

# Constitution

## 1. NAME:

The name of the Association is:

**MILTON KEYNES HINDU ASSOCIATION**  
("The Charity")

## 2. ADMINISTRATION:

Subject to the matters set out below the Charity and its property shall be administered and managed in accordance with this Constitution by the members of the Executive Committee constituted by Clause 8 of this Constitution ("the Executive Committee")

## 3. OBJECTIVES:

3.1 To promote Hindu culture and Religion in Milton Keynes and its environs.

3.2 To advance Education and relieve poverty and sickness amongst the Hindu community and promote public education in Hindu culture and Religion.

3.3 To provide facilitate in the interest of social welfare for recreation and other leisure time activities of people resident in Milton Keynes with the object of improving the conditions of life for the said residents.

## 4. DEFINITIONS:

Wherever used in this Constitution the following terms shall carry the following meanings:

4.1 "THE CHARITY" - Milton Keynes Hindu Association.

4.2 "MEMBER" - A person having registered and having paid such subscription as fixed by the Charity.

4.3 "YEAR" - Calendar year i.e., 1st January to 31st December.

4.4 "EXECUTIVE COMMITTEE" - A Committee consisting of members duly and properly elected by the members of the Charity.

4.5 "HOLDING TRUSTEES" - A body consisting of members duly and properly elected by the Executive Committee to hold the legal title to the Charity's property or investments. As such they have no role in the Charity's Management.

4.6 "HANDBOOK" - Documentation comprising details of roles of Holding Trustees; Executive and co-opted members; rules and regulations governing the day to day work of the Charity

## 5. POWERS:

In furtherance of the objects but not otherwise the Executive Committee may exercise the following powers: -

- Power to raise funds and to invite and receive contributions provided that in raising funds the Executive Committee shall not undertake any substantial permanent trading activities and shall confirm to any relevant requirements of the law.
- Power to buy, take on lease or in exchange any property necessary for the achievement of the objects and to maintain and equip it for use as appropriate.

- Power subject to any consent required by law to sell lease or dispose of all or any part of the property of the Charity.
- Power subject to any consent required by law to borrow money and to charge all or any part of the property of the Charity with repayment of the money so borrowed.
- Power to employ such staff (who shall not be members of the Executive Committee) as are necessary for the proper pursuit of the objects.
- Power to co-operate with other Charities, voluntary bodies and statutory authorities operating in furtherance of the objects or of similar charitable purposes and to exchange information and advice with them.
- Power to establish or support any Charitable trusts, Associations or Institutions formed for all or any of the objects.
- Power to appoint and constitute such advisory committees as the Executive Committee may think fit.
- Power to do all such other lawful things as are necessary for the achievement of the objects.
- Power to initiate maintain and modify as appropriate a Handbook of the Charity.

## **6. MEMBERSHIP:**

6.1 Membership of the Charity shall be open to: -

6.1.1 Persons (over the age of 18 years) who are interested in furthering the work of the Charity and who have paid such annual or other subscription laid down from time to time by the Executive Committee and

6.1.2 Any body corporate or unincorporated association which is interested in furthering the Charity's work and has paid such annual or other subscription (any such body being called in this Constitution a "Member Organisation").

6.2 Every Member shall have one vote.

6.3 Each Member Organisation shall appoint an individual to represent it and to vote on its behalf at meetings of the Charity; and appoint an alternate to replace its appointed representative at any meeting of the Charity if the appointed representative is unable to attend.

6.4 Each Member Organisation shall notify the name of the representative appointed by it and of any alternate to the Secretary. If the representative or alternate resigns or otherwise leaves the Member Organisation he or she shall forthwith cease to be the representative of the Member Organisation and

6.5 The Executive Committee may by majority and for good reason terminate the membership of any individual or Member Organisation; provided that the individual concerned or the appointed representative of the Member Organisation concerned (as the case may be) shall have the right to be heard by the Executive Committee, accompanied by a representative, before a final decision is made.

6.6 The Executive Committee may at their discretion and by majority vote, reject an application for membership.

**7. HONORARY OFFICERS:**

7.1 Biennially at the Annual General Meeting of the Charity, the members shall elect from amongst themselves a President, Vice President, Secretary, Assistant Secretary, Treasurer and Assistant Treasurer who shall hold office from the conclusion of that meeting for a period of two years.

**8. EXECUTIVE COMMITTEE:**

8.1 THE Executive Committee shall consist of not less than 6 members no more than 16 members being

8.1.1 The 6 Honorary Officers specified in Clause 7 AND

8.1.2 No less than 4 and no more than 10 members elected at the Annual General Meeting (biennially) who shall hold office for a period of two years from the conclusion of that meeting.

8.2 The Executive Committee may in addition appoint not more than 5 co-opted members but so that no-one may be appointed as a co-opted member if, as a result, more than one third of the members of the Executive Committee would be co-opted members.

8.3 All the members of the Executive Committee shall retire from office together at the end of the second Annual General Meeting after the date on which they come into office but they may be re-elected or re-appointed.

8.4 The proceedings of the Executive Committee shall not be invalidated by any vacancy among their number or by any failure to appoint or any defect in the appointment or qualification of a member.

8.5 Nobody shall be appointed as a member of the Executive Committee who is aged under 18 or who would if appointed be disqualified under the provisions of the following clause.

8.6 No person shall be entitled to act as a member of the Executive Committee whether or a first or any subsequent entry into office until after signing in the Minute Book of the Executive Committee a Declaration of Acceptance and of willingness to act in the interests of the Charity.

**9. TERMINATION OF MEMBERSHIP OF EXECUTIVE COMMITTEE:**

A member of the Executive Committee shall cease to hold office if he or she:

9.1 15 disqualified from acting as a member of the Executive Committee by virtue of Section 45 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision).

9.2 Becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs.

9.3 15 absent without the permission of the Executive Committee from all their meetings within a period of three months and the Executive Committee resolve that his or her office be vacated or

9.4 Notifies to the Executive Committee of a wish to resign (but only if at least three members of the Executive Committee will remain in office when the notice of resignation is to take effect).

**10. EXECUTIVE COMMITTEE MEMBERS NOT TO BE PERSONALLY INTERESTED:**

10.1 (Subject to the provisions of sub clause (2) of this clause) no member of the Executive Committee shall acquire any interest in the property belonging to the Charity (otherwise than as a Trustee for the charity) or receive remuneration or be interested (otherwise than as a member of the Executive Committee) in any contract entered into by the Executive Committee.

10.2 Any member of the Executive Committee for the time being who is a solicitor accountant or other person engaged in a profession or trade may charge and be paid for all the usual professional charges for business done by him or her or his or her firm when instructed by the other members of the Executive Committee to act in a professional capacity on behalf of the Charity, provided that at no time shall a majority of the members of the Executive Committee benefit under this provision and that a member of the Executive Committee shall withdraw from any meeting at which his or her own instruction or remuneration or that of his or her firm is under discussion.

## **11. MEETINGS AND PROCEEDINGS OF THE EXECUTIVE COMMITTEE:**

11.1 The President shall act as a Chairperson at meetings of the Executive Committee. If the President is absent from any meeting, the members of the Executive Committee present shall choose one of their number to be Chairperson of the meeting before any other business is transacted.

11.2 There shall be a quorum when at least one third of the number of members of the Executive Committee for the time being or three members of the Executive Committee whichever is the greater are present at a meeting.

11.3 Every matter shall be determined by a majority of votes of the members of the Executive Committee present and voting on the question but in the equality of votes the Chairperson of the meeting shall have a second or casting vote.

11.4 The Executive Committee shall keep minutes, in books kept for the purpose of the proceedings at meetings of the Executive Committee and any sub committee.

11.5 The Executive Committee may from time to time make and alter rules of the conduct of their business, the summoning and conduct of their meeting and the custody of documents. No rule may be made which is inconsistent with this Constitution.

11.6 The Executive Committee may appoint one or more sub committees consisting of three or more members of the Executive Committee for the purpose of making any enquiry or supervising or performing any function or duty which in the opinion of the Executive Committee would be more conveniently undertaken or carried out by a sub committee: provided that all acts and proceedings of any such sub committee shall be fully and promptly reported to the Executive Committee.

## **12. RECEIPTS AND EXPENDITURE:**

12.1 The Funds of the Charity, including all donations, contributions and bequests shall be paid into an account or accounts operated by the Executive Committee in the name of the Charity at such Bank as the Executive Committee shall from time to time decide. All cheques drawn on the account must be signed by at least two members of the Executive Committee.

12.2 The funds belonging to the Charity shall be applied only in furthering the objects.

## **13. PROPERTY:**

13.1 The Executive Committee shall cause the tide to:

13.1.1 All land held by or on trust for the Charity which is not vested in the Official Custodian for Charities and

13.1.2 All investments held by or on behalf of the Charity to be invested in not less than three individuals appointed by them as holding trustees. Holding trustees may be removed by the Executive Committee at their pleasure and shall act in accordance with the lawful directions of the Executive Committee. Provided they act only in accordance with the lawful directions of the Executive Committee, the holding trustees shall not be liable for the acts and defaults of its members.

13.2 MI record books including the books of the account of the Association shall be and remain the property of the Association and the members shall deliver them up to the Committee through the Secretary on retirement or resignation.

#### **14. ACCOUNTS:**

THE Executive Committee shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to:

14.1 The keeping of account records for the Charity

14.2 The preparation of annual statements of account for the Charity.

14.3 The auditing or independent examination of the statements of account of the Charity; and

14.4 The transmission of the statements of account of the Charity to the Commissions.

#### **15. ANNUAL REPORT:**

The Executive Committee shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual report and its transmission to the Commissioners.

#### **16. ANNUAL RETURN:**

The Executive Committee shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual return and its transmission to the Commissioners.

#### **17. ANNUAL GENERAL MEETING:**

17.1 There shall be an annual general meeting of the Charity which shall be held in the month of June in each year or as soon as practicable thereafter.

17.2 The Executive Committee shall call every annual general meeting. The secretary shall give at least 2~ days notice of the annual general meeting to all the members of the Charity All the members of the Charity shall be entitled to attend and vote at the meeting.

17.3 The Executive Committee shall present to each annual general meeting the report and accounts of the Charity for the preceding year.

17.4 Nomination for election to the Executive Committee must be made by members of the Charity in writing and must be in the hands of the secretary of the Executive committee at less 7 days before the annual general meeting. Should nominations exceed vacancies, election shall be by show of hands.

17.5 The A.G.M shall be called by any member (other than an Executive Committee member) appointed specifically for that purpose.

#### **18. SPECIAL GENERAL MEETINGS:**

The Executive Committee may call a special general meeting of the Charity at any time. If at least thirty members request such a meeting in writing stating the business to be considered the secretary shall call such a meeting. At least 21 days notice must be given. The notice must state the business to be discussed.

#### **19. PROCEDURE AT GENERAL MEETING:**

19.1 The secretary or other person specially appointed by the Executive Committee shall keep a full record of proceedings at every general meeting of the Charity

19.2 There shall be a quorum when at least one tenth of the number of members of the Charity for the time being or ten members of the Charity, whichever is the greater; is present at any general meeting.

#### **20. NOTICES:**

Any notice required to be served on any member of the Charity shall be in writing and shall be served by the secretary or the Executive Committee on any member either personally or by sending it through the post addressed to such member at his or her last known address in the United Kingdom, and any letter so sent shall be deemed to have been received within 7 days of posting.

#### **21. HOLDING TRUSTEES:**

There shall be a Board of Trustees consisting of not more than 5 and not less than 3 Trustees of the Charity.

21.1 The Executive Committee Members shall elect the Trustees and any such Trustee shall remain in Office for a period of 5 years.

21.2 The rights and obligations of the Holding Trustees are as stipulated in the Milton Keynes Hindu Association Handbook.

#### **22. ALTERATIONS TO THE CONSTITUTION:**

22.1 Subject to the following provisions of this clause the Constitution may be altered by a resolution passed by not less than two thirds of the members present and voting at a general meeting. The notice of the general meeting must include notice of the resolution, setting out the terms of the alteration proposed.

22.2 No amendment may be made to clause 1 (the name of charity clause), clause 3 (the objects clause), clause 10 executive Committee members not to be personally interested clause), Clause 23 (the dissolution clause) or this clause without the prior consent in writing of the Commissioners.

22.3 No amendment may be made which would have the effect of making the Charity cease to be a charity at law.

22.4 The Executive Committee should promptly send to the Commissioners a copy of any amendment made under this clause

**23. DISSOLUTION:**

If the Executive Committee decides that it is necessary or advisable to dissolve the Charity it shall call a meeting of all members of the Charity, of which not less than 21 days notice (stating the terms of the resolution to be proposed) shall be given. If the proposal is confirmed by a two-thirds majority of those present and voting the Executive Committee shall have power to realise any assets held by or on behalf of the Charity. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable institution or institutions having objects similar to the objects of the Charity as the member of the Charity may determine or failing that shall be applied for some other charitable purpose. A copy of the statement of accounts, or account and statement, for the final accounting period of the Charity must be sent to the Commissioners.

**This constitution was agreed and adopted at the AGM on 29 June 1997 and has been witnessed by the following trustees:**

DATE