulate a fundraising strategy of the Jamaat for approval by the Executive Committee.

3.4 Assistant Treasurer

In the absence of the Honorary Treasurer, the powers, duties and rights of the Honorary Treasurer shall vest in the Assistant

Treasurer. On all other occasions he or she shall assist the Honorary Treasurer as and when required and directed by the Honorary Treasurer.

3.5 Honorary Secretary

The Honorary Secretary shall perform the following functions (all or any of which may be delegated to the Assistant Secretary):

- 3.5.1 ensure that all records and correspondence related to the affairs of the Jamaat, whether addressed to the Jamaat or individual members in their official capacity, shall be kept unamended with the Jamaat;
- 3.5.2 deal with all correspondence in accordance with the direction of the President;
- 3.5.3 keep a written record of the minutes of all general meetings and Executive Committee and sub-committee meetings;
- 3.5.4 convene all meetings as stipulated in this Constitution or as directed by the President;
- 3.5.5 prepare the written annual report on the Jamaat's activities since the previous AGM, and after its approval by the Executive Committee include the written report in the notice of the AGM and present the same to the Jamaat at its AGM;
- 3.5.6 maintain and update regularly the register of members (which shall include email addresses and/or other electronic addresses);
- 3.5.7 maintain a policy as directed by the Executive Committee to provide contact details of members on request by another member, subject to the Jamaat's compliance with all laws and having obtained all required consents;

- 3.5.8 make arrangements for ensuring weddings are officiated and Nikah certificates and (where relevant) marriage certificates are issued;
- 3.5.9 be responsible for making announcements concerning all religious and social functions and furnish information on matters relating to the Jamaat, as directed by the President;
- 3.5.10 be responsible for the orderly functioning of the Jamaat office;
- 3.5.11 co-ordinate the activities of all sub-committees;
- 3.5.12 together with the President, represent the Jamaat in all matters, including for the avoidance of doubt, legal matters; and
- 3.5.13 maintain a policy so that the President and Executive Committee are promptly notified of any incident which is deemed to be of material significance or would be likely to give rise to substantial adverse publicity to the Jamaat.

3.6 Assistant Secretary

In the absence of the Honorary Secretary, the powers, duties and rights of the Honorary Secretary shall vest in the Assistant Secretary. On all other occasions he or she shall assist the Honorary Secretary as and when required and directed by the Honorary Secretary.

3.7 Executive Committee decision making

The Executive Committee shall be the only body that can make decisions. Recommendations may be made from sub-committees or individual members of the Executive Committee.

4 SUB-COMMITTEES

4.1 Sub-committees of the Executive Committee shall be established to carry out the functions delegated to them by the Executive Committee according to their Terms of Reference.

4.2 Terms of Reference

4.2.1 The purpose of each sub-committee shall be determined by the Executive Committee. Each sub-committee shall also develop its Terms of Reference, setting out its areas of responsibility and limits on authority, membership and process. These shall be approved by the Executive Committee.

4.2.2 The powers of sub-committees may only extend as far as set out in their Terms of Reference. Recommendations and proposals from sub-committees or individual members may be referred to the Executive Committee for decision.

4.3 Meetings

Each sub-committee shall meet as is appropriate but no fewer than four times a year.

4.4 Reporting

Reports/minutes from each sub-committee meeting shall be prepared by the co-ordinator of the sub-committee and must be submitted to the Honorary Secretary who shall make the same available to members of the Executive Committee.

5 FINANCE

5.1 Annual budget agreement

The Honorary Treasurer shall prepare a budget for administration for the coming financial year for endorsement by the Executive Committee and subsequently for approval by the members at the Jamaat's AGM.

5.2 Audited accounts

Audited accounts shall be sent to the members at least 21 days before an AGM and presented by the Honorary Treasurer to the members for approval at the AGM, together with a summary of receipts and payments including:

5.2.1 the following restricted funds:

- (a) Qarz-e-Hasana;
- (b) Khums;
- (c) Radd-e-Mazalim;
- (d) Sadka;
- (e) Relief; and
- (f) Welfare; and

5.2.2 the following unrestricted funds:

- (a) Imam-e-Zamin; and
- (b) Alam-Lash.

5.3 Any category of expenditure in excess of £5,000 within each restricted fund must be disclosed (whilst maintaining the confidentiality of any individuals involved).

5.4 Financial policies and procedures

A set of financial protocols shall be prepared including policy and procedures relating to receipt of income and authorisation of expenditure including payment of invoices.

5.5 Funds raised under the auspices of the Jamaat

No appeal for donations in the Imambara Building shall be made without the prior written consent of the Executive Committee.

If the Executive Committee agrees to the relevant fundraising to take place, the Jamaat shall comply with its obligations entered into with direct and indirect members of The World Federation of Khoja Shia Ithna-Asheri Muslim Communities relating to authorising the raising of funds and the transfer of funds which have been raised. The Executive Committee shall ensure that anyone authorised to raise funds under the auspices of the Jamaat shall publicise that he

or she has been given the authority to do so during the fundraising itself.

5.6 Indemnity insurance

The Honorary Secretary shall ensure indemnity insurance (as defined in the Constitution) is obtained.

5.7 Open tender basis

For the purposes of clauses 14 and 20 of the Constitution “open tender basis” shall mean having gone through a bidding process that is open to all qualified bidders and where the sealed bids are opened in public for scrutiny and the winning bid is chosen on the basis of price, quality and value for money.

6 SUBSCRIPTIONS

6.1 The Jamaat shall have five classes of membership: single, family, senior, student and life membership.

6.2 Memberships

6.2.1 Single membership shall be available to individuals who are unmarried and aged 18 or over. Individuals with single membership shall have one vote in Elections and general meetings.

6.2.2 Family membership shall be available to married couples and shall include their children under the age of 18. Both spouses included in family membership shall have one vote each in Elections and general meetings.

6.2.3 Senior single membership shall be available to individuals aged 65 or over, or widows or widowers previously holding Senior Family Membership, who are unmarried. Individuals with senior membership shall have one vote in Elections and general meetings.

6.2.4 Senior family membership shall be available to married couples where one spouse is aged 65 or over, and shall include their children under the age of 18. Both spouses included in any family membership shall be considered as members of the Jamaat.

- 6.2.5 Student membership shall be available to individuals who are able to demonstrate that they are engaged in full-time further education. Individuals with student membership shall have one vote in Elections and general meetings.
 - 6.2.6 With effect from the date of adoption of this Rule, life membership for new members shall cease to be available. Individuals with life membership shall have one vote in Elections and general meetings. Current spouses of existing life members shall also have one vote each in Elections and general meetings as long as they remain married to a life member or they are the widow or widower of a deceased life member.
- 6.3 The members shall set the amount of the subscription for each class of membership at each AGM. The Executive Committee shall recommend the level of subscriptions to the members.
- 6.4 The Executive Committee shall recommend that the subscription for:
- 6.4.1 family membership is set at no more than 1.8 times the value of single membership;
 - 6.4.2 student membership is set at no more than 10% of the value of single membership; and
 - 6.4.3 senior membership is set at no more than 10% of the value of single membership.
- 6.5 Family, single, senior and student members shall be required to pay their subscriptions in respect of each year commencing on 1st January annually in advance.
- 6.6 The Jamaat has historically operated an informal class of membership, known as “family membership”. Family membership is held by a husband and wife, who share one vote. With effect from the date of the adoption of this Rule, such family membership shall automatically convert such that each spouse shall each have one vote. As above, the informal class of family membership shall continue to exist as a formal class of membership entitling a husband and wife to separate membership each and entitlement to vote at Elections and general meetings.
- 6.7 Wives of life members have historically been entitled to vote for the Chairlady. As above, with effect from the date of the adoption of this

Rule, current spouses of existing life members shall have one vote in Elections and general meetings for as long as they remain married to a life member or they are the widow of a deceased life member and during this period shall be considered members of the Jamaat.

- 6.8 Notwithstanding clause 18 of the Constitution, no amendment may be made to the membership criteria set out in clause 5.1 of the Constitution without approval at a general meeting of three quarters of all eligible members.

7 ELECTIONS AND ELECTORAL PROCESSES

Procedure for nominating candidates

- 7.1 A new Executive Committee shall be elected by the members every two years at an Election. As set out in clause 10.1 of the Constitution, Elections shall be held at least two weeks before the date of an AGM.
- 7.2 In advance of an Election to elect a new Executive Committee, a nomination paper must be completed by each candidate and returned to the Electoral Commission at least 14 clear days before the date of the relevant Election.
- 7.3 Nomination papers must include the following information:
- 7.3.1 the name of the proposer and at least one seconder of the candidate by members of the Jamaat, save for the role of President which shall require at least five seconders;
 - 7.3.2 name, address, date of birth, gender and membership number of the candidate;
 - 7.3.3 identification of which position he or she is to stand for:
 - (a) the President;
 - (b) the Vice-President;
 - (c) the Honorary Secretary;
 - (d) the Assistant Secretary;
 - (e) the Honorary Treasurer;
 - (f) the Assistant Treasurer;
 - (g) Committee Member responsible for co-ordinating the Ladies' Committee (Chair lady) (restricted to a female member); or

- (h) one of the seven other Committee Members;
 - 7.3.4 if the candidate is female and is standing for one of the Committee Members referred to in Rule 7.3.3(f) above, identification of whether she is standing for one of the two other female members of the Executive Committee who shall be elected only by female members;
 - 7.3.5 confirmation by the candidate that he or she is willing and able to act as a general Committee Member or an officer bearer (as appropriate) and as a charity trustee of the Jamaat, if elected;
 - 7.3.6 a statement of no more than 250 words by the candidate, setting out his or her skills and qualifications and what contribution he or she can make to the Jamaat (the “CV”); and
 - 7.3.7 mandatory for candidates for President and optional for other candidates, a manifesto for circulation to the members.
- 7.4 On receipt of properly completed nomination papers, the Electoral Commission shall:
- 7.4.1 at least 7 clear days before the date of the Election circulate to the members the names, CVs and manifesto of all the candidates who have been nominated for election;
 - 7.4.2 declare the uncontested election result for all positions with only the requisite number of candidates; and
 - 7.4.3 if there is more than one candidate for the position of president, organise hustings, which shall allow each candidate for President the opportunity to make an introduction and equal opportunity to respond to questions, to take place at least 1 day before the Election.
- 7.5 The Jamaat’s website will have designated space for election updates, a list of candidates for all Executive Committee positions, and CVs and manifestos for all candidates, such space to be moderated by the Electoral Commission.

Electoral Commission

- 7.6 The Electoral Commission shall consist of five electoral commissioners, at least one of whom must be a woman and at least one of whom must be a man.
- 7.7 An incumbent member of the Executive Committee may not stand to be an electoral commissioner, and an incumbent electoral commissioner may not stand to be a member of the Executive Committee.
- 7.8 The electoral commissioners shall elect among their number someone to act as Chairperson.
- 7.9 Save for the first set of electoral commissioners, the five electoral commissioners shall be elected by secret ballot at the AGM immediately preceding an Election. Notice will be included by the Honorary Secretary in the notice for AGM and all interested candidates will be able to stand on the day.
- 7.10 Save for the first set of electoral commissioners, the electoral commissioners' term shall commence on the AGM at which they are elected and shall last for two years until the next such AGM which immediately precedes an Election.
- 7.11 If a vacancy arises during a term, then the remaining electoral commissioners shall vote to appoint a replacement within 14 days, subject to compliance with Rule 7.6. Each electoral commissioner shall be obliged to vote and if there is a deadlock the Chairperson shall have a second or casting vote. The remaining Electoral Commissioners shall continue the work of the commission during this period.
- If at any time there are three or more vacancies arising within 7 days of each other, then the Electoral Commission shall be deemed to have been dissolved with effect from the date of the last vacancy and a new Electoral Commission shall be elected at an SGM called immediately. If such a dissolution occurs within five days prior to the Election, then the Electoral Commission shall ensure that the elections are deferred for a period of 8 weeks to allow the new Electoral Commission to take office. If the Electoral Commission is dissolved in accordance with this clause, the Chairperson shall issue a detailed written statement to all the members of the Jamaat detailing the reasons for such a dissolution.
- This potential delay in Election result should not affect the date of the AGM and the new Executive Committee elected will take office 2 weeks after their election following a handover period with the incumbent Executive Committee.

For the purpose of clause 10.2, the term of any Executive Committee elected under the provisions of delayed elections set out in this clause will be considered to have started at the AGM preceding it.

- 7.12 The ultimate authority for the Electoral process (and not the verification of the membership database) and the result rests with the five electoral commissioners. In the event of a disagreement, they will vote on the issue amongst themselves and their ruling will prevail. Each electoral commissioner shall be obliged to vote. If there is a deadlock the Chairperson shall have a second or casting vote.
- 7.13 Members shall have the right to raise any matters relating to the Elections in writing with the Electoral Commission and the Electoral Commission shall respond in writing within 3 clear days if the question is raised between nominations opening and the Elections, 14 days otherwise. If an EGM is convened under Clause 8.2 of the Constitution for a matter(s) relating to the Electoral Commission and/or to the Elections, the Electoral Commission must be in attendance to respond to the matter(s).
- 7.14 The Electoral Commission may include volunteers from within the Jamaat who are selected by the electoral commissioners to assist with the electoral process.
- 7.15 The Electoral Commission shall request assistance and resources from the Honorary Secretary in writing.
In addition, 15 clear days before the date of the relevant Election, the Hon Secretary will provide the valid and up to date register of members kept by the Executive Committee in accordance with clause 5.3 of the constitution which is correct at 20 clear days before the relevant Election for the sole purpose of conducting Elections. This list will be the basis by which the Electoral Commission shall determine eligibility during the process of an Election.

- 7.16 The ballot boxes for the Election shall be held in the Imambara Building. All electoral commissioners must be present at the Election for the whole day, and shall be responsible for the electoral process.
- 7.17 Notwithstanding the above, the first set of electoral commissioners will be elected by secret ballot in April 2017. A notice will be sent by the Honorary Secretary and all interested candidates will be able to stand on the day. The Honorary Secretary will be responsible for conducting this particular election.

Conduct of Elections

- 7.18 Members shall be provided with ballot papers which set out the name of each candidate and the position for which he or she is nominated. Female members will have an additional ballot paper for electing the Committee Member responsible for co-ordinating the Ladies' Committee (Chairlady) and the two female members of the Executive Committee who shall be elected only by female members.
- 7.19 Each member shall be entitled to one vote for each position, save that only female members shall be entitled to vote for the Committee Member responsible for co-ordinating the Ladies' Committee (Chairlady) and the two female members of the Executive Committee who shall be elected only by female members.
- 7.20 The Election shall be by secret ballot and the ballot shall be open between 10:30 and 19:30 on the day of the Election.
- 7.21 For each candidate position, the candidate receiving the most votes shall be elected to the Executive Committee. If no single candidate received the most votes, the election for that position will be rerun. For the positions on the Executive Committee which are the Chairlady or the two other female members of the Executive Committee who shall be elected only by female members, the female candidates receiving the most votes shall be elected. For the positions on the Executive Committee which are not office bearers, Chairlady or the two other female members of the Executive Committee who shall be elected only by female members, the first five candidates with the highest votes will be

elected to the Executive Committee, subject to the minimum number of women and minimum number of men set out in clause 11.2 of the Constitution.

7.22 The Electoral Commission shall immediately after the Election count in secret the number of votes cast for each candidate. At the conclusion of the count, the chairperson of the Electoral Commission shall declare the results in a written form, a copy of which shall be displayed on the Jamaat website, and another shall be sent to the Hon Secretary. In the same document, the Electoral Commission shall declare in writing that to the best of its knowledge, the electoral process has been free and fair.

If the Electoral Commission declares that the electoral process has not been free and fair, they shall declare the Elections null and void and the Hon Secretary shall call for fresh elections within 8 weeks of the date thereof. The Electoral Commission shall issue a detailed written report describing the matters that have rendered the electoral process not to be free and fair, and shall provide a copy to the Hon Secretary for distribution to members.

7.23 Unless an Election is called pursuant to clause 11.7 of the Constitution, or by the mechanism laid out in Rule 7.11, the new Executive Committee shall take up their posts at the end of the AGM immediately following the Election at which they were elected, and the newly elected Executive Committee shall liaise with the existing Executive Committee in order to achieve an orderly transfer of the control and management of the Jamaat.

7.24 In the event that an Election called pursuant to clause 11.7 of the Constitution does not yield a result or in the event that no President is elected (save as a result of a tie as described in Rule 7.20), a further Election will be held within one month of the previous Election. If this Election does not yield a result, further Elections will be held in the same way until a result is achieved.

APPENDIX

**DECLARATION OF WILLINGNESS TO ACT
AS A CHARITY TRUSTEE OF**

**THE KHOJA SHIA ITHNA-ASHERI MUSLIM COMMUNITY OF
LONDON**

Registered Charity Number: 288356

I [] of [] declare that:

1. I am willing and able to act as a charity trustee of the above charity (the “**Jamaat**”) and consent to do so with effect from the date below.

2. I confirm that I have received a copy of the Jamaat’s current Constitution, and any associated rules from time to time in existence and I am eligible to be a member of the Executive Committee as set out in these Rules.

3. I agree to receive all notices that have to be served on me by electronic means either on the Jamaat’s website or at the following email address:

Email:

4. I agree that, if my email address should change, it is my responsibility to notify the Jamaat in writing of that change and that, until I do so, notices will be validly served on me if they are delivered to the email address I last notified the Jamaat of.

Signed

Dated 2[••••]