

**MALAWI ASSOCIATION (UK)  
(MAUK)  
CONSTITUTION**

## **ARRANGEMENT OF ARTICLES**

### ***PREAMBLE:***

### **ARTICLES:**

- 1.0 Name and Establishment**
- 2.0 Repeal of old MAUK Constitution**
- 3.0 Interpretation**
- 4.0 Objectives**
- 5.0 Membership**
- 6.0 Executive Committee**
- 7.0 Composition of the Executive Committee**
- 8.0 Duties of Office Bearers**
- 9.0 Term of Office**
- 10.0 Board of Trustees**
- 11.0 Annual General Meeting (AGM)**
- 12.0 Functions of AGM**
- 13.0 Extra-Ordinary General Meeting (EGM)**
- 14.0 Official Communication**
- 15.0 Data Protection and Disclosure of Information**
- 16.0 Grievance and Disciplinary Procedure Rules**
- 17.0 Dissolution**
- 18.0 Legal Liability and Compliance of Commission Rules**

## **PREAMBLE**

We the people of Malawi living in the United Kingdom and currently gathered here in Derby on this day, Saturday, 01st of August 2015, **honouring** and **respecting** the vision of our brothers and sisters who met on 29th September 1992 in London where they adopted the original MAUK Constitution, **recognising** the significance of **promoting** and **sharing** cultural values, **realising** the essence of togetherness, common cohesion and providing a common platform where members can interact, share and debate on issues of national importance and general welfare, **acknowledging** that united we stand and divided we fall, and **observing** that the Malawi Diaspora population has grown in the UK in recent times and **noting** the need to move and align with changing times, do hereby unreservedly resolve and subscribe to form ourselves into an Association whose objectives, functions, mandates and practices shall be as enshrined in this document hereinafter referred to as **"The Constitution."**

## ARTICLES

### 1.0 NAME AND ESTABLISHMENT

As stipulated above in the preamble, there is hereby established an association known as the **Malawi Association UK (MAUK)** hereinafter referred to as “The Association”). The Association shall have power to sue or be sued in its own name in order to enforce any rights, duties and obligations under this Constitution.

**Malawi Association UK (MAUK)** shall be a non – political organisation in order to ensure, sustain and safeguard its neutrality in the carrying out of its activities.

Notwithstanding paragraph two above, it shall be within the remit of the Association to make any objective non partisan commentary on any national issues that affect its members or has any bearing on the emancipation of the objectives enshrined in this Constitution

### 2.0 REPEAL OF OLD CONSTITUTION

By Resolution of MAUK Executive Committee and as approved by MAUK General meeting on 1<sup>st</sup> day of August 2015 the old MAUK Constitution established in London on 29th September 1992 is hereby repealed in its entirety and henceforth replaced by this Constitution **(to be amended after adoption of changes)**

### 3.0 INTERPRETATION

**In this constitution, unless the context otherwise provides;**

**Association:** Shall mean the Malawi Association UK and all its affiliate Regional Associations

**Regional Associations:** These are Malawian Associations affiliated to MAUK and based in various parts of the United Kingdom.

**AGM:** Shall mean the Annual General Meeting or Annual General Assembly of the Association

**Committee:** Shall mean the Executive Committee of the Association

**Commission:** Shall mean the Charities Commission of the United Kingdom which body regulates the activities and operations of charity organisations in the UK.

**EGM:** Means Extra-Ordinary General Meeting of the Association

**Industry:** In this constitution, Industry refers to the charities industry ie, current trends and practices being followed by other Charity organisations in the UK.

**Special Resolution:** Means a unanimous Resolution passed by all the members of the Association.

**Welfare:** Means the general well-being, happiness, health and prosperity of a person or community as a whole. With reference to this Constitution, welfare shall mean the Association's mandate to help members with regard to, but not necessarily limited to:

**Training:** Securing and organising training for members either by itself or in conjunction with Partner organisations;

**Employment:** Facilitating access to information and or providing guidance and support to members in their efforts to secure employment such as CV preparation or provision of Reference;

**Health:** Encouraging regional associations to visiting members either at home or in hospital during ill-health;

**Bereavement:** Offering help and support through regional Associations during a member's bereavement;

**Incarceration or Deportation:** Offering help and support to members during incarceration or deportation. This may involve the Association getting in touch or liaising with relevant authorities to ensure that the concerned member is accorded due process of the law

Please refer to the welfare policy document for further information.

## 4.0 OBJECTIVES

The overall aim of MAUK is to promote the welfare of all Malawian nationals and persons of Malawian descent based in the United Kingdom. In addition, MAUK shall have general oversight of Regional Malawi Associations or a corporate organisation whose aims and objectives are to promote the welfare of Malawians and choose to affiliate itself with MAUK. The Objectives set out herein below seeks to achieve this overall aim.

- (a) To promote and enhance the welfare of Malawians living in the United Kingdom with particular focus on, but not limited to, facilitating access or offering information on personal development opportunities for Malawian Community on issues such as training, employment, health or

bereavement matters.

- (b) To promote integration and assimilation of Malawians in UK into the British society and British way of life through education, learning and good citizenship.
- (c) To promote and enhance cohesion and cooperation among Malawians through building up of partnerships and networks and organising exchange programmes with other associations, agencies, and /or organisations who share or carry out similar objectives and values with a view to promoting the interests of Malawi and enhancing the positive image of Malawian culture.
- (d) To oversee activities and operations of Regional Malawi Associations and other affiliated organisations or associations and to unite them under one banner to achieve maximum representations of Malawian and the nation of Malawi. In addition, to act an intermediary between Regional Malawi associations and the Malawi High Commission to London and other external agencies.
- (e) To initiate, identify and or carry out projects that target to benefit members of the Malawian Community whether in UK or Malawi and also to solicit funding and any other resources for and on behalf of MAUK.

## **5.0 MEMBERSHIP**

MAUK shall have three levels of Membership as follows:

### **5.1 Regional Malawi Associations**

- (a) Any Regional Malawi Associations in the United Kingdom shall automatically become a member of MAUK.
- (b) Where a new Regional Malawi Association has been established, the association shall submit its constitution and any other information to the Executive Committee of MAUK, for approval before the Regional Association registered as a member of MAUK.
- (c) The Executive Committee of MAUK shall have the power to advise the new regional association to make changes, where necessary, to its constitution or other governing documents to ensure that the constitution or any such governing document is in line with standard objectives of Malawi associations.

## **5.2. Corporate Members**

- (a) Affiliation to MAUK shall be open to any UK-based organisation or association the aims and objectives of which promotes the welfare of Malawian nationals whether here in the United Kingdom or in Malawi.
- (b) Any organisation or association seeking to affiliate itself to MAUK shall submit its constitution and any other governing documents to the Executive Committee of MAUK for approval before it is formally accepted and registered as an affiliate member of MAUK.
- (c) Corporate membership shall be broken down as follows: not-for-profit (free) and profit (fee based with the following categories gold, silver and bronze membership packages).

## **5.3 Individual Members**

- (a) Any person who is a Malawian national or of Malawian descent and is lives in an area of the United Kingdom that is not covered by any Regional Malawi Association to become a member of MAUK, provided they subscribe to the objectives of the MAUK and any rules made under this Constitution.
- (b) Any such person shall be required to complete a membership form and submit it to the Executive Committee of MAUK before being accepted and registered as a member of MAUK.
- (c) For the avoidance of doubt no individual shall be a member of MAUK and a Regional Malawi Association at the same time and no person shall be accepted and registered as a member of MAUK if the person lives in an area where there is a Regional Malawi Association.

## **6.0 EXECUTIVE COMMITTEE**

- (a) There shall be an elected Executive Committee of the Association that shall have all executive and administrative powers in order to manage the day-to-day affairs of the Association.
- (b) Whenever a vacancy arises among the Executive during its term of office, the Executive Committee shall, within two months from when the vacancy arose, convene an Executive

Meeting in order to fill up the vacancy from among the Executive members to perform the role until the next General election.

- (c) The Executive Committee shall meet as and when necessary, but not less than TWO times a year.
- (d) The Secretary General shall keep a record of each and every meeting proceedings
- (e) Agenda of the Executive Committee meeting and any other Association meeting is circulated to members with no less than two weeks advance notice.
- (f) Decisions of the Executive Committee meetings shall be reached by means of a simple majority vote.
- (g) With regard to quorum, Five (5) of Executive Committee members present including at least TWO (2) Regional Association Representatives shall constitute quorum for carrying out meetings of the Executive Committee.
- (h) Members of the Executive Committee shall be non-partisan in the discharge of their duties to ensure compliance with neutrality of the Association as stipulated in this Constitution. Where a member of the Executive Committee decides or becomes affiliated to a Political Party or any organisation related to Politics and such member actually becomes or takes part in active politics then the position of such member in the Executive Committee shall become untenable due to perceived conflict of interest and such member shall automatically be deemed to have resigned their position.

## **7.0 COMPOSITION OF THE EXECUTIVE COMMITTEE**

### **7.1 Executive composition**

The Committee shall consist of the following members:

- (a) Chairman
- (b) Vice-Chairman
- (c) Secretary General
- (d) Vice Secretary General
- (e) Treasurer
- (f) Vice Treasurer

7.2. Four (4) Committee Members one of whom shall be Representative of the youth.

7.3. The executive committee shall be given the power to appoint a Public Relations Officer (PRO) from within the membership structures of chapter associations or outside.

7.4. The Chairperson and Secretary General of each Regional Association shall be ex-officio member of MAUK Executive Committee.

## **8.0 DUTIES OF OFFICE BEARERS**

### **8.1 The Chairman shall:**

- (a) Preside over all meetings of the Executive Committee and the General Assembly.
- (b) Provide leadership both within the Committee and the Association at large.
- (c) Assign or delegate responsibilities and tasks to any member of the Executive as deemed necessary
- (d) Ensure that the activities and practices of the Executive Committee and the Association as a whole uphold the constitution.
- (e) Be an authorised signatory to all accounts held by the Association.
- (f) Be the principal spokesman on all matters pertaining to or affecting the Association, provided that he may delegate this responsibility to the Vice Chairman or the Secretary General or any other member of the Executive Committee as deemed appropriate.
- (g) Prepare and present the Annual Activities Report of the Association to the General Assembly
- (h) Facilitate, attend and act as Secretary to the Board of Trustees meetings.

### **8.2 The Vice-Chairman shall:**

- (a) Assist the Chairman in the carrying out of his duties described above.
- (b) Perform or undertake any such tasks as may from time to time be delegated to him by the chairman.
- (c) Represent the Chairman at Board of Trustees meetings in the absence of the Chairman or if delegated by the Chairman.

### **8.3 The Secretary General shall:**

- (a) Be responsible for keeping all records of the meetings of Executive Committee and the General Assembly.
- (b) Be responsible for informing or notifying members and convening of all meetings of the Association.
- (c) Be an authorised signatory to the Accounts of the Association.
- (d) Be responsible for communicating relevant information to the membership of the Association.
- (e) Represent the Chairman or Vice Chairman at Board of Trustees meetings if delegated to by the Chairman or Vice Chairman.

### **8.4 The Treasurer shall:**

- (a) Be the principal officer responsible for managing all financial transactions of the Association and also for maintaining record(s) of all the assets of the Association.
- (b) Be responsible for preparing and presenting the Association's statements of accounts to the General Assembly and the Executive Committee whenever required and or requested to do so.
- (c) Be responsible for financial planning and production of an annual budget in addition to monitoring of the same throughout the year.
- (d) Be an authorised signatory to the accounts of the Association.
- (e) Be the main overseer ensuring that all financial rules are adhered to including that Association's cheque payments are always approved by two authorised signatories.

### **8.5 Other Committee Members:**

- (a) The other Committee Members shall perform or undertake any other functions and / or duties as may be assigned or delegated to them by the Chairperson or Executive Committee.

### **9.0 Term of office of Executive Committee**

- (a) Office bearers shall hold office for a period of Two (2) years after which time fresh elections shall be held to elect new office bearers. Office bearers shall be eligible for re-election at the expiration of their term of office.

- (b) All office bearers shall be eligible to hold office for no more than three consecutive terms of office.
- (c) The Association's calendar year shall run from August to July of the following year.

## **10.0 GENERAL POWERS OF THE EXECUTIVE COMMITTEE**

- (a) The Executive Committee of MAUK shall have the following powers:
  - (b) To make policies of general application to all Regional Malawi Association
  - (c) To request periodic state of affairs reports from Regional Malawi associations
  - (d) To intervene where the Elected Executive Committee of any Regional Malawi Association has become dormant or is no longer functional, with the purpose of reviving current leadership or facilitating election of new leadership.
  - (e) To foster financial accountability within MAUK and Regional Malawi Association.
  - (f) To facilitate resolution of any internal disputes within local leadership of any Regional Malawi Association or any affiliate organisation or association, where such disputes cannot be reasonably and fairly resolved using internally available dispute resolution.

## **11.0 ELECTIONS**

- (a) Members of Regional Malawi Associations shall be recognised as members of MAUK for voting purposes and shall each have one vote.
- (b) The Secretary General shall issue a notice of any Elective AGM three months before the date of the AGM.
- (c) The incumbent Executive Committee in coordination with the MAUK Board of Trustees shall appoint an independent Electoral Committee that shall comprise the following:
  - (i) One person from the legal profession

(ii) Two community leaders

(iii) Two Trustees of MAUK Association

- (d) Aspiring candidates for the positions of Chairperson, Secretary and Treasurer shall be required to prepare a brief resume that shall be circulated to independent Election Committee for consideration in advance of the AGM.
- (e) Aspiring candidates for the positions of Chairperson, Vice Chairperson, Secretary, Vice Secretary, Treasurer and Vice Treasurer shall be required to submit an expression of interest that shall be sent to Election Committee then afterwards circulated to the Executive Committees of all Regional Malawi Associations for consideration in advance of the AGM. Aspirants will be asked to submit an expression of interest as opposed to being nominated to ensure that they are committed and understand what they are committing themselves to.
- (f) An expression of interest form shall be made available on MAUK website, social media platforms and emailed upon request. The section of the form will have a cap on words to ensure equity amongst aspirants.
- (g) A dedicate email address shall be set up where for the expression of interest shall be submitted that will be managed by the Independent Election Committee. This will be complemented by a page on MAUK website where expression of interest will be electronically completed and submitted.
- (h) Submissions of expression of interest shall be stopped 2 weeks before the election date to allow the independent Election Committee to review the submissions and come up with a list of shortlisted individuals
- (i) The Secretariat shall be dissolved a week prior to the Elections and management of affairs temporarily handed over to the MAUK advisory Board. This is to ensure that there is a level plain field just before and on election day.
- (j) The independent Executive Committee will be responsible for the final shortlisting of the candidates that have submitted strong applications. For each position the Election Committee shall shortlist a list of not more than 5 candidates.

- (k) Shortlisted aspirants will be required to do a 3 minutes presentation on the day of the election to the attendees explaining why they should be chosen and the changes that they will bring whilst in position.
- (l) Each Regional Malawi Association shall be required to ensure that a prescribed minimum of its members attends any elective AGM to allow a balanced representation of voters at each elective AGM.
- (m) Communication regarding the elections will be shared in good time using all relevant channels including social media, MAUK website, online media houses, to mention a few.

## **12.0 BOARD OF TRUSTEES**

- (a) There shall be a Board of Trustees whose composition shall comprise of up to seven members (Trustees) who shall be appointed by the Executive Committee and approved by the members at a General Meeting.
- (b) The Trustees shall hold office for a period of Three (3) years from the date that their appointment was approved by the General Meeting. Members of the Board of Trustees shall be eligible for re- appointment after their term of office has expired.
- (c) Members of the Board of Trustees shall be appointed on the basis of their personal knowledge, experience and or expertise in any area of life endeavour that the Executive Committee thinks will benefit the overall operations or activities of the Association.
- (d) Once appointed, the Trustees shall strive to become informed ambassadors and advocates in order to increase external recognition of the Association and to forge new connections that help sustain and increase both public and private support for the overall activities of the Association
- (e) The role of members of the Board of Trustees shall be advisory ensuring that through regular conversations and interaction with the Executive Committee the Trustees are providing active fiduciary oversight of the Association's programmes including long term range of plan(s) of activities to ensure the abiding vitality and prosperity of the Association.
- (f) The Board of Trustees shall meet at least twice a year and one of such meetings shall be a joint meeting with the MAUK Executive Committee in order to share the common vision and future strategy of MAUK programme of activities.
- (g) The Board of Trustees meetings shall be arranged, facilitated or organised by MAUK Executive Committee in consultation with the Board of Trustees.

- (h) The MAUK Executive Committee and the Board of Trustees shall keep in constant touch and maintain an open dialogue and exchange of views on all pertinent issues affecting the Association.
- (i) The Board of Trustees shall, during its very first meeting, elect its own Chairperson who shall preside over the Board's meetings for the duration of the Board of Trustees term of office.

### **13.0 ANNUAL GENERAL MEETING (AGM)**

- (a) There shall be an AGM convened by the Executive Committee in any calendar year to be held at a date, time and venue determined by the Executive Committee.
- (b) Decisions of the AGM shall be reached by a simple majority vote of the members present.

### **14.0 FUNCTIONS OF THE AGM**

The AGM shall, among others, carry out the following functions:

- (a) Receive a comprehensive report of activities organised and carried out by the Association.
- (b) Adopt a plan of action for the next financial year as may be proposed by Executive Committee.
- (c) Discuss finances and expenditure of the Association.
- (d) Conduct elections of office bearers of the Executive Committee.
- (e) Discuss or approve any proposed amendment, if any, of the Constitution.
- (f) Discuss any other matters as may have been on the AGM's agenda.

### **15.0 EXTRA – ORDINARY GENERAL MEETING (EGM)**

The Committee shall convene an EGM in the following circumstances and or for the following purposes:

- (a) To discuss any emergency or urgent matter that has arisen requiring the attention of Association's members in a meeting.

## **16.0 OFFICIAL COMMUNICATION**

All official written communication from the Association shall be on the Association's official letterhead with approved logo and emblem and signed by an approved office bearer. If communication is by email, it shall be from the Association's official email address

## **17.0 DATA PROTECTION DISCLOSURE OF INFORMATION (GDPR)**

- (a) MAUK will always comply with the General Data Protection Regulation (**GDPR**) when dealing with personal data of its members and/or other stakeholders.
- (b) No information or data contained on the Association's membership register shall be passed on to third parties or non-members without the knowledge, consent or approval of the Executive Committee or particular member concerned.
- (c) However, where disclosure is necessary, the Association shall only disclose

Member's information in any of the following circumstances:

- 1) Where the Association is legally required or obligated to disclose
- 2) Where the Association has a public duty or it is in the interests of the public to disclose
- 3) Where it is in the interests of the Association to disclose
- 4) Where disclosure is made with member's consent
- 5) Where appropriate the Association may also exchange information with relevant authorities or other bodies both within UK and overseas where such information is relevant required for purposes of complying with applicable laws such as verification of identity, prevention of fraud and in the fighting of crime and terrorism.
- 6) Where such disclosure has been ordered by a Court of Law.

## **18.0 GRIEVANCE AND DISCIPLINARY PROCEDURE**

- (a) Any member or any person feeling aggrieved with the actions of the Association or any of its Committee members or the actions of any other member of the Association, shall have the right to complain to the Executive Committee. Such complaint shall be in writing.
- (b) The Executive Committee shall come up with and maintain an up to date Grievance and

Disciplinary Procedures Rules and Regulations outlining in detail steps to be taken in addressing grievances and also outlining in detail what constitutes breach of discipline and what sanctions would follow for any breaches.

- (c) The Executive Committee shall circulate for free the Grievance and Disciplinary Procedure Rules and Regulations to all its fully paid up members. All other persons or organisations can, upon request, have the Rules and Regulations Handbook upon payment of a fee to be determined by the Executive Committee.

## **19.0 DISSOLUTION**

The Association shall only be dissolved by the passing of a Special Resolution by the members at an AGM or EGM. Such Special Resolution shall be proposed and circulated to all the Association's members three months before the AGM or EGM where it is to be discussed.

## **20.0 LEGAL LIABILITY AND COMPLIANCE OF CHARITY COMMISSION RULES**

The discussion and passing of any Special Resolution to dissolve the Association shall take into account any outstanding legal liability of the Association and follow the Commission's rules with regard to matters relating to dissolution of a charity

**SIGNED AS A TRUE COPY  
OF  
THE CONSTITUTION  
OF  
THE MALAWI ASSOCIATION (UK)**

**CHAIRMAN:**

.....

**DATE :**

**SECRETARY GENERAL:**

.....

**DATE :**