

The Rules and Bye-Laws

Of the

Leuva Patidar Samaj (Surat, Navsari & Valsad District) UK

Approved on 23rd January 2011 (Rev 1.6)

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"Uniting the Leuva Patidars of the United Kingdom"

1. Introduction

This document details the rules and bye-laws of the Leuva Patidar Samaj (Surat, Navsari, and Valsad District) of the UK (the Charity).

This document must be read in conjunction with the Constitution of the Charity (the Constitution). No rule or bye-law shall be inconsistent with, or shall affect or repeal anything contained in the Constitution.

In line with clause 29 of the constitution these rules and bye-laws may be reviewed and amended by the Trustees as long as the changes do not breach the Constitution or the rules and regulations of the Charities Commission and or UK Law. Any changes must be approved at a general meeting by the Members.

It is recommended that on a periodic basis these rules and bye-laws are reviewed, amended and expanded to reflect best practice and to fit the short term tactics being used by the Charity to meet its objects.

2. Definitions

1. **'The Charity'** means the Leuva Patidar Samaj (Surat, Navsari & Valsad District) of the United Kingdom and if often abbreviated to LPS (SNV) UK and LPSUK.
2. **'The Constitution'** means the Constitution of Leuva Patidar Samaj (Surat, Navsari & Valsad District) of the United Kingdom.
3. **'The Trustees'** means the elected members of the Management Committee and the members elected to the Board of Trustees
4. **'The Managing Committee'** means the elected officers of the Charity.
5. **'The Holding Trustees'** means those Trustees who have been appointed to have properties of the Charity vested in their name.
6. **'The Member'** means the local Leuva Patidar Samaj also known as Peta Samaj who is a member of the Charity.
7. **'Peta Samaj'** means the local Leuva Patidar Samaj.
8. **'The Delegates'** means the two annually appointed representatives of each of the Peta Samajs.
9. **'The Observers'** means the two nominated attendees at a general meeting of each of the Peta Samajs.
10. **'The Community'** means Hindu community in the United Kingdom known as Leuva Patidar which originates from the Surat, Navsari and Valsad districts of India.
11. **'The Commission'** means the Charity Commission.
12. **'The Mandal'** means a volunteer group who a carrying out a specific activity.

3. Office And Address

The registered office of the Charity shall be situated at such an address and place in the United Kingdom as the Managing Committee may decide. This will normally be the Secretary's permanent place of residence.

The change of address shall not take place unless a resolution is passed to this effect by the Members at a general meeting.

4. Meetings and Meeting Procedures

1. All notices for general meetings must specify the date, time and place, and the general nature of the business that is to be transacted, including circulation of the agenda and notice of any specific issue that requires resolution by the Peta Samajs. Issues that require member resolution that are raised at the meeting without prior notice must be put aside and due notice of the issue given to all members. Notice shall be given as per clause 11 of the constitution and served as per clause 29 of the constitution. All Peta Samajs, officers, Trustees and ad hoc committee volunteers must all be given notice of the general meetings.
2. An SGM shall be called every four months and the venue shall rotate between all of the Peta Samaj regions.
3. The Charity will reimburse cost of hosting general meetings to a maximum of £350.00 per meeting to the hosting Peta Samaj. Any additional costs over this amount shall be borne by the hosting Peta Samaj.
4. The SGM shall be for the purpose of but not limited to:
 - (a) Approval of previous minutes and matters arising therefrom.
 - (b) Discussion, debate and resolutions on current issues
 - (c) Chief Guest's speech or address, if any.
 - (d) Voting upon motions previously circulated to the Delegates; emergency motions shall be accepted at the commencement of the conference at the discretion of the Chair.
5. The Annual General Meeting of the Charity shall be held not later than the end of April at such a time, date and place as decided by the Managing Committee for the purpose of but not limited to:
 - (a) Approval of previous minutes and matters arising therefrom.
 - (b) Receiving the President's report.
 - (c) Receiving the Secretary's report.
 - (d) Receiving the Treasurer's Report.
 - (e) Receiving the Board of Trustees report.
 - (f) Receiving and passing of the Audited Annual Accounts.
 - (g) Chief Guest's speech or address, if any.
 - (h) Voting upon motions previously circulated to the Delegates; emergency motions shall be accepted at the commencement of the conference at the discretion of the Chair.
 - (i) Electing the Managing Committee and or Trustees as retirements fall and
 - (j) Appointing the Auditor if applicable.
6. Trustees (including the managing committee) may call meetings of Trustees as per clause 20 of the Constitution.
7. Trustees from the board of Trustees may call a meeting of the Board of Trustees.
8. To maintain continuity between meetings, Peta Samajs shall put their discussions through the appointed delegates and not the appointed observers.

9. Additional members from Peta Samajs may attend general meetings subject to venue facilities and meeting budgets so long as they have notified the Secretary and received confirmation to attend at least 48 hours in advance of the meeting. These attendees do not have voting rights.

5. Affiliation Fees

The Managing Committee may from time to time review and fix the Peta Samajs affiliation fees.

6. Duties of the Officers

1. Duties Of The Managing Committee

- (a) The Managing Committee shall meet periodically to consider issues, plan initiatives, discuss and deal with all matters that enable the Charity to be run effectively to meet its Objects.
- (b) The Managing Committee shall call meetings of the charity as per the constitution and clause 4 of this document.
- (c) A Managing Committee meeting shall be convened by giving at least seven days notice to the Peta Samajs but in case of urgency the meeting can be called by providing 48 hours notice.
- (d) The Managing Committee shall appoint any sub-committees or ad-hoc Committees which it deems necessary to organise any functions, programmes or activities under the guidance of the Managing Committee.
- (e) The Managing Committee shall have the power to open, operate and close any bank or financial institutions account in the name of The Charity. The Treasurer and the President or a Trustee shall operate such accounts jointly up to a limit of £5,000. Any single sums above this value or aggregate sum over this value to any one beneficiary within the financial year must be approved by the President and the Treasurer and any two of the Trustees.
- (f) The Managing Committee shall have power to appoint, engage or remove, discharge or suspend any Auditors, Lawyers or agents or Contractors for permanent, temporary or special services as it may think necessary.
- (g) The Managing Committee shall be chaired over by the President and in his absence by the Vice-President. In the event of absenteeism by both, the remaining members with a quorum can elect a chair for that particular meeting to carry out the agenda.
- (h) The Managing Committee have the right to terminate or adjourn any meeting that they perceive to be troublesome as a result of a member's misconduct or any other legitimate reason.

2. President

The President shall;

- (a) Be responsible for the management of the elected officers.
- (b) Provide leadership in furthering the Objects of the Charity.
- (c) Ensure that the charity is managed in line with its constitution and the rules and regulations of the Charities Commission.

- (d) Sign the minutes after they have been approved by those present at the following general meeting.
- (e) Have the right to attend to particulars in the deliberations of the sub-committee.
- (f) Be an ex-officio officer of all sub-committees with power to vote therein.
- (g) Have the power to call a meeting of the Managing Committee or General Meeting as per this document.

3. Vice-President

The Vice-President shall:

- (a) Assist the President in his/her duties and obligations and carry out the duties delegated to him/her by the President.
- (b) Assume the roles and responsibilities of the President in his/her absence.
- (c) Assume responsibility of the sub-committees unless agreed otherwise by the Managing Committee.

4. Secretary

The Secretary shall:

- (a) Convene all meetings under the direction of the President and requests by others in line with the Constitution.
- (b) See that all the rules of The Charity are properly adhered to.
- (c) Record in Gujarati and/or in English the minutes of the meetings.
- (d) Maintain proper records of the correspondence exchanged between The Charity and others.
- (e) Reply to correspondence within 14 days of receipt after presentation to the Managing Committee and the Trustees. In case of urgency a reply to correspondence may be made after consultation with the President.
- (f) Organise and supervise all the activities and work entrusted to him/her by the Managing Committee.
- (g) Compile an annual report of the workings of The Charity at the end of the year for presentation at the Annual General Meeting.
- (h) Have the right to attend to particulars in the deliberations of the sub-committee.
- (i) Communicate all official correspondence to Peta Samajs and the officers the Charity as per the communications protocol in clause 10 of this document.

5. Assistant Secretary

- (a) The Assistant Secretary will assist the Secretary in every aspect of the performance of all duties and shall act as the Secretary in the absence of the said Secretary.

6. Treasurer

The Treasurer shall:

- (a) Be responsible for the timely production of the Annual Report and Return and Accounts in line clause 24 of the Constitution.
- (b) Collect all the subscriptions, donations, rent and/or other income belonging to and derived from the property (if any) of The Charity.
- (c) Issue official receipts for all sums received
- (d) Maintain proper books of accounts in English.
- (e) Make payments in accordance with the decision of the Managing Committee and maintain a record of all duly supported receipts, invoices and other transactions.
- (f) Deposit into the approved bank/building society all monies held on behalf of The Charity in excess of £500. Any amount up to £500 can be kept as petty cash for minor transactions.
- (g) Have the Accounts of The Charity audited by the officially appointed Auditor and to prepare a Capital Statement of Accounts for the submission before the Annual General Meeting, subject to Clause 14.
- (h) Such a statement of accounts shall, in the first instance be submitted to the Managing Committee for approval prior to the presentation to the Annual General Meeting and the Treasurer shall attend and give such explanations as the Peta Samajs may require.
- (i) Shall have the right to examine any or all the books of the accounts held by any sub-committee or institution or activities controlled by The Charity.
- (j) Have the right to open, operate and close any accounts held with any Banks or other Financial Institutions in the name of The Charity with approval from the Managing Committee as defined in clause 6.1 (e).
- (k) Maintain a proper register of the Peta Samajs giving the date of admission and payment of subscriptions.
- (l) Ensure that any payments made by the UK Samaj be approved by at least two other members of the Managing Committee and comply with clause 6 (b) above.

7. Assistant Treasurer

The Assistant Treasurer will assist the Treasurer in every aspect of the performance of all duties and shall act as the Treasurer in the absence of the said Treasurer.

8. Auditor

- (a) The Accounts of The Charity may be audited by an external Auditor if appointed on the instructions of the Managing Committee.

9. Sub-Committees

Sub-committees may be appointed by the Managing Committee for the furtherance of the objects of the Charity. The members of the sub-committee will be volunteers only and will not be remunerated for their services. They will not be Trustees of the Charity. The managing committee will be responsible for the sub-committee and its members and in particular must ensure that activities and financial transactions carried out by such committees does not breach the Constitution of the Charity and the rules and guidelines of the Charity Commission.

- (a) A sub-committee must be given a suitable name so that it may be readily identified. The name given to the sub-committee must not end with the word 'Samaj' (meaning a community). The word 'Mandal' (meaning a group of people) may be included in the name or excluded from the name on the approval of the Managing Committee.
- (b) A sub-committee may appoint officials from the sub-committee members to help in the management and control of the sub-committee's aims and objectives. To avoid confusion sub-committee officials may not be given titles already given to members of the Management Committee.
- (c) A sub-committee can make use of The Charity's letterhead and charity number provided the information regarding The Charity's Committee Members and charity address and number contained in the letterhead is not changed in any shape or form. A sub-committee may include the sub-committee's name and names of its officials together with their titles below the Charity's letter head or within the body of the letter.
- (d) The Managing Committee must define the scope and objectives of the sub-committee clearly when the sub-committee is appointed.
- (e) A sub-committee organising an activity that costs less than five hundred pounds (£500) must produce a brief plan with an estimated cost analysis and must seek approval from the President, Secretary and Treasurer before going ahead with the activity.
- (f) A sub-committee organising an activity that costs more than five hundred pounds (£500) must produce a detailed plan and an estimated cost analysis and seek approval from the President, Secretary, Treasurer and Trustees. The approval for the activity shall be put in writing by both parties to one another as a record and to formally present the approval and activity details at the next Managing Committee meeting.

10. Conciliation Committee

The Managing Committee shall appoint a Conciliation Committee on an as and when required basis comprising of not more than five volunteer members appointed from delegates, the Trustees or respected members of the Community. The Conciliation Committee shall conciliate any disputes involving members of the Community, Peta Samajs, or disputes within the Trustees of the Charity.

The Conciliation committee shall operate with due regard to the privacy of all matters handled and to the traditional practices of the Community.

7. The Duties of the Board of Trustees

The Board of Trustees shall be responsible for ensuring that the Managing Committee acts in accordance with The Charity's constitution and that the Charity Commission regulations and all other relevant laws in force at the time. The Board of Trustees must inform the Managing Committee of any activity it becomes aware of that breaches the above and instruct the Managing Committee to take immediate corrective measures to remedy the breach. The Board of Trustees will work with the Managing Committee on the corrective measures.

The Board of Trustees shall have the power to dissolve the Managing Committee or remove individuals in the event that there has been gross misconduct or sustained breach of The Charity's constitution and/or the Charity Commission regulations and/or all other relevant laws in force at the time. In extreme situations where deliberate and wilful act by individuals on the Management Committee and/or the Management committee as a whole has caused the Charity material losses the Board of Trustees may take legal action to recover the losses.

The Board of Trustees in dissolving the Managing Committee must take charge of The Charity and must call an Emergency General Meeting of all The Charity's members to elect another Managing Committee.

From time to time the members of the Board of Trustees may be appointed as holding Trustees as per clause 26 of the Constitution.

The Board of Trustees will elect a chair of the Board of Trustees who will chair any meeting of the Board of Trustees, sign off audited accounts and present the Board of Trustees report at the AGM

In addition to clause 17 of the constitution the following additional rules shall also apply when Trustees of the Board are elected;

- (a) Must be at least 30 (thirty) years of age (unless otherwise approved by the Peta Samajs at a General Meeting)
- (b) Must be a permanent resident of the United Kingdom.
- (c) Must be a person of high standing and responsibility in the community.

8. The Responsibilities of the Trustees

The following is a summary of the responsibilities of the Trustees and apply collectively to Trustees of the board and the members of the Managing Committee of the Charity (and is extracted from the Charity Commission's summary leaflet 'Responsibilities of Charity Trustees');

1. The Trustees have full responsibility for the Charity and must;

- (a) Act together and in person and must not delegate control of The Charity to others.
- (b) Act strictly in accordance to The Charity's constitution.
- (c) Act in The Charity's interests only and without regard to their own private interests.

- (d) Manage The Charity's affairs sensibly and carefully and take a long-term as well as short-term view.
- (e) Not derive any personal benefit or gain from The Charity of which they are Trustees.
- (f) Take professional advice on matters on which they are not themselves competent.

2. The Trustees in managing The Charity's finances must;

- (a) Make sure that bank accounts are operated by more than one designated person.
- (b) Make sure that funds held for different purposes are kept in separate bank accounts.
- (c) Keep full and accurate accounting records.
- (d) Collect in full all money owed or due to The Charity including tax and rating reliefs.

3. The Trustees in applying the Charity's income must;

- (a) Spend it solely for the purposes set out in The Charity's constitution.
- (b) Spend it with absolute fairness between persons qualified to benefit from The Charity.
- (c) Not accumulate income unless The Charity has some specific future use for it in mind.

4. Land and buildings owned by the Charity for which the Trustees must;

- (a) Either occupy and use it for The Charity's purpose or let it for maximum possible return.
- (b) Make sure it is maintained in good condition.
- (c) Regularly consider whether you are using it to the best advantage for The Charity.
- (d) Make sure it is fully and properly insured.
- (e) Make sure that The Charity's property is vested in the Trustees or in some authorised body.

5. The Trustees when investing The Charity's funds must;

- (a) Invest only in investments authorised under The Charity's constitution or the Trustees Investment Act 1961.
- (b) Constantly monitor the performance of the investments.
- (c) Avoid speculation and invest carefully and sensibly to achieve both income and capital growth.
- (d) Seek professional advice about what investments are most suitable for The Charity.

6. The Trustees will put themselves at risk of personal liability only if they;

- (a) Cause loss to The Charity by acting unlawfully, without care or outside the terms of The Charity's constitution.
- (b) Commit The Charity to debts which amount to more than its assets.

7. Persons thinking of becoming Trustees should only do so if they;

- (a) Are prepared to give the necessary time and effort to the management of The Charity.
- (b) Can help The Charity achieve its aims through their expertise or commitment.
- (c) Understand and accept that the Trustees role carries legal duties and responsibilities.

9. The accounting period of the Charity

The accounting period of the Charity shall 1st January through to 31st December.

10. The Communication Protocol

A standard practice for internal and external communications shall be used. There shall be transparency within the team (Executive committee and Trustees).

The agreed protocol for sending out internal and external correspondence shall be as follows:

- 1. All minutes and correspondence shall be sent to all the Trustees, Management Committee members and to the Delegates of the Peta Samajs. The preference shall be via email, but where such facilities do not exist, a hard copy of the correspondence shall be posted out.
- 2. There will be no filtering of information between the Trustees and the Management Committee. Any correspondence sent directly to the Secretary shall be distributed to all the Trustees and the Management Committee members.
- 3. No correspondence will be sent to individual members of Peta Samajs, nor should the Team accept any correspondence from individual members as official, unless it has been sent via by nominated representative of the Peta Samaj of the Charity. If unapproved correspondence is received then it must be returned with a polite note to the sender requesting them to resend via the nominated representatives of the Peta Samaj.
- 4. All minutes and day-to-day correspondence shall be sent out by the Secretary. Where certain tasks have been delegated to individuals or ad-hoc sub-committees, relevant communication will be sent via that individual or sub-committee. However, for record purposes only, the Secretary should always be copied in on this correspondence. The protocols in above points should still be observed.
- 5. All official emails shall be signed off in the following manner: "On behalf of the LPS UK Team" followed by the members name and their title.