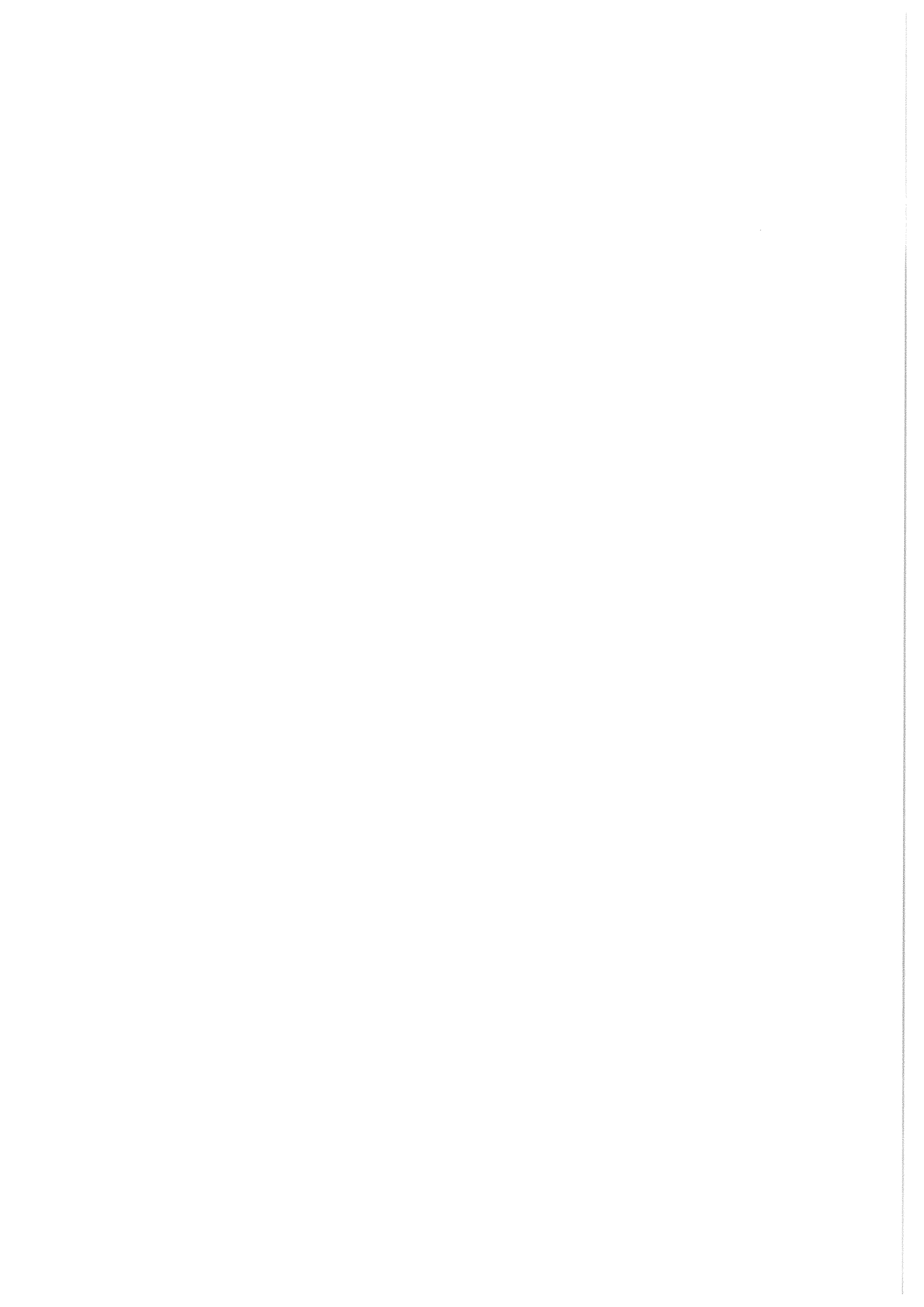


**NATIONAL UNION
OF
MINEWORKERS
RULES**

2018





RULES OF THE
NATIONAL UNION OF MINeworkERS

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RULES

1. NAME

The Union shall be called "National Union of Mineworkers" and is in these Rules referred to as the "Union" and its office shall be at The Miners' Offices, 2 Huddersfield Road, Barnsley S70 2LS.

2. CONSTITUTION

The Union shall be composed of workers employed in the coalmining industry and associated undertakings and such other industries and undertakings as Conference shall from time to time determine.

3. OBJECTS

The objects of the Union shall be:

- 3.A To act as a Trade Union.
- 3.B To secure the complete organisation in the Union of all workers in or connected with the coalmining industry and such other industries and undertakings in accordance with the constitution.
- 3.C To advance and protect the interests of members, as may be determined by Conference.

4. POWERS

The powers of the Union shall be all those that are necessary to pursue and implement the objects and the specific powers following do not derogate from or limit the generality of this power.

- 4.A To negotiate and settle either nationally or locally all issues or disputes arising between members and employers or other bodies.
- 4.B To provide for trade dispute benefit, legal assistance (including the payment of fines, costs and expenses), pensions and any other benefits or payments as may be determined in accordance with the Rules and policy of the Union.
- 4.C To promote legislation in the interests of members and oppose legislation contrary to the interests of members.
- 4.D To act as an association, organisation or intermediary for the purposes of any Conciliation Schemes for the coalmining industry and ancillary undertakings, and other industries or undertakings where the Union has members.

- 4.E To employ or appoint or organise the appointment of persons, whether members or not, to make inspections or representations on the workers' behalf under the Mines and Quarries Act 1954 as amended or any other Act of Parliament or Statutory Instrument or Code of Practice or under any collective agreement.
- 4.F To represent members of the Union and the interests of those industries and undertakings in which members are employed before and present evidence and information to Government, Parliamentary, Municipal, Local Government, Official and other Commissions, Committees and bodies of enquiry or investigation and Authorities.
- 4.G To assist members, retired members former members and their family in obtaining compensation for injury, ill-health, disabilities or death arising out of or connected with the members' employment, unfair dismissal, unlawful discrimination or other wrongdoing arising out of or connected with the members' employment or termination thereof and to support financially or otherwise the contest of any legal question affecting the interests of members or their dependants or the industries or undertakings in which they are employed.
- 4.H To raise funds by contributions, levies, donations or otherwise.
- 4.I To establish and maintain a Political Fund in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and any amendment thereof and to apply such fund (and any other funds that may be legally applied thereto under the Statutes for the time being in force) for the furtherance, in the interests of the members of industries or undertaking in which members are employed, of any political object within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 and such other purpose as the NEC or Conference may from time to time decide.
- 4.J To federate, amalgamate, merge with or take over other Trade Unions.
- 4.K To assist financially or otherwise, join, affiliate to or co-operate with bodies, Constituent Associations, trade unions and individuals whether within the United Kingdom or abroad.
- 4.L To engage in or support educational works.
- 4.M To enter into or participate in the production of a journal or other publications including film, television, video, books, records and tapes and mechanical recordings the main purpose of which is to further or promote the interests of the Union and its members thereof whether solely or as part of the interests of workers generally.
- 4.N To establish superannuation and/or pension schemes for the benefit of Officials and employees of the Union including former Officials and employees of the Union and their dependants.

- 4.O To make grants and/or loans for the benefit of members, Officials and employees of the Union, including former Officials and employees and their dependants.
- 4.P To seek and secure the establishment of common ownership and control by the workers of their industries and of the means of production, distribution and exchange generally, with a view to the complete abolition of capitalism.
- 4.Q To promote the passing of legislation to establish guaranteed levels of income for the members whether or not in employment.
- 4.R To negotiate a Wage Agreement covering the whole of the coalfields.

5. MEMBERSHIP

It shall be the duty of every member to comply with the Rules, policy and objects of the Union and with all directions thereunder.

5.A Full Membership

The following categories of persons are eligible for full membership of the Union and in these Rules the expression "members" means full member unless otherwise stated.

- (i) All persons employed in the coalmining industry and its associated undertakings.
- (ii) All persons employed in those sections of energy industries and such other industries and undertakings or sections thereof specified by Conference.
- (iii) All persons employed by the Union or by an Area or Constituent Association of the Union.
- (iv) National Officials and Area Officials.
- (v) All members who become Members of Parliament, Scottish Parliament, Welsh Government or of the European Parliament as long as they remain so.
- (vi) With the express permission of the NEC all members victimised as a result of the 1984/85 strike and any future disputes in accordance with Rule 6.C.
- (vii) With the express permission of the NEC any other person not falling within one of the above categories.

5.B Honorary Membership

- (i) The honorary members shall be all those persons who in the opinion of the NEC are suitable to be honorary members and who are admitted to honorary membership by

the NEC. The NEC may terminate in its absolute discretion the membership of any honorary member at any time without assigning any reason thereof.

- (ii) An honorary member shall not be eligible to vote, receive benefit or hold office other than as a Trustee in the Union.
- (iii) An honorary member shall be exempt from paying all contributions.

5.C Membership in Areas

- (i) Every member of the Union shall be allocated by the NEC to an appropriate Area and any member may be re-allocated by the NEC at any time from one Area to another.
- (ii) No person shall be a member of an Area who is not a member of the Union.
- (iii) No member of an Area shall be a member of another Area at the same time.

6. CONTRIBUTIONS AND LEVIES

- 6.A All members of the Union, except those who qualify for membership under Rule 5.A (vi) shall be obliged to pay contributions, as may be from time to time determined by the Union. A member shall be deemed to be a “financial member” of the Union, entitled to all the rights and benefits under the Rules, whilst that member is in membership and not in arrears of payment as provided below.
- 6.B Except where exemption has been otherwise granted by the NEC or Conference, a member shall cease to be a financial member when the extent of the member’s arrears is the equivalent of 13 weeks’ contributions. Any such unfinancial member shall cease to be entitled to the rights and benefits of membership until the whole of the arrears are paid up to date and for a period of four weeks after the date of payment of all such arrears, providing he/she remains in membership.
- 6.C A member on strike or locked out shall be exempted from payment of contributions in respect of any period during which the member was on strike or locked out and in respect of which he/she received no wages. This includes all members victimised as a result of the 1984/85 strike.
- 6.D The contributions to be paid to the funds of the Union in respect of Full Members shall be decided annually by the NEC.
- 6.E The weekly contributions shall be collected by Areas and shall be paid to the Secretary of the Union within such time as the NEC shall direct. Areas may retain an amount, to be determined by the NEC from time to time, for Area budget purposes.
- 6.F Each Branch of the Union shall be entitled to an allowance for Branch purposes and expenses of eight per cent of the weekly contributions made by members of that

Branch. Each Branch shall have sole responsibility for the expenditure of the allowance of eight per cent subject to the Rules and policy of the Union.

- 6.G Each Area or Branch may collect from its members contributions in excess of those provided for in these Rules for the purpose of provident, welfare or other similar purpose and shall retain control over such funds
- 6.H If any Area is in arrears in payment of its contributions for more than 13 weeks the Area may, at the discretion of the NEC, be deprived of the right of their representatives to attend and vote at meetings of the NEC and the right of their delegates to attend and vote at Conference.

7. GOVERNMENT

The government of the Union shall be by Conference as provided for in these Rules. In the periods between Conference the NEC shall administer the business and affairs of the Union including the approval of the Financial Report and Accounts in the alternate year to the Biennial Conference.

8. THE CONFERENCE OF DELEGATES

- 8.A The Conference of Delegates ("Conference"), in which authority and government of the Union shall be vested, shall function in Biennial Conference, Special Conference or Rules Revision Conference. The Biennial Conference shall be held between 1st June and 31st July, or such other times as Conference may resolve. The duties of the Biennial Conference shall be to transact business of the Union and to discuss matters affecting the welfare of the membership; to consider motions submitted by the NEC and Areas; to receive the NEC's report of its proceedings for the preceding two years and the Financial Auditor's Report for the previous year.
- 8.B An Area shall be permitted to send in motions, not exceeding five in number, only two of which may be proposed amendments to Rule. In addition an Area shall be permitted to submit one amendment to a Motion and/or Rule appearing on the Agenda for the Biennial Conference.
- 8.C Motions for the Biennial Conference agenda shall be in the hands of the Secretary not later than 14 weeks prior to the Biennial Conference in order that they may be sent to the Areas at least 12 weeks prior to the date of the Biennial Conference. Amendments to motions submitted by Areas shall be in the hands of the Secretary at least eight weeks prior to Biennial Conference and the final agenda shall be sent to Areas not less than six weeks prior to Biennial Conference.
- 8.D The NEC shall have power to exclude from the business to be considered by the Biennial Conference any proposition that appears to the NEC to be contrary to the Rules of the Union but, in any case where the NEC decide that any proposition should be excluded, that decision shall be recorded in the Final Agenda for the Biennial Conference and shall be subject to review by the Biennial Conference.

- 8.E A Special Conference or a Rules Revision Conference may be called at any time by the NEC.
- 8.F Voting and procedure at Conference will be governed by the Standing Orders which shall form part of the Rules.
- 8.G (i) Each Area shall be entitled to appoint two Delegates for the first 100 members (or part thereof), and one further Delegate for each additional 100 members (or part thereof). The number of members in Area shall, for the purpose of this Rule, be taken as being the number for which contributions have been paid to the Union according to the latest audited figures available.
- (ii) Every Delegate to Conference shall be entitled to be indemnified by the Union in respect of every act and omission done as such a Delegate by his or her participation in Conference, whether in accordance with these Rules or otherwise so long as the act or omission was done with the prior or subsequent consent of Conference. For the avoidance of doubt this Rule shall apply whenever the act or omission as defined, occurred, whether before the passing of this Rule or later. Delegates appointed under this Rule shall be paid reasonable expenses, under the dispensation extant, by the National Union.

9. NATIONAL EXECUTIVE COMMITTEE

- 9.A The National Executive Committee ("NEC") shall consist of:
- (i) The President.
 - (ii) The Vice-President
 - (iii) The Secretary
 - (iv) Representative members who shall be elected by Areas from amongst the members thereof to hold office until the conclusion of the next Biennial Conference at which all representative members (whenever elected) will retire.
 - (v) One representative of and elected by the Miners' Parliamentary Group who shall not be entitled to vote.
- 9.B The basis of representation on the NEC shall be based on the membership as it stood in December 2015 :

COSA one member
 South Wales Area one member
 Yorkshire Area three members
 Nottingham Area one member
 North East Area one member
 Scotland Area one member
 Leicester Area one member

- 9.C No member shall be eligible for nomination to the NEC unless he or she has been a full financial member of the Union for at least 12 months immediately prior to such nomination.
- 9.D Where there are Branches within an Area the Branches shall be entitled to nominate members for election as representative members of their Area on the NEC and Area Executive Committees shall, when more than one nomination is submitted, arrange an election by individual ballot of the members taken on the principle of "first past the post" and the name of the person(s) so elected shall be communicated to the Secretary of the Union in time to be included on the Final Agenda of the relevant Biennial Conference.
- 9.E Any vacancy amongst the representative members of the NEC shall be filled by a person elected by the membership of the appropriate Area to hold office until the conclusion of the next Biennial Conference at which the other representative members of the NEC vacate their office.
- 9.F Every member of the NEC shall be entitled to be indemnified by the Union in respect of every act or omission done as such member whether in accordance with the Rules or otherwise, so long as such act or omission was done with the prior or subsequent consent of Conference or of the NEC. For the avoidance of doubt, this Rule shall apply whenever the act, as defined, occurred, whether before the passing of this Rule or later.
- 9.G The NEC shall only be removed in the following way:
- (i) A resolution to that effect must be passed by a majority of at least 2/3rds of the total Area votes taken by a card vote at a specially convened Conference, and
 - (ii) Such resolution must be confirmed by a majority of at least 2/3rds of all the members as ascertained by a ballot vote.
- 9.H A representative member of the NEC shall only be removed by a decision of the National Disciplinary Committee or in the following way:
- (i) A resolution to that effect must be passed by a majority of 2/3rds of the members of the NEC entitled to vote, and
 - (ii) Such resolution must be confirmed by a majority of at least 2/3rds of the members of the representative member's Area as ascertained by a ballot vote.
- 9.I A member of the NEC who ceases to be a member of the Union shall not be eligible for membership of the NEC from the date his membership of the Union ceases.
- 9.J The NEC shall meet bi-monthly and at such other times as may be decided upon by the NEC. In the event of an emergency the President shall be empowered to call special committee meetings. The President shall act as Chairman of the meetings of the NEC. If the President or Vice-President or the Secretary is not present within 15 minutes after the time appointed for holding the meeting, or if they have given notice of their inability to be present, the members of the NEC present shall choose one of

their number to be Chairman of that meeting. Questions arising at any meeting of the NEC shall be decided by a majority of the votes. The President shall be entitled to vote in his or her capacity as an elected representative of the NEC but shall have no casting vote when presiding at meetings.

- 9.K The quorum necessary for the transaction of the business of the NEC shall be four, provided that, if a quorum is not present within half an hour of the time appointed for the meeting, the members present may resolve that the meeting be adjourned to a date and time resolved upon by them. If at such adjournment meeting, of which due notice shall be given to the members of the NEC, a quorum is not present within half an hour of the time appointed for the meeting, the members present shall be a quorum.
- 9.L The NEC may delegate any of their powers to a sub-committee drawn from individual members of the NEC and/or any full members of the Union and any such sub-committee or individual shall conform to any regulations or directions imposed by the NEC.
- 9.M An Area aggrieved by any decision of the NEC or any such sub-committee or individual under 9.L shall have the right to appeal to Conference whose decision shall be final. The decisions of the NEC upon all matters and business which it undertakes to transact shall be binding, subject to any directions given by Conference and subject to the right of appeal. An appeal to Conference shall not suspend the operation of a decision of the NEC, nor shall an overruling or variation by Conference of any decision of the NEC invalidate anything done in pursuance of that decision prior to its being overruled or varied.

10. NATIONAL OFFICIALS

- 10.A There shall be three National Officials, a President, Vice-President and Secretary, who may be employed by the Union at the discretion of the NEC.
- 10.B A National Official shall be paid reasonable and proper expenses, as determined by the NEC for doing work on behalf of the Union.
- 10.C The Union shall reimburse an Area one third of the National Officials' rate of pay to compensate that Area for work undertaken by that Official on behalf of the Union.

11. PRESIDENT

- 11.A The President shall in addition to performing whatever duties are entrusted to him/her as President under these Rules or by the NEC or Conference, attend all meetings of the NEC, Biennial Conference and Special Conference. The President shall be entitled to vote in his or her capacity as an elected representative of the NEC but shall have no casting vote when presiding at meetings.
- 11.B The President shall ensure that the business of the Union is conducted in a proper manner according to the Rules and that in the conduct of affairs of the Union the Rules are duly and properly carried out.

12. VICE-PRESIDENT

- 12.A The Vice-President shall carry out such duties as designated from time to time by the NEC.
- 12.B The Vice-President shall be entitled to vote in his or her capacity as an elected representative of the NEC.

13. SECRETARY

- 13.A The Secretary/Treasurer shall be responsible for dealing with correspondence, administration, staffing and finance for and on behalf of the Union and the NEC and shall attend at the meetings of Conference and the NEC. The Secretary shall be entitled to vote in his or her capacity as an elected representative on the NEC.
- 13.B The Secretary shall prepare and submit to the NEC and the Auditors a balance sheet showing the financial position of the Union for each year ending on 31st December. The Secretary shall receive all monies payable to the Union other than those for which the disposition is otherwise specifically provided for by the Rules. The Secretary shall not retain under his or her control any sum of sums of money not immediately required for the purposes of the Union and shall see that all monies not so required shall be paid into any bank or financial institution or be paid over to the Trustees. The Secretary shall also prepare the Annual Returns and transmit them to the Certification Officer and shall in this respect comply with all the statutory enactments for the time being in force.
- 13.C The Secretary shall be authorised by the Yorkshire Area Council and Trustees of the Yorkshire Area Trust Fund to utilise the Yorkshire Area Trust Fund in accordance with the provisions of Schedule Two paragraph 2 (i)-(viii) of those Rules subject to the following:
 - (i) The Secretary shall provide an annual estimate of expenditure for the forthcoming year for approval by the Yorkshire Area Council and Trustees of the Yorkshire Area Trust Fund.
 - (ii) No expenditure is to be made without the authority of the Trustees of the Yorkshire Area Trust Fund, such authority to be:
 - (a) Written authority signed by all the Trustees of the Yorkshire Area Trust Fund.

or

 - (b) A minute of a Meeting of the Trustees the Yorkshire Area Trust Fund.
- 13.D The Secretary shall prepare Minutes:
 - (i) of all appointments of Officials;

- (ii) of the names of the members present at each meeting of the NEC or any sub-Committee thereof;
 - (iii) of all proceedings and resolutions of the Biennial Conference or Special Conference.
 - (iv) of all meetings of the NEC and sub-Committees as signed by the President at the next appropriate succeeding meeting of the NEC and such Minutes shall be conclusive evidence of the matters stated in such meetings.
 - (v) of all meetings of the Trustees.
- 13.E The Secretary shall distribute the published Minutes of the NEC and its sub-Committee and of proceedings and resolutions of Conference to each Area Secretary for the information of the Area Officials, Executive Committees and the members.
- 13.F The Secretary shall maintain and provide records of each member's name, address, category of membership, contributions record and such other particulars as the NEC may from time to time direct.

14. ELECTION OF NATIONAL OFFICIALS

- 14.A The National President and National Secretary shall be elected in line with legislation.
- 14.B The National President and National Secretary shall hold office for a period of five years.
- 14.C All members of the National Executive Committee shall be entitled to stand as a candidate for election for the positions of National President and National Secretary provided that such candidacy is confined to a person who, subject to the provisions of Rule 14.D and 14.F, is a member of the NEC and who has been a full financial member of the Union for at least 12 months prior to the date of the election.
- 14.D President

The President shall hold office for a period of five years and shall be eligible to be re-elected to the next successive term of office without the need to be a representative members of the NEC at any time prior to, during, or otherwise at the conclusion of the election process.

14.E Vice-President

The Vice-President shall be elected by the NEC from representative members elected by Areas. The Vice-President shall hold office until the conclusion of the next Biennial Conference at which all representative members of the NEC whenever elected shall retire.

14.F Secretary

The Secretary shall hold office for a period of five years and shall be eligible to be re-elected to the next successive term of office without the need to be a representative member of the NEC at any time prior to, during, or otherwise at the conclusion of the election process.

15. REMOVAL OF NATIONAL OFFICIALS

15.A A National Official shall only be removed or suspended from office by a decision of the National Disciplinary Committee or in the following way:

- (i) A resolution to that effect must be passed by a majority of 2/3rds of the members of the NEC entitled to vote, and
- (ii) A resolution to that effect must be passed by 2/3rds of the total Area votes taken by a card vote at a specially convened Conference.

15.B A National Official shall cease to hold the office of National Official in the event that he/she ceases to be a member of the Union or on becoming or continuing to be a Member of Parliament, the Scottish Parliament, the Welsh Government, a Member of the European Parliament or a paid Official of Government unless he/she has the express permission of the NEC which permission may be withdrawn at any time without assigning any reason therefore.

16 INDEMNITY OF NATIONAL OFFICIALS

Each National Official shall be entitled to be indemnified by the Union in respect of every act done as such a National Official so long as such act was not contrary to the policy of Conference or of the NEC. If such act be not in accordance with the Rules then the National Office shall be entitled to be indemnified if the said act was done with the prior or subsequent consent of Conference or of the NEC. For the purposes of this Rule the word "act" shall include the omitting to do something as well as the doing of anything. For the avoidance of doubt this Rule shall apply whenever the act, as defined, occurred whether the same occurred before the passing of this Rule or later.

17 AREAS

17.A The members of the Union shall for the purpose of administration be organised into divisions of the Union to be known as Areas.

17.B The membership of any Area may, but need not be, members of one or more Constituent Associations.

17.C A "Constituent Association" means a registered or scheduled trade union, other than the Union itself, comprising of members of the Union and which has been approved for that purpose by Conference. A Constituent Association may, with the approval of the Union, dissolve itself, merge, combine, amalgamate with or transfer engagements

to any other Constituent Association or merge, combine, amalgamate with or transfer engagements to the Union. Conference shall have the power to admit and expel a Constituent Association.

- 17.D Conference shall have the power to create, dissolve, merge, combine or amalgamate Areas and the NEC shall prescribe the Rules of any new Area so created.
- 17.E The NEC shall keep under review the organisation of the Union and shall make appropriate recommendations to Conference from time to time.
- 17.F Each Area and each Constituent Association, its Officials and Executive Committee, shall comply with the Rules of the Union.
- 17.G Areas shall have the power to establish and administer Associations of retired miners and former members of the NUM which will operate under their own rules. By being a member of such Associations does not make you a member of the Union, but any member of the Union can become a member of such Associations without loss to their Union rights the Association may apply to the Union on their behalf for assistance in relation to any matters referred to in Rule 4.G. Associations constituted under this Rule shall not be constituent or affiliated organisations of the Union.

18 GOVERNMENT OF AREAS

- 18.A Areas shall have such Branches, Branch Committees, Branch Officers, Area Councils, Area Executive Committees and Area Officials as may be prescribed by the Rules of the Area. The administration of any existing funds or contributions collected by an Area over and above those provided for in Rule 6.D shall be the sole responsibility of the Area who shall have autonomy over such funds subject to the Rules and policy of the Union.
- 18.B All Branch Committees, Branch Officers, Area Councils, Area Executive Committees, Area Officials, shall be subject in all respects to the authority of the Union and shall comply at all times with the directions of the NEC and of Conference. The NEC shall be responsible for unifying the procedures that deal with all members in all the Areas.
- 18.C The Area Officials and each Area Council/Area Executive Committee shall be responsible to the NEC for:
 - (i) The detailed organisation, membership and contributions as covered by their Area;
 - (ii) The establishment and maintenance of the Branches within their Area;
 - (iii) All negotiations for contracts, wages, compensation and other matters which relate solely in character to a workplace, district or Area;
 - (iv) The submission of reports to the NEC of work done and proceedings taken.

- 18.D The National Rules shall be deemed to be part of the Area Rules. Each Area or Constituent Association may have such other rules as it may decide upon provided that no such rule conflicts with any National Rule or with the policy of the Union.
- 18.E The Area Council/Area Executive Committee shall supervise and co-ordinate the action of all the Branches in the Area in accordance with the Rules and policy of the Union and shall act for the Union in all matters of a purely Area character.
- 18.F A Branch in an Area shall, subject to the overriding authority of the NEC, exercise such functions as may be delegated to it by the relevant Area Council/Area Executive Committee or as provided in the Regulations of the Branch and of the Area. Each Branch shall have sole responsibility for the expenditure or administration of its existing funds and of that part of the weekly contributions of its members allowed to the Branch by Rule 6.F subject to the Rules and policy of the Union.
- 18.G If an Area or a Branch in an Area shall commit one or more of the following offences it shall be liable to one of the penalties set out in 18.H below:
- (i) Being in arrears for a period of 13 weeks in its contributions and/or levies to the Union and failing to pay such arrears within 14 days after notice has been given by direction of the NEC requiring payment thereof with express reference to the provisions of this Rule;
 - (ii) Refusing to carry out the directions, regulations and orders of the NEC or of Conference.
- 18.H The penalties referred to in 18.G above are that such Area or Branch may be suspended by resolution of Conference.

Provided always that the NEC, being satisfied that the cause of complaint has been remedied, may rescind the resolution or exclusion or suspension passed by Conference, except where the resolution in question expressly prohibits the decision of the NEC. The powers conferred by this Rule are additional to and not in substitution for the relevant provisions of Rule 6.H.

19 AREA OFFICIALS

- 19.A Each Area shall have such Area Officials as may from time to time be determined by the NEC.
- 19.B Area Officials shall be subject in all respects to the authority of the Union and shall obey all directions thereof and shall perform such duties as are prescribed in these Rules and laid down from time to time by the NEC. In addition they shall perform any duties or directions imposed by the Area Council/Area Executive Committee. In the event of any conflict or question as to the duties, obligations, rights and entitlements of an Area Official the matter shall be referred for decision to the NEC or, in the case of urgency, to the President. There shall be a right of appeal from the President to the NEC and from the NEC to Conference whose decision shall be final and binding.

- 19.C Every Area Official shall be entitled to be indemnified by the Union in respect of every act done as an Official whether in accordance with the Rules or otherwise so long as such act was done with the consent of the Area Council and/or National Officials, the NEC or Conference; but the Area shall indemnify the Union if the Area Official's act was subject only to the consent of the Area Council but not any other of the persons or bodies set out above. For the purpose of this Rule the word "act" shall include the omitting to do something as well as the doing of anything. For the avoidance of doubt this Rule shall apply whenever the act as defined occurred whether the same occurred before the passing of this Rule or later.

20 ELECTION AND REMOVAL OF AREA OFFICIALS

- 20.A When the NEC agree to the election of an Area Official, Branches shall be entitled to nominate one candidate for the position provided that such nomination be confined to a person who is a full financial member and has been for at least 12 months prior to nomination.
- 20.B Election of an Area Official shall be by ballot vote of the full financial members of the Area which shall be conducted on the principle of a simple majority. The NEC may regulate the conduct of such elections.
- 20.C Area Officials shall hold office for five years or such other period determined by Conference and the Area Officials' contracts of employment from the date on which they are declared elected. They shall be eligible for re-election subject to any provision of their contract of employment or as otherwise specified by Conference or NEC.
- 20.D An Area Official shall only be removed or suspended from office by a decision of the National Disciplinary Committee in the following way:
- (i) a resolution to that effect must be passed by a majority of 2/3rds of the votes of the Area membership taken by a card vote at a special Area Council Meeting, and
 - (ii) such resolution must be confirmed by a majority of at least 2/3rds of the members as ascertained by a ballot vote in the Area he or she represents.
- 20.E An Area Official shall cease to hold the office of Area Official in the event that he/she ceases to be a member of the Union or on becoming or continuing to be a Member of Parliament, Scottish Parliament, Welsh Government or a Member of the European Parliament or a paid Official of Government unless he/she has the permission of the Area Council and of the NEC which permission may be withdrawn at any time without assigning any reason therefore.

21. AREA OFFICIALS: SALARIES

- 21.A The salaries payable to the Area Officials shall be fixed from time to time by Conference upon the recommendation of the NEC.

21.B The salaries of Area Officials specified as full-time by the NEC shall be borne out of funds of the Area.

21.C In addition to the provisions of the National Union of Mineworkers Officials' and Permanent Employees' Superannuation Fund, the NEC shall have power to make other provisions by the way of gratuity or pension or by way of supplement to the benefit of any retirement scheme for Officials or employees.

22. AUDITORS/ACCOUNTANTS

22.A There shall be as Auditors a reputable firm of professionally qualified and independent Accountants who shall examine and audit the accounts for the Union. The Auditors shall be supplied with copies of the Annual Balance Sheets and Report intended to be laid before the NEC and the Biennial Conference and it shall be their duty to examine the same with the accountants and report thereon. The Auditors shall at all reasonable times have access to the books and accounts of the Union and Areas and they may in relation thereto question the Officials and Trustees of the Union.

22.B The Auditors shall be appointed by Conference and shall continue to hold office at the pleasure of the Union. A vacancy in the office of Auditors/Accountants shall be filled by the NEC subject to confirmation by the Biennial Conference.

23 TRUSTEES

23.A There shall be three Trustees in whom all the funds and property of the Union shall be vested. The Trustees shall be appointed by Biennial Conference and shall continue in the office of Trustees during the pleasure of the Union. Conference may remove a Trustee from office and appoint any full or honorary member of the Union in his/her place. A Trustee may resign his/her office by notice in writing to the Union.

23.B In the event of a vacancy in the office of Trustee the NEC shall appoint a full or honorary member to fill the vacancy and to hold office as a Trustee until retirement at the conclusion of the next Biennial Conference. Such retiring Trustee shall be eligible for appointment by Biennial Conference. No full or honorary member, other than such a retiring Trustee, shall be eligible to be appointed as a Trustee by the Biennial Conference unless he or she has been duly nominated as a candidate by the NEC or by an Area. If nominated by an Area the nomination must be received by the Secretary at least 8 weeks prior to the Biennial Conference. In either case the names of the persons nominated or eligible for appointment shall appear on the final agenda of business to be transacted at the Biennial Conference. A Trustee must be and remain a full or honorary member of the Union and, on ceasing to be a member of the Union, shall automatically cease to hold the office of Trustee.

23.C Every Trustee shall be entitled to be indemnified by the Union in respect of any act done as such a Trustee whether in accordance with these Rules or otherwise so long as the relevant act was done with the consent of Conference or the NEC. For the purpose of this Rule the word "act" shall include the omitting to do something as well

as the doing of anything. For the avoidance of doubt this Rule shall apply whenever the act defined occurred whether same occurred, whether before the passing of this Rule or later.

- 23.D All the real and personal property of the Union shall be vested in the Trustees subject to the direction of Conference. The Trustees shall in connection with the property and funds of the Union at all times observe and carry out in all respects the orders and directions of the National Officials in line with NEC or Conference decisions, (except the property transferred to the Union following a transfer of engagements from the National Union of Mineworkers (Yorkshire Area) and National Union of Mineworkers (Lancashire Area), to which the provisions of Schedule Two and Three shall apply and in respect of which property the Trustees shall be increased in number as specified in Schedule Two and Schedule Three). The Trustees shall retain the custody of all Deeds, Certificates or Script, representing the investments of the Union funds in a bank or other independent safe place of deposit.
- 23.E So much of the funds of the Union as may not be wanted for immediate use or to meet the usual accruing liabilities of the Union or as are placed in a bank or other financial institution by the Secretary under Rule 13 shall be turned to account by the Trustees who shall have the power to invest those funds in such investments as shall from time to time be authorised by the NEC in the United Kingdom or abroad. Such investments need not be investments authorised by Statute for the investment of trust funds, provided that Trustees consult with an appropriate independent investment advisor prior to making investments outside those authorised by Statutes for the investment of trust funds. The Trustees shall have the power to sell or vary investments and to raise or borrow money on any of the properties or securities of the Union by way of mortgage or otherwise as the NEC thinks fit.
- 23.F The real and personal property transferred to the Union by a transfer of engagements from the National Union of Mineworkers (Yorkshire Area) and National Union of Mineworkers (Lancashire Area) and which shall have vested in the Trustees pursuant to S.105 of the Trade Union and Labour Relations (Consolidation) Act 1992, shall be held by the Trustees in accordance with the terms of Schedule Two and Schedule Three. This Rule and the terms of Schedule Two and Schedule Three shall not be capable of alteration under these Rules, until such time as all Constituent Associations shall have transferred their engagements to or amalgamated with the Union or until such time as the Union shall have transferred its engagements to, or otherwise amalgamated with, another trade union (not being a Constituent Association).

24 INSPECTION

Any full financial member shall be entitled to inspect the latest audited accounts of the Union at the Registered Office of the Union. This shall not entitle any person other than a member, whether acting for or on behalf of a member or not, to so inspect.

25 INDUSTRIAL ACTION

- 25.A In the event of any industrial action taking place or appearing to the relevant Area Executive Committee likely to take place, an Area Official shall report the situation to the Secretary of the Union as soon as practicable.
- 25.B The NEC alone shall have the power to sanction industrial action, taking place or appearing likely to take place, which has been reported to it under 25.A above. Unofficial industrial action shall not be authorised or ratified under any circumstances.
- 25.C The NEC shall have the power to call industrial action by any group of members and such action shall be deemed to be declared official.
- 25.D The NEC shall have the power to co-ordinate industrial action declared to be official in accordance with these Rules.
- 25.E In the event of a national strike of the whole membership of the Union being proposed by the Union in pursuance of any policy of the Union the following provisions shall apply;
- That such national strike shall only be entered upon as the result of a ballot vote of the full financial members take in pursuance of a resolution of Conference and a strike shall not be declared unless a simple majority of those voting in the ballot vote in favour of such a strike. If a ballot vote be taken during the time such a strike is in progress the strike may not be continued unless a simple majority of those voting in the ballot vote in favour of continuance. Such ballots shall be taken in accordance with regulations made by the NEC.
- 25.F It shall be at the discretion of the NEC to determine whether strike pay or other trade dispute benefit shall be paid and, if so, at what rates, but no such payment shall be made unless and until the action has been declared to be official under these Rules.
- 25.G The NEC may declare by resolution that a member has suffered victimisation, in their view, for acting in accordance with the policy of the Union and is entitled to support by the Union and the amount of the victimisation benefit to be paid to such member shall be such sum or as the NEC shall resolve.

26. RULES

- 26.A No alterations or additions to these Rules (or to the Rules for the Political Fund or for the administration thereof) shall be made except:
- (i) By a decision of not less than 2/3rds majority on a card vote taken at the Biennial Conference and then only after the proposed alterations or additions have been placed upon the Agenda of the Biennial Conference by an Area or the NEC.
 - (ii) By a decision of not less than 2/3rds majority on a card vote at a Rules Revision Conference and then only after the proposed alterations or additions have been placed on the Agenda of such Rules Revision Conference by the NEC four weeks prior to such Conference.

26.B In the event of any conflict between Area Rules and these Rules or in relation to any issue not covered by these Rules, the President shall make a ruling which shall apply subject to an appeal to the NEC and/or Conference.

26.C Any breach of these Rules shall be regarded as detrimental to the interests of the Union.

27 DISSOLUTION

The Union may be dissolved with the consent of 4/5ths of the members, ascertained by ballot vote of the members, taken in pursuance of a resolution of Conference. In the event of the dissolution of the Union notice shall be given to the Certification Officer in form prescribed by law.

28 GRIEVANCE PROCEDURE

28.A Any member who fails to follow the procedure in Rule 28.B, without good cause, shall be deemed to have terminated his/her membership of the Union.

28.B No member or person claiming under these Rules shall make any application to any Court until the procedure established by these Rules is exhausted. Any grievance of any member or person claiming under these Rules or group of members shall proceed as quickly as is reasonably practicable in the following manner unless settled at any stage. The grievance shall be raised with the following and in the following order unless the grievance concerns one of the bodies listed in which case the grievance shall commence at the next stage.

- (i) the Branch;
- (ii) the Area Officials;
- (iii) the Area Executive Committee;
- (iv) the Area Council;
- (v) the National Officials;
- (vi) the NEC;
- (vii) the Conference whose decision shall be final and binding.

29 DISCIPLINARY PROCEDURE

Disqualification of members, Branches, Areas and Removal of Officers

29.A All members have a duty to follow the Rules of the Union.

29.B Disciplinary action may be taken against any member(s) who;

- i) Is found guilty in a court of law of an offence contrary to Union policy or involving Union funds or property or involving fraud or dishonesty in circum-

stances which may affect his/her fitness to be a member of or hold office in the Union.

- ii) Disregards, disobeys or breaks any Rule(s) of the Union or any instruction issued in accordance with the Rules.
 - iii) Is involved in any dishonest practice or fraud in relation to any funds of the Union
 - iv) Has disclosed any Union document to a third party without authorisation from the Union.
 - v) Has committed any act or omission which may be detrimental to interests of the Union.
 - vi) Has made a scandalous, vexatious or unreasonable complaint against any member(s) or body of the Union.
 - vii) Is found to be a member of, or affiliated with, any far right, fascist or racist organisation.
- 29.C A complaint made in relation to any matters referred to in Rule 29.B shall be referred to the Executive Officer of the Union who will be provided with sufficient information to enable him or her to investigate the complaint.
- 29.D On completion of the investigation the Executive Officer will refer the matter to the NEC with a recommendation that disciplinary action should or should not be taken against the member(s) to whom the complaint relates. The NEC shall not be bound by the recommendation of the Executive Officer.
- 29.E
- (i) Where there appears to be reasonable grounds for disciplinary action the NEC shall appoint two of its members and one other full member of that Area to be known as the National Disciplinary Committee (NDC) to hear the case.
 - (ii) The NDC shall not include any member of the NEC who represents the Area to which the member(s) against whom the complaint is made belongs or any full member of the Union.
 - (iii) Without prejudice to the outcome of the disciplinary hearing, the NDC may suspend a member charged under this rule from holding any office or representing the Union in any capacity pending its decision.
 - (iv) As soon as is reasonably practicable the NDC shall arrange a disciplinary hearing at which the complainant(s) and the member(s) against whom the complaint is made may be represented by a member of the Union.
 - (v) The NDC shall notify the member(s) against whom the complaint is made of their decision. Such notice shall be in writing, giving reasons for the decision and shall be sent as soon as possible and in any event within 14 days from the date of the hearing.

29.F The NDC may impose such of, or a combination of the following penalties as it considers appropriate:-

- (i) Caution,
- (ii) Suspension from the Union for a specified period,
- (iii) Removal from any Office held within the Union,
- (iv) Disqualification from holding any Office within the Union,
- (v) Expulsion from the Union,
- (vi) Suspension of a Branch or Area for a specified period,
- (vii) Dissolution of a Branch or Area,

29.G There shall be a right of appeal against the decision of the NDC.

29.H (i) An appeal shall be sent to the Executive Officer of the Union within 14 days of the date of notification of the decision of the NDC.

(ii) The Notice of Appeal shall be in writing and shall set out the full grounds of appeal.

(iii) The Executive Officer shall refer the Notice of Appeal to the NEC who shall appoint two of its members and one other full member of the Union to be known as the National Appeals Committee (NAC) to hear the appeal. The NAC shall not include any member of the NEC who represents the Area to which the member(s) against whom the complaint is made belongs or any full member of that Area.

(iv) No member of the NDC may sit as a member of the NAC.

(v) As soon as is reasonably practicable the NAC shall arrange an appeal hearing at which the Appellant(s) may be represented by a member of the Union.

(vi) The NAC shall have the power to review the case in its entirety, call witnesses and request additional evidence if, in its discretion, it considers it appropriate to do so. The NAC may uphold a decision of the NDC, allow an appeal in part or in whole and substitute for any penalty imposed by the NDC such penalty as it considers appropriate in the circumstances.

(vii) The NAC shall notify the Appellant(s) of their decision in writing, giving reasons for their decision and such notice shall be sent as soon as possible and in any event within 14 days of the date of the appeal hearing.

29.I There shall be no right of appeal against the decision of the NAC which shall be final and binding on all parties.

- 29.J Members of the NDC and the NAC and members required to attend any hearing shall be paid in accordance with the Rules.

30 POLITICAL FUND

RULES FOR POLITICAL FUND

1. The objects of the National Union of Mineworkers shall include the furtherance of the political objects to which section 72 of the amended Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies. These objects are:-
 - 1.1. The expenditure of money -
 - (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
 - (b) on the provision of any service or property for use by or on behalf of any political party;
 - (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the union in connection with any election to a political office;
 - (d) on the maintenance of any holder of a political office;
 - (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
 - (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.
 - 1.2. Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.
 - 1.3. In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.
 - 1.4. In these objects -

"candidate" means a candidate for election to a political office and includes a prospective candidate;

"contribution", in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;

"electors" means electors at any election to a political office;

"film" includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;

"local authority" means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and

"political office" means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

2. Any payments in the furtherance of such political objects shall be made out of a separate fund of the union (hereinafter called the political fund).
3. The particular rules which apply to those people that joined the Union before 1st March 2018 and to political funds set up before 1st March 2018 are set out in Schedule 1 to these rules.
4. The particular rules which apply to those people that joined the Union on or after 1st March 2018 and to political funds set up on or after 1st March 2018 are set out in Schedule 2 to these rules.
5. For the purpose of enabling each member of the union who may pay a political contribution to know in respect of any such contribution, what portion, if any, of the sum payable by him is a contribution to the political fund of the union, it is hereby provided that £3.51 of each quarterly contribution is a contribution to the political fund, and that any member who is exempt shall be relieved from the payment of the sum of £3.51 and shall pay the remainder of such contribution only.
6. A member who is exempt from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of his being so exempt.
7. If any member alleges that he is aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to section 82 of the 1992 Act, he may complain to the Certification Officer, and the Certification Officer, after making such enquiries as he thinks fit and after giving the complainant and the union an opportunity of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the 1992 Act, be enforced in the manner provided for in section 82(4) of the 1992 Act.

8. Contribution to the political fund of the union shall not be made a condition for admission to the union.
9. The union shall include in the annual return that is submitted to the Certification Officer details of political expenditure as required by section 32ZB of the 1992 Act.
10. The union shall ensure that a copy of the political fund rules is available, free of charge, to any member of the union who requests a copy.

Schedule 1

Rules that apply to members that joined the Union before 1st March 2018 and political funds set up before 1st March 2018

Notice to members

1. As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the union, it shall ensure that a notice in the following form is given to all members of the union.

Notice to Members

Trade Union and Labour Relations (Consolidation) Act 1992 (as amended)

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the union.

Every member of the union has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from, the head office or any branch office of the union or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House,

2-6 Salisbury Square, London EC4Y 8JX.

This form, when filled in, or a written request to the like effect, should be handed or sent to the General Secretary or [the union must nominate an appropriate person or persons by job description].

2. This notice shall be published to members by such methods as are used by the union to publish notices of importance to members. It is the union's current practice to publish such notices by post and on the website num.org.uk

Request for exemption

3. Any member of the union may at any time give notice a) on the form of exemption notice specified in rule 4, or b) written request in a form to the like effect, that s/he objects to contribute to the political fund. A form of Exemption Notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the head office or any branch office of the union, or from the Certification Office for

Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

4. The form of an exemption notice shall be as follows:-

Name of Trade Union

POLITICAL FUND EXEMPTION NOTICE

I give notice that I object to contributing to the political fund of the union and am in consequence exempt, in the manner provided by Chapter VI of the Trade Union and Labour Relations (Consolidation) Act 1992, from contributing to that fund.

Print Name.....Signature:

Address:

Date:

5. Any member may obtain exemption from contributing to the political fund by sending a Notice of Exemption to the General Secretary or such other person as is identified in the Notice to Members in rule 1. On receiving the Notice of Exemption the union shall send an acknowledgement of its receipt to the member at the address in the notice, and shall process the exemption as soon as reasonably practicable.

Manner of giving effect to exemption

6. On giving an exemption notice, a member shall become exempt from contributing to the union's political fund, where the notice is given:-

- (a) Within one month of the giving of Notice to Members in rule 1 following the passing of a political resolution on a ballot held at a time when no such resolution is in force, as from the date on which the exemption notice is given; or
- (b) In any other case, as from 1st January next after the exemption notice is given.

7. The union shall give effect to the exemption of members from contributing to the political fund of the union by relieving members who are exempt from the payment of the whole or part of any periodical contributions required from members towards the expenses of the union.

Schedule 2

Rules that apply to people that joined the Union on or after 1st March 2018 and to political funds set up on or after 1st March 2018

Opting in by union members to contribute to political funds

- 1. A member cannot be required to make a contribution to the political fund of the union unless they have given notice of their willingness to contribute to that fund (an "opt-in notice").

2. A member of a trade union who has given an opt-in notice may withdraw that notice by giving notice to the union (a “withdrawal notice”).
3. A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.
4. A member of a trade union may give an opt-in notice or a withdrawal notice:-
 - (a) by delivering the notice (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
 - (b) by sending it by e-mail to the following e-mail address chris.kitchen@num.org.uk
 - (c) by completing an electronic form provided by the union which sets out the notice and sending it to the union by electronic means with instructions by the union.
 - (d) by any other electronic means prescribed under the 1992 Act (as inserted by the 2016 Act)
- Information to members about opting in to the political fund
5. The union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the union is sent to the Certification Officer, all the members of the union are notified of their right to give a withdrawal notice.
6. Such notification may be given:-
 - (a) by sending individual copies of it to members; or
 - (b) by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.
7. The notification may be included with the statement required to be given by section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992.
8. A trade union shall send to the Certification Officer a copy of the notification which is provided to its members in pursuance of this section as soon as is reasonably practicable after it is so provided.
9. Where the same form of notification is not provided to all the members of the union, the union shall send to the Certification Officer a copy of each form of notification provided to any of them.
10. If any member alleges that he is aggrieved by a breach of any of these rules for giving information to members about opting into the political fund, being a rule or rules made pursuant to section 84A of the 1992 Act, he may complain to the Certification Officer. Where the Certification Officer is satisfied that the union has failed to comply with a requirement of section 84A of the 1992 Act the Officer may make such order

for remedying the failure as he thinks just under the circumstances. Before deciding the matter the Certification Officer:-

- (a) may make such enquiries as the Officer thinks fit;
- (b) must give the union, and any member of the union who made a complaint to the Officer regarding the matter, an opportunity to make written representations; and
- (c) may give the union, and any such member as is mentioned in clause (b), an opportunity to make oral representations.

Manner of giving effect to decision not to contribute to political fund

- 11. The union shall give effect to the members' decision not to contribute to the political fund of the union by relieving members who are not contributors from the payment of the appropriate portion of any periodical contribution required from members towards the expenses of the union.
- 12. Any form (including an electronic form) that a person has to complete in order to become a member of the union shall include:-
 - (a) a statement to the effect that the person may opt to be a contributor to the fund; and
 - (b) a statement setting to the effect that a person who chooses not to contribute to the political fund shall not, by reason of not contributing, be excluded from any benefits of the union or be placed in any respect either directly or indirectly under a disability or at a disadvantage as compared with other members of the union (except in relation to control of the political fund).

31 ADMINISTRATION OF THE POLITICAL FUND BY AREAS

In the last week of each quarter all Areas shall pay to the Political Fund in respect of each member who is not exempted under Rule a contribution specified in Rule 6.D. There shall be remitted to each Area such proportion of its members' subscriptions as the NEC or Conference may from time to time decide subject to a maximum of 25% to be administered by the Area in carrying out the objects as set forth in the Trade Union and Labour Relations (Consolidation) Act 1992. The proportion of Political Funds remitted back to an Area shall be used for the propagation of Labour Party politics by an Area or for such other purposes as the NEC or Conference may from time to time decide.

SCHEDULE ONE

Area	Constituent Associations
COKEMEN'S	National Union of Mineworkers (Cokemen's Area)
SOUTH WALES	National Union of Mineworkers (South Wales Area)
COLLIERY OFFICIALS' AND STAFFS	National Union of Mineworkers (Colliery Officials' and Staffs' Area)
LANCASHIRE	
NORTH EAST	
NOTTINGHAM	
SCOTLAND	
YORKSHIRE	

Note

For the purpose of NEC representation Lancashire Area will be represented by the Nottingham Area NEC member and the Cokemen's Area will be represented by the South Wales Area NEC member.

SCHEDULE TWO

YORKSHIRE AREA TRUST

IN THE SCHEDULE

1. "The Beneficiaries" shall mean the members of the Yorkshire Area of the Union (as determined by Rule 17).

"The National Office Expenses" shall mean the expenses and administration costs of the National Office of the Union from time to time, determined in accordance with the Income and Expenditure Account of the Union and which shall include (for the avoidance of doubt and without limitation to the foregoing) the salaries, allowances, national insurance, superannuation costs and assisted car purchase sums of the full-time officials and employees at the National Office and the costs of deputations, negotiations and travel which relate to the National Office.

"The Trustees" shall mean the Trustees for the time being of the Union (as determined by Rule 23) and of the Yorkshire Area (as determined by the Standing Orders of the Yorkshire Area).

"The Trust Fund" shall mean:

- (i) all the property transferred to the Union from the National Union of Mineworkers (Yorkshire Area) pursuant to a transfer of engagements made on the 7th August, 1994.
 - (ii) the present and future contributions from members of the Yorkshire Area of the Union over and above those contributions paid to the Union under Rule 6.D as are allowed under Rule 6.G of these Rules.
 - (iii) all property of a Branch in the Yorkshire Area of the Union which shall pass to the Union following the closure or dissolution of such Branch;
 - (iv) all income accruing to the property and contributions;
 - (v) the money investments and property from time to time representing the property contributions and income.
2. The Trustees shall hold the Trust Fund upon trust provided always that the Trustees may pay or apply income or capital of the Trust Fund only for the following purposes:
 - (i) the benefit of the Beneficiaries (including the payment of the Old Age, Infirmary, Sickness and Funeral Benefits referred to in the Yorkshire Area Standing Orders);
 - (ii) such proportion of the National Office expenses as the Trustees, in consultation with the National President and the full-time Yorkshire Area

Officials, may decide are attributed to the costs of the Yorkshire Area of the Union.

- (iii) such additional salary costs as may be determined by the Trustees in consultation with the National President and the full time Yorkshire Area Officials;
 - (iv) the expenses of the Area Council meetings of the Yorkshire Area not paid by the National Union, including the expenses of up to three days of the annual Council meeting;
 - (v) the costs of any redundancy, severance or related payments made or to be made to full-time Officials or employees at the National Office or of the Yorkshire Area;
 - (vi) the costs of Branch expenditure or allocations;
 - (vii) the payment of special contingency fund liabilities, as determined by the Trustees in consultation with the National President and the full-time Yorkshire Area Officials;
 - (viii) any other payments as the Trustees in consultation with the National President and the full-time Yorkshire Area Officials may determine to be payable for the benefit of the Beneficiaries of the Yorkshire Area Standing Orders or otherwise.
3. The Trust pursuant to this Schedule shall determine at such time as all the Constituent Associations of the Union (as determined by Rule 17) shall have transferred their engagements to the Union whereupon the Trust Fund shall be held by the Trustees of the National Union on the same terms as other property of the Union in accordance with Rule 23.
4. The Trustees shall have the power to invest in property or money comprised in the Trust Fund (which is not wanted for immediate use) in such investments as shall be from time to time authorised by the NEC and in accordance with the terms of Rule 23.E.

SCHEDULE THREE

LANCASHIRE AREA TRUST

This Trust is established pursuant to a transfer of engagements from the National Union of Mineworkers (Lancashire Area) to the Union made on 10 August 1995 whereby the property of the National Union of Mineworkers (Lancashire Area) vested in the Trustees of the Union under s.105 of the Trade Union and Labour Relations (Consolidation) Act 1992.

1. In this Schedule:

“the beneficiaries” shall mean the members of the Lancashire Area of the Union (as determined by Rule 17) and past members of the National Union of Mineworkers (Lancashire Area).

“the National Office Expenses” shall mean the expenses and administrative costs of the National Office of the Union from time to time, determined in accordance with the Income and Expenditure Account of the Union and which shall include (for the avoidance of doubt and without limitation to the foregoing) the salaries, allowances, national insurance, superannuation costs and assisted car purchase sums of the full-time officials and employees at the National Office and the costs of deputations, negotiations and travel which relate to the National Office.

“the Trustees shall mean the Trustees from time to time of the Union (as determined by Rule 23) and of the Lancashire Area (as determined by the Standing Orders of the Lancashire Area and who shall initially be appointed as Trustees under clause (2) hereof).

“the Trust Fund” shall mean and comprise:

- (i) all the property transferred to the Union from the National Union of Mineworkers (Lancashire Area) pursuant to a transfer of engagements made on 10 August 1995;
- (ii) the present and future contributions from members of the Lancashire Area of the Union over and above those contributions paid to the Union under Rule 6.D as are allowed under Rule 6.G of these Rules.
- (iii) all property of a Branch in the Lancashire Area of the Union which shall pass to the Union following the closure or dissolution of such Branch;
- (iv) all income accruing to the property and contributions;
- (v) The money investments and property from time to time representing the property contributions and income.

2. Following the vesting of the property of the National Union of Mineworkers (Lancashire Area) in the trustees of the Union pursuant to a transfer of engagements made on 10 August 1995 the trustees of the Union shall immediately thereafter appoint the trustees of the Lancashire Area as additional Trustees of this Trust. Following such vesting, the Trustees from time to time shall be determined as set out in clause (1) hereof.

3. The Trustees shall hold the Trust Fund upon trust provided always that the Trustees may pay or apply income or interest (but not capital assets or the receipt of a disposal of capital assets) accruing to the Lancashire Area Trust for the following purposes:
 - (i) The benefit of the Beneficiaries ;
 - (ii) National Office Expenses;
 - (iii) The costs of redundancy, severance or related payments made or to be made to full-time Officials or employees of the National Office or of the Lancashire Area.

PROVIDED THAT the Trustees may apply, in any calendar year, no more than 65 per cent of the total amount of income in that year for purposes (i) and (iii) and no more than 35 per cent of the total amount of income in that year of the Trust Fund for purpose (ii). Any income not spent shall be treated as income of the following year.

4. In exceptional or special circumstances, income, capital or other property of the Lancashire Area Trust may be applied for other purposes (as shall be decided by the Trustees of the Lancashire Area Trust in consultation with the National President and Lancashire Area Officials) notwithstanding clause 3 above.
5. The Trust pursuant to this Schedule shall determine at such time as:
 - (i) all the constituent Associations of the Union (as determined by Rule 17) shall have transferred their engagements to, or otherwise amalgamated with the Union, whereupon the property in this Trust shall be held on the same terms as other property of the Union in accordance with Rule 23; or
 - (ii) the Union shall have transferred its engagements to, or otherwise amalgamated with, another trade union (not being a Constituent Association), whereupon the property in the Trust shall be dealt with in such a manner as shall be specified in the instrument of transfer or amalgamation.
6. The Trustees shall have the power to invest the property or money compromised in the Trust Fund (which is not wanted for immediate use) in such investments as shall be from time to time authorised by the NEC in accordance with the terms of Rule 23.E.

STANDING ORDERS

1. The Conference (after first day) shall meet each day at 10.00 a.m. adjourn at 12.45p.m. re-assemble at 2.15pm., and adjourn at 4.30 p.m.
2. There shall be appointed for the efficient conduct of the business of the Conference:
 - Doorkeepers
 - Tellers
 - Credential Committee
 - Business Committee
3. Doorkeepers shall be appointed whenever practicable by the Areas in rotation, in advance of the date of the Conference, to ensure their attendance at the Conference before the time of the opening.
4. Tellers, Credentials Committee and Business Committee shall be elected in open Conference by a vote by show of hands.
5. A decision of the Chairman or Chairwoman can only be challenged by a motion "That the Chairman's or Chairwoman's decision be not upheld". Such motion, if seconded, shall be put to the meeting without discussion.
6. All voting other than on an Amendment to Rule shall in the first instance be by show of hands.
7. In the event of a vote by show of hands being challenged by any Area represented at Conference, there shall be taken a card vote upon the basis of NEC membership.
8. No motion shall be submitted to a meeting unless a written copy of it has been sent to the Secretary previously and printed on the Agenda in the order in which it is received. An emergency proposition can only be submitted to a meeting by consent of at least three-fourths of those voting at such meeting. All such emergency propositions to be submitted in writing beforehand to the Secretary.
9. A motion made "That the question be now put", may, at the discretion of the Chairman or Chairwoman, be put forthwith without amendment or debate provided that sufficient opportunity has been given for the expression of opinion both in favour and in opposition to the matter under discussion. Should the motion be adopted the movers of the proposition, amendment or negative, may reply to the debate after which the Chairman or Chairwoman shall put the questions under discussion to the vote.

10. When an amendment to a motion is submitted no second amendment shall be discussed until the first amendment is disposed of. If an amendment is adopted, it shall then become a motion, upon which further amendments may be moved.
11. The mover of a motion or amendment shall be limited to ten minutes, and all subsequent speakers to five minutes. The mover of a motion and mover of the amendment only shall be allowed five minutes for reply, and shall confine their reply to answering objections raised during the debate. The mover of the motion to close the debate.
12. No person shall speak more than once upon any motion or amendment, but any person may rise to "a point of order", or ask a question, provided he or she does so as soon as possible and adheres strictly thereto.
13. These Standing Orders may by resolution, supported by at least two-thirds of those present and voting, be suspended so far as the time limit for speakers is concerned, either for any particular motion or all of them.



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