

Constitution





IN THE NAME OF ALLAH, MOST GRACIOUS, MOST MERCIFUL

مُتَنَتَم فِيْر أَمَّةٌ أَوْفَرَجْتِ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ
وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ

سورة آل عمران آية رقم ١١٠

“You are the best community raised up for mankind – you enjoin what is right, forbid what is wrong, and believe in Allah. ”

The Qur'an, 3: 110

وَاعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا

سورة آل عمران آية رقم ١٠٣

“Hold fast, all together, to the bond with Allah and be not divided.”

The Qur'an, 3: 103

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى
الْإِثْمِ وَالْعُدْوَانِ

سورة المائدة آية رقم ٢

“Help one another to virtue and God-consciousness and do not help one other to sin and transgression.”

The Qur'an, 5: 2

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In the name of Allah, most Gracious, most Merciful

The Constitution of The Muslim Council of Britain

Preamble We, as members of the Muslim Council of Britain,

Aspiring to be a community “*enjoying what is right, forbidding what is wrong, and believing in Allah*” (The Qur’an 3:110);

Conscious of the injunctions to “*Hold fast, all together, to the bond with Allah and be not divided*” (The Qur’an 3:103) and “*Help one another to virtue and God-consciousness and do not help one another to sin and transgression*” (The Qur’an, 5: 2);

Hereby adopt this Constitution of The Muslim Council of Britain and pledge to abide by its provisions, and in doing so make the following

Declaration of Intent

- a) The Muslim Council of Britain is an accord of mosques, Muslim associations and institutions in the UK. It shall be informed and guided by the Qur’an and the Sunnah in all its aims, policies and procedures.
- b) It is an independent body working for the pleasure of Allah to promote consultation, cooperation and coordination on Muslim affairs in the UK.
- c) It is a non-sectarian body working for the common good without interfering in, displacing or isolating any existing Muslim work in the community.
- d) It is a broad-based, representative organisation of Muslims in Britain, accommodating and reflecting the variety of social and cultural backgrounds and outlook of the community.
- e) It is a body that will base its policies and decisions on consensus and the largest practicable measure of common agreement.
- f) It is a formally constituted body with a system of representation and accountability.
- g) It is a body that will seek to draw on the talents and specialist skills of individuals and the strengths of organised bodies to meet the great challenges ahead in preparing the case for, and advocating, the responsibilities and rights of Muslims living in Britain.

1. Name

The name of the organisation shall be “The Muslim Council of Britain” hereinafter called the MCB.

2. Aims and Objectives

- I. To promote cooperation, consensus and unity on Muslim affairs in the UK.
- II. To encourage and strengthen all existing efforts being made for the benefit of the Muslim community.
- III. To work for a more enlightened appreciation of Islam and Muslim in the wider society.
- IV. To establish a position for the Muslim community within British society that is fair and based
- V. To work for the eradication of disadvantages and forms of discrimination faced by Muslims.
- VI. To foster better community relations and work for the good of society as a whole.

3. Principles of Association

Any organisation that is based in Britain and whose activities are primarily for the benefit of Muslims in Britain, or which operates from Britain with staff drawn from Britain for the benefit of the Muslim ummah, will be eligible for membership into the MCB if it subscribes to the Preamble and Aims & Objectives and conforms to the Principles below.

3.1 Basis of affiliation

No organisation shall be eligible for membership of the MCB unless its own membership is restricted only to those who profess the Muslim faith, who declare knowingly and voluntarily: “*La ilaha illa Allah Muhammad Rasul Allah*” and believe in the Qur’an as the true Word of God revealed to the Prophet Muhammad (peace be on him) and that there is no prophet after him.

3.2 Basis of incorporation

The organisation should either:

have a Constitution or Standing Orders or Bye-laws (to be provided to the MCB) and have been operating for at least one year

or

be a bona-fide affiliate of a regional or national body that is a member of the MCB and have been operating for at least one year.

Note: See Standing Orders SO1

3.3 Commitment to service

All delegates to the MCB shall be motivated by the desire to serve the community.

3.4 Conduct

Its delegates to the MCB will abide by the procedures and standing orders that govern the conduct of meetings and the affairs of the MCB.

3.5 Collective responsibility

It accepts the Constitution of the MCB and is able and willing to abide by its provisions; it will do its best to uphold and implement agreed policies.

3.6 Pledge of mutual respect and co operation

It shall do its best to promote mutual respect and co-operation with other member organisations and use the framework of the MCB to resolve difficult issues with other member organisations.

4. Electronic Communications

4.1 Any affiliate may communicate electronically with the Muslim Council of Britain to an address specified by the Muslim Council of Britain for the purpose, so long as the communication is authenticated in a manner which is satisfactory to the Muslim Council of Britain.

4.2 Any affiliate by providing the Muslim Council of Britain with their email address or similar, is taken to have agreed to receive communications from the Muslim Council of Britain in electronic form at that address, unless the affiliate has indicated to the Muslim Council of Britain their unwillingness to receive such communications in that form.

4.3 The Muslim Council of Britain may, subject to compliance with any legal requirements, by means of publication on its website:

- provide the affiliates with the notice referred to in clause 5.1.3 (Meetings).
- give National Council members notice of their meetings in accordance with clause 5.2.3 (Meetings).

5. Structure

The structure of the MCB shall comprise of:

- I. A General Assembly
- II. A National Council
- III. An Executive Committee
- IV. Specialist committees
- V. A Board of Counsellors

5.1 The General Assembly

5.1.1 Composition

- a. The General Assembly shall be made up of delegates of Muslim bodies that subscribe to the Principles of Association and have paid their annual affiliation fees.
- b. National bodies shall be represented by a maximum of 3 delegates; regional bodies shall be represented by a maximum of 2 delegates; all other bodies shall be represented by one delegate.
- c. In the event of any such delegate resigning from or otherwise leaving a member body, he or she shall cease to be its delegate.
- d. If a person is selected as a delegate of more than one member body, he or she can only vote for one body of his/her choice.
- e. The basis of representation defined in 5.1.1 (b) shall be reviewed from time to time to ensure the number of delegates at the General Assembly remains appropriate for achieving its functions and responsibilities.

5.1.2 Functions

- a. The General Assembly shall be the supreme policy-making and ruling body of the MCB.
- b. The General Assembly may adopt resolutions, amend the Constitution and, in general, exercise all powers necessary to promote the aims and purposes of the MCB.
- c. The General Assembly shall elect the Secretary General and the Deputy Secretary General, each for a term of two years but no person shall be elected to the same office for more than two consecutive terms.
- d. If the Secretary General resigns or is impaired or otherwise fails to fulfil the assigned responsibilities, the Deputy Secretary General shall act as

Secretary General upon a resolution to that effect passed by the National Council and notified to the next meeting of the General Assembly.

- e. The General Assembly shall elect to the National Council every two years 30 individuals as national representatives of whom at least 20 per cent shall be female.
- f. The General Assembly shall elect every two years 12 individuals as zonal representatives to the National Council. The 30 national representatives and 12 zonal representatives shall be known as 'the elected Members' of the National Council
- g. No member body and/or its branch/branches can have more than 5 of its members elected as nationally or zonally elected members to the National Council.
- h. The number of zones in Scotland, Northern Ireland, Wales and England shall be reviewed from time to time by the General Assembly.

5.1.3 Meetings

- a. The General Assembly shall be called into session at least annually by the Secretary General.
- b. An extraordinary meeting of the General Assembly shall be convened by the Secretary General at the request of at least one quarter of the member bodies or at least half of the elected members of the National Council.
- c. The Secretary General shall provide all member bodies at least an eight week notification of a General Assembly meeting.
- d. Member bodies shall notify the Secretary General of the name of their appointed delegate and of the name of his or her alternative at least six weeks prior to a General Assembly meeting.
- e. The National Council shall appoint a chairperson (or chairpersons) to officiate and conduct the sessions of the General Assembly.
- f. The quorum for General Assembly meetings shall be one-third of the appointed delegates.
- g. All ordinary resolutions shall be adopted by a simple majority of the delegates present and voting.
- h. Special resolutions - those relating to constitutional amendments or the dissolution of the MCB or matters "of special importance" (decided as such by a simple majority of the General Assembly) - shall be adopted by two-thirds of the appointed delegates present and voting. Notice of any proposed constitutional amendment must be submitted to the Secretary General of the National Council at least six weeks in advance of the General Assembly

meeting. The Secretary General will circulate the proposed amendment to all appointed delegates at least fourteen days before the General Assembly meeting.

- (i) If the Executive Committee determines that it is expedient so to do, or if NC members with an aggregate of 75% or more of the votes request it, the Annual General Meeting or Extraordinary General Meeting of the organisation may be held by electronic means, provided that those electronic means enable each participant to both see and hear the other participants.

5.2 National Council

5.2.1 Composition

- a. The National Council shall comprise (i) elected (ii) nominated and (iii) co-opted members.
- b. *Elected Members:* As per 5.1.2 (f) and (g) above. The number of elected members shall be at least one half of the total membership of the National Council.
- c. *Nominated Members:* Each approved national or regional body shall nominate one representative to the National Council. The total number of nominated members may not be greater than the number of elected members. National Council shall decide on the national and regional organisations that will have the right to make nominations to the National Council. If the number of 'national' and 'regional' bodies satisfying the required criteria results in the number of nominated positions on the National Council exceeding the number of elected members, preference will be given on the basis of membership numbers of the body/bodies. In the event of a nominated member resigning from or otherwise leaving a member body, he or she shall cease to be in the National Council and a fresh nomination may be made (for the remaining period of the two year term). In the event of the member body not paying its annual affiliation fee, the nominee shall be required to resign.
- d. *Co-opted Members:* National Council shall have the power to co-opt persons, whether or not they are delegates of member bodies at the General Assembly, to serve on the Committee. The power to co-opt persons shall be used to enhance the work of the MCB and to reflect the diversity of thought, background and gender in the endeavour of the MCB to be a broad based, representative organisation of Muslims in Britain, accommodating and reflecting the variety of social and cultural backgrounds and outlooks of the community.
- e. The term of the National Council shall be two years.

- f. If a duly elected member ceases to be a member of the National Council for any reason including death, resignation or expulsion, it will be the duty of the Secretary General to recommend to the Committee how the vacancy should be filled. In considering the recommendation the Committee shall be guided by paragraph (d) of the Declaration of Intent. It may but will not be bound to give weight to the results of the last election with a view to decide whether the person who had received maximum votes but did not get elected should be asked to fill the vacancy. Decision to fill a vacancy shall require a simple majority vote of those present at a duly convened meeting of the National Council. A person appointed to fill the vacancy shall remain on the Committee until the next elections to the National Council and he/she shall have the same rights and privileges as those of other elected members.

5.2.2 Functions

- a. The National Council shall be responsible to the General Assembly for the efficient and proper functioning of the MCB, for carrying out the policies laid down by the General Assembly and for taking initiatives only inasmuch as they are consistent with the General Assembly's policy guidelines in the best interests of the Muslim community of Britain.
- b. The National Council shall appoint such specialist committees as it may consider necessary; determine the terms of reference and composition of such specialist committees and appoint the chairpersons of such committees.
- c. The Secretary General and Executive Committee shall remain responsible to the National Council for implementation of policy and for delivery of any work plans approved by the National Council or the Executive Committee.

5.2.3 Meetings

- a. The National Council shall meet at least once every three months.
- b. The quorum at meetings of the National Council shall be one third of its membership at the relevant time.
- c. Wherever possible decisions of the National Council shall be taken by consensus but where a resolution is put to the vote, the Secretary General shall be entitled to a casting vote.
- d. Matters defined by the National Council as "of special importance" and those relating to extra-ordinary items of expenditure beyond a limit agreed by National Council shall require the approval of two-thirds of the National Council members (elected, nominated and co-opted). All other matters are to be decided by a simple majority.

- (e) A meeting of the National Council may be held either in person or by suitable electronic means in which all participants may communicate with all the other participant but at least one meeting in each year must be held in person.

Any National Council member participating at a meeting by suitable electronic means in which a participant or participants may communicate with all the other participants shall qualify as being present at the meeting.

Meetings held by electronic means must comply with rules for meetings, including chairing and the taking of minutes.

- (f) The members at the first meeting of the new term will elect one of its members as chair and vice chair of National Council for the term. The chair will be responsible for the induction of members, convening of meetings, preparing agenda, maintaining accurate record of minutes and generally be responsible for ensuring that the business of National Council is conducted in an orderly and professional manner. Vice-chair will assist the chair in delivering the above.

The chair and vice-chair will not be members of the Executive Committee.

5.3 The Executive Committee

5.3.1 Composition

- a. There shall be an Executive Committee consisting of the Secretary General, Deputy Secretary General, Treasurer, three Assistant Secretary Generals and duly appointed Advisors.
- b. The Secretary General shall chair the Executive Committee and in his or her absence the Deputy Secretary General shall chair a meeting of the Committee.
- c. A meeting of the Executive Committee may be held either in person or by suitable electronic means in which all participants may communicate with all the other participants but at least one meeting in each year must be held in person.

Any Executive Committee member participating at a meeting by suitable electronic means in which a participant or participants may communicate with all the other participants shall qualify as being present at the meeting.

Meetings held by electronic means must comply with rules for meetings, including chairing and the taking of minutes.

5.3.2 Functions

- a. The main function of the Executive Committee shall be to oversee that the MCB is functioning properly and that the decisions made by the National Council are properly implemented.
- b. To delegate in writing any of their functions to specialist committees consisting of two or more individuals appointed by Executive Committee. Each committee will have a chairperson appointed by Executive Committee. At least one member of every sub-committee must be a member of Executive Committee, all proceedings of sub-committees must be reported promptly to the Executive Committee and the delegation may be revoked at any time.

5.3.3 Meetings

- a. The Executive Committee shall meet at least once every calendar month.
- b. The immediate past Secretary General shall be invited by the Secretary General to attend meetings of the Executive Committee in an ex-officio capacity for one year following his/her completion of term.
- c. Any issue may be determined by a simple majority of the votes cast at a meeting. Every member has one vote on each issue, but in case of a tie, the chair has a second or casting vote. A quorum is 4 voting members.

5.4 Office-bearers

5.4.1 Secretary General

The Secretary General shall

- a. Be responsible for convening the General Assembly, preparation of the necessary working papers and agenda and maintaining a record of proceedings and resolutions in a Minutes Book.
- b. Support and facilitate the work of the chairperson of the National Council.
- c. Present a report of activities to the annual meeting of the General Assembly.
- d. Be the official spokesperson of the MCB.
- e. Convene and Chair meetings of the Executive Committee.
- f. Devote significant time and energy to the work of MCB and may be compensated for time spent on the work of MCB. The extent and how compensation should be paid will be determined by National Committee on the recommendation of Governance, Risk, Remuneration & Finance committee.

5.4.2 Deputy Secretary General

The Deputy Secretary General shall deputise for the Secretary General in his or her absence. He or her will assist the Secretary General in the performance of his/her duties.

5.4.3 Treasurer

The Treasurer shall

- a. Keep accounts of the finances of the MCB and be responsible for the management of the financial affairs of the MCB.
- b. Provide accounts for audit at least once a year by the auditors appointed by the annual meeting of the General Assembly.
- c. Chair meetings of the Finance & General Purpose Committee.
- d. Determine the specific role and responsibility of the Assistant Treasurer in consultation with the Secretary General and shall keep the National Council informed.

5.4.4. Other office-bearers

The three Assistant Secretary Generals shall assist the Secretary General in the performance of his/her duties. Their specific and individual roles and responsibilities shall be determined by the Secretary General at a duly convened meeting of the Executive Committee and in so doing, the Secretary General shall keep the National Council informed.

5.5 Sub-Committees

5.5.1 Membership committee

5.5.1.1 Its Functions will be:

- (a) To consider and make recommendations to the National Council on applications received for membership.
- (b) Keep membership categories under review and make recommendations to National Council when appropriate.
- (c) Prepare data and advise on the representation of bodies to the General Assembly and arrange collection of affiliation fees.

5.5.1.2 The Chair of the committee will be appointed by National Council on the recommendation of Secretary General and must be a member of the National Council. The committee will appoint its own members who don't have to be the members of National Council.

5.5.2 Governance, Risk, Remuneration & Finance Committee

5.5.2.1 Its functions will be:

- (a) Governance: To review the MCB's internal governance protocols and recommend amendments to the National Council as and when required; To monitor all decision-making structures within the MCB to ensure compliance with these protocols; To alert the Executive Committee of non-compliance and where deemed appropriate, inform the National Council.
- (b) Risk mitigation: Establish and define processes to protect MCB from reputational risk; Establish and define processes by which staff may, in confidence, raise concerns about possible improprieties in matters of financial reporting, financial control or operational matters; Where considered necessary, obtain outside legal or other independent professional advice for such risk mitigation; To alert the Executive Committee of risk possibilities for appropriate corrective action to be taken, and where deemed appropriate, inform the National Council.
- (c) Remuneration: Establish and define processes by which MCB office bearers can be compensated i.e. terms of engagement, setting of rates consistent with voluntary sector market rates for posts of equivalent responsibility; To recommend the above to the National Council.
- (d) Financial: Review MCB's proposed budget in advance of each financial year and report its opinion to the National Council prior to the budget being signed off; based on quarterly budget reports and management accounts provided by the Treasurer, monitor variances; Monitor the integrity of the financial statements of the MCB, reviewing significant financial reporting issues and judgements which they contain; The Committee shall satisfy itself that the annual financial statements represent fairly the financial position of the MCB.
- (e) Audit: Recommend the appointment of the external auditors/independent examiners (together "auditors") to the National Council Members; Oversee the relation of the MCB with the external auditors and review their effectiveness; Meet regularly with the external auditor, at least once a year, without members of the EC being present, to discuss the auditor's remit and any issues arising from the audit; Review and approve the annual audit plan and ensure that it is consistent with the scope of the audit engagement; Review the findings of the audit with the external auditors; Review any representation letter(s) requested by the external auditor before they are signed by the Executive Committee.

5.5.2.2 The committee will have six members in total which will consist of three independent members, current Secretary General, two current National Council members who are not Executive Committee members.

The committee will be chaired by an independent member who will be appointed by the National Council.

The chair will have casting vote in case of a tie.

The National Council will appoint the three independent members as well the two National Council members.

The Independent members will be appointed for two terms and can be reappointed but can resign their position by giving notice to National Council or must vacate office if asked by National Council, however such a decision should be approved by 2/3rd majority of National Council at a quorate meeting.

The National Council members will be appointed at the beginning of the term and their term will end with the end of the National Council term but can be reappointed if elected again.

The independent members must not hold any position within the MCB apart from advisors. The independent members will be invited to attend the National Council meetings.

5.6 Board of Counsellors

5.6.1 Role

- a. The Board of Counsellors shall serve as the body of advisors of the MCB for proposals and suggestions from and to the General Assembly, the National Council, Executive Committee and Membership and Governance, Risk, Remuneration & Finance Sub-Committees.

To facilitate the smooth running of the MCB, the Board shall also act as the body for grievance and dispute resolution in accordance with approved Governance Protocols.

- b. The Board of Counsellors will be notified of meetings of the National Council which they may attend as advisors without voting rights.
- c. The Board of Counsellors shall elect one of its members as its Convenor and one as its Secretary. The term for each office shall be two years with eligibility for further re-election for one more term.
- d. The Board shall have the power to set up Committees to carry out its functions and responsibilities.

5.6.2 Composition

- a. The members of the Board will be former Secretary Generals of the MCB who are willing to serve in this capacity, for a period of six years or less.

The Board may co-opt additional councillors as required, such as experts in Shariah and Muslims of good repute who have achieved distinction in other fields, for a term not exceeding four years.

5.6.3 Meetings

The immediate past Secretary General shall organise a meeting of the Board within three months of an election AGM, at which the Board shall elect its Convenor and Secretary. It shall meet at least twice a year.

The Board shall keep record of its meetings in a minute book maintained by its Secretary.

6. Suspension and removal

6.1 Non-Attendance at meetings

Any member of the National Council who misses two consecutive meetings of the Committee without reasonable cause may be disqualified from attending further meetings if the Committee passes a motion supported by at least two thirds of those present and voting declaring the member as disqualified. In the event of a member being disqualified, the member affected will have the right of appeal in accordance with the appeals procedure set out in 6.3 below.

6.2 Acts contrary to Shariah

Any member of the National Council engaged in acts contrary to the Shariah shall be liable to removal from the National Council. The member affected will have the right of appeal in accordance with the appeals procedure set out in 6.3 below.

6.3 Appeals Process

A member of the National Council may be suspended from membership on any ground provided that the member has been given two weeks' in advance written notice of charges against him and he is given the opportunity to make written or oral representations to the National Council before the decision to suspend is made. The decision to suspend will require a two-third majority vote of the total membership of the National Council. The member against whom a decision to suspend has been made shall have the right to appeal against the decision. The member will inform the Convenor of the Board of Counsellors within seven days of the receipt of notice of intention to appeal and the Board shall within five working days appoint a panel to consider the appeal. The panel shall within two months of the appeal give its decision, confirming, revoking or reducing the suspension. The decision of the Board of Counsellors shall be final.

7. Finance

7.1 General

The MCB shall be financed by affiliation fees, contributions, donations and funds from other legitimate sources. All monies raised by or on behalf of the MCB must be applied to further the aims and objectives of the MCB and for no other purpose.

7.2 Fees from Member Bodies

Every member body shall pay such annual affiliation fee as the General Assembly may determine, on recommendation of the Membership Committee.

7.3 Donations and gifts

The MCB shall be competent to receive legacies or other gifts, to form or take over trust funds which in the opinion of the National Council at the time may conveniently be administered by it, and to hold property. Such legacies, gifts and funds (subject to any conditions imposed by the Donor or Testator or the Trusts affecting the same) shall be vested in Trustees.

8 Relationship with other Organisations

8.1 Relationship with non participating Muslim bodies

The MCB shall seek a relationship of goodwill and mutual respect with all organisations not participating in the work of the MCB as members.

8.2 Relationship with international Muslim bodies

The MCB shall establish connections with other organisations in the rest of Europe and abroad to further the aims of the MCB.

9 Legal status

9.1 Basis of association

The MCB shall be an unincorporated association.

9.2 Title to property

The MCB shall cause title to all property, land and investments held by or on behalf of the MCB, to be vested in not less than five individuals appointed by the MCB as Holding Trustees.

The Holding Trustees shall be entitled to an indemnity out of the property of the MCB for all expenses and other liabilities properly incurred by them in the discharge of their duties.

The Holding Trustees shall be appointed or reappointed by a special resolution of the General Assembly. A holding trustee shall serve for a fixed term of appointment. A holding trustee can be removed where necessary by special resolution of the General Assembly.

Note: In the first instance the Preparatory Committee shall appoint the Holding Trustees.

10 Amendments to the Constitution and standing Orders

The Preamble and Article 3.1 of the Principles of Association (Section 3) of this Constitution are not subject to amendment.

The Constitution may only be amended by special resolution of the General Assembly in accordance with 5.1.3 (h) above.

Provided the Constitution of the MCB is not affected, the National Council may amend the Standing Orders for the sole purpose of ensuring the smooth functioning of the MCB in the attainment of its objectives. National Council must inform all MCB member bodies of any proposed and agreed amendment.

11 Dissolution

The MCB may be dissolved by special resolution of the General Assembly in accordance with 5.1.3 (h) above and a resolution that shall oblige the office bearers expeditiously to realise all the assets of the MCB, to pay all debts and liabilities of the MCB, and to donate any surplus funds to a registered charity which supports Islamic causes.

12 Interpretation of the Constitution

The decision of the National Council on the interpretation of any clause contained in this Constitution shall be final when the General Assembly is not in session.