

Interim Inquiry Report

Jamiat Ittihad-UI-Muslimin (Muslim Mission) – SC013142

Introduction

We have decided to publish an interim report on our inquiry into the charity Jamiat Ittihad-UI-Muslimin (Muslim Mission) SC013142, known to the general public as ‘Glasgow Central Mosque’.

In the course of our inquiry there have been inaccurate statements made and circulated about our involvement, along with misconceptions about decisions that we have allegedly made. This report is intended to accurately set out our position, our interest and our role in this case, along with our initial findings so that the charity, those with concerns about the charity and the public can understand clearly the current situation.

Background

Jamiat Ittihad UI Muslimin (Muslim Mission) is an unincorporated association that was added to the Scottish Charity Register on 1 January 1992. The charitable purpose of the organisation is to serve the cause of Islam, truly and practically, by creating facilities for the observance of its principles.

The charity has an unusual and complex structure. It is governed by a constitution, but the properties belonging to the charity are held in trust governed by a trust deed. The properties are managed by a group of individuals known as ‘Property Trustees’. The Property Trustees are responsible for managing the heritable property only. They are not responsible for the day to day management of the charity. In charity law the people who are responsible for the day to day running of the charity are called the charity trustees or in the case of Glasgow Central Mosque they are called the Executive Committee. The constitution and the trust deed are separate, but operate in conjunction with each other, and the Executive Committee and Property Trustees are expected to each fulfil their respective roles.

Our inquiry

We initially received a concern about the charity in February 2014. The concern alleged that the Property Trustees had been acting outwith the powers conferred to them in the trust deed, and in contravention of those set out in the charity's constitution. In particular it was alleged that they had been making decisions on the running of the charity.

We also identified that the dissolution clause in the charity's constitution had been drafted in such a way that it did not meet the [charity test](#), in that upon dissolving the assets of the charity would pass to a non charitable body.

In January 2015, we met with both the Executive Committee (the charity trustees) and the Property Trustees. Shortly after this meeting, we received evidence to show that the majority of the charity trustees (members of the Executive Committee) that had been elected in the 2014 bi-annual elections and who were in attendance had in fact resigned from their positions prior to our meeting.

We met with the relevant parties again in April 2015, where the issue of the resignations was discussed. A dispute had arisen with the individuals who had previously resigned, as many of them appeared to have had a change of heart and wanted to remain as members of the Executive Committee. They believed that they should tender their resignations to the Property Trustees, however, neither the trust deed nor the constitution give the Property Trustees the power to accept the resignations. However unbeknown to them, the resignations had been sent to the legitimate body – the remaining members of the Executive Committee, who had already accepted their colleagues' resignations in good faith. Those who had resigned were unhappy about this as this meant they were no longer part of the Executive Committee. The point about who is eligible to receive the resignations has been misunderstood by several members of the charity. However, the fact is that those individuals who decided to resign as members of the Executive Committee had done so.

Following the resignations, there were not enough Executive Committee members (charity trustees) left to form a quorum (the legal number of charity trustees required by the constitution to make decisions), and therefore the remaining committee members were obliged to appoint new committee members, which they did.

Our findings

In order to address any misconception, we would like to make clear that we did **not** appoint any new members to the Executive Committee. Indeed, in this situation we do not have such powers and this decision can **only** be taken by the members of the Executive Committee. Their power to do this is set out in the charity's constitution.

We have also discovered that the Property Trustees had appointed members to the Executive Committee at a time when they did not have the power to do so. The Property Trustees **only** have the power to appoint new members at the bi-annual

general meeting. The power to appoint new members in between these meetings is given **only** to the serving members of the Executive Committee. As a result, we do not consider that the appointments made by the Property Trustees were valid under the terms of the charity's constitution.

All charity trustees (in this case, the Executive Committee members who have been legitimately appointed) must follow the terms of the charity's constitution as it is their statutory duty, and failure to do so would result in a breach of charity law.

We also received information that some of the remaining Executive Committee members had had their positions terminated. However, on further inquiry we established that the correct procedure had again not been followed. This meant that those members were still legitimate members of the Executive Committee.

Following our second meeting with the charity, we wrote to the charity trustees with our findings up to that point and issued some interim recommendations to help the charity to move forward. One of these recommendations was to amend the charity's dissolution clause, to protect the charity's assets and ensure that it was compliant with charity law. We understand that the Executive Committee are now acting to address this situation.

We appreciate that there is currently some concern about the charity's life membership. Our understanding is that this is not a category of membership that is set out in the charity's constitution. Our expectation is that the Executive Committee should seek their own independent legal advice on the validity of this category. We understand that this has been sought, and that the Executive Committee are acting to address the situation. We understand that this process may cause upset and tension for some members of the charity. However, the charity trustees must follow the terms of their governing document, as this is a requirement of charity law.

Our role and further interest

We consider that it may also be helpful to explain some aspects of our inquiry process. The Senior Compliance Officer handling this case, is the first point of contact for matters relating to the case and is also therefore the primary contact in OSCR for the trustees.

Unfortunately, this normal working arrangement, not usually the source of any controversy, has in this instance been perceived wrongly by some parties as the officer (and therefore the Regulator) taking sides in an ongoing dispute. We would like to stress that we strive to conduct our inquiries independently and fairly, in line with our published Inquiry Policy. Our Senior Compliance Officer, supported by her colleagues and managers, will continue to be the first point of contact and will continue to work with the charity's trustees to ensure that they are carrying out our recommendations and are fulfilling their duties as set out in section 66 of the 2005 Act.

The Regulator's role is to ensure that the public can continue to have confidence in charities and their work. We therefore cannot and do not take sides in conducting an

inquiry but must remain impartial: we certainly try to avoid becoming involved in internal disputes. Our interventions aim to ensure that the charity trustees fulfil their legal duties and, by fulfilling our recommendations, ensure that they are protecting the charity's assets and reputation from harm.

We hope that this interim statement is helpful in establishing the accurate position on some matters where the facts have been obscure or in dispute. Our inquiry remains ongoing and we are still working with the charity trustees to resolve the issues and difficulties that the charity is facing.

OSCR
19 November 2015