

## Affinity - Constitution And Rules

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*Confirmed as a true  
copy*

*Marked as true  
CHAIRMAN  
22. 2. 20*

# Constitution And Rules

## 1. Title

The title of the Union shall be "Affinity". Its principal office shall be at St John's Terrace, 3-7 Ampthill Street, Bedford MK42 9EY or wherever the General Council may decide.

## 2. Definitions

In this Constitution and Rules the following expressions shall have the following meanings:

"The Rules" shall mean the Constitution and Rules of the Union for the time being in force.

"The Union" shall mean Affinity.

"Employer" shall mean any organisation employing workers with which the Union negotiates or seeks to negotiate on behalf of members or prospective members individually or collectively.

"Employee" shall mean a person employed under a contract of employment.

"Contract of employment" shall mean a Contract of Service or of Apprenticeship whether it is express or implied and, if it is express, whether it is oral or in writing.

"Member" shall mean a member of the Union paying a subscription to the Union at the rate applicable to that member's category of membership.

"Active member" shall mean a member who is currently an Employee and who is not a Pensioner Member.

"Pensioner member" shall mean a member of the Union who is paying the subscription appropriate to a Pensioner member and is in receipt of an occupational, personal or state pension and is receiving only those services provided to Pensioner members of the Union and was a member of the Union prior to his retirement.

"General Council" shall mean the General Council of the Union, which is the Union's Principal Executive Committee.

"General Purposes Committee" shall mean the General Purposes Sub-Committee of the Union.

"Chairman" shall mean the Chairman of the Union.

"Deputy Chairman" shall mean the Deputy Chairman and Treasurer of the Union.

"Vice Chairman" shall mean the Vice Chairman of the Union.

"General Secretary" shall mean the General Secretary of the Union or his deputy.

"District Committee representative" shall mean the member elected to the District Committee by the members of that District.

"Constituency" shall mean a body of members qualified to elect a member to a District Committee.

"Annual Meeting" shall mean the meeting of the General Council of the Union during which elections and appointments are made and annual accounts considered.

"The Election Period" shall mean the period of five years for which a person elected quinquennially shall hold office.

"Election Year" shall mean the year in which quinquennial elections are held.

'The 1992 Act' shall mean the Trade Union and Labour Relations (Consolidation) Act 1992.

"Date of Notification" shall mean the date on which the Union notifies Active Members of a forthcoming election.

Throughout this Constitution and Rules the masculine shall include the feminine and, except where the context otherwise requires, the singular shall include the plural.

### **3. Objects**

The objects of the Union shall be to:

- (a) Regulate relations between Employees and Employers either directly or through any agency, whether government or otherwise, and whether present or future.
- (b) Negotiate with Employers on the terms and conditions of employment of Employees.
- (c) Establish machinery, including arbitration, for the settlement of any matters in dispute regarding the terms and conditions of employment of the Employees.
- (d) Afford Employees the opportunity to discuss and debate all matters concerned with their terms and conditions of employment, the organisation of their Employers' businesses and the conditions under which they are employed.
- (e) Represent Members individually in negotiations or disputes with their employers.
- (f) Protect and further the interests of Pensioner members.
- (g) Purchase, take on, lease or exchange, hire or otherwise acquire any property assets and any rights and privileges necessary for the promotion of the Objects of the Union and construct, maintain and alter any buildings or erections necessary for the work of the Union.
- (h) Sell, let, lend, mortgage, dispose of or turn to account all or any of the property or assets of the Union.
- (i) Set up, promote or acquire any company or companies deemed expedient to promote the Objects of the Union or enhance any of its services.
- (j) Invest the Union's funds in any investments authorised by law for the investment of trust funds without the need for the division of funds as directed by the Trustee Investments Act 1961 as amended.

- (k) Take such other actions as may be expedient from time to time in the furtherance of the interests of the Union's members.

#### **4. Membership**

(1) Any person wishing to become a member shall apply to the principal office of the Union in such a form as may be prescribed from time to time.

(2) The General Secretary shall notify all changes in subscription rates to members not less than 10 working days prior to the effective date of the changes.

(3) The Union shall have discretion to levy a special fee for admission or readmission to the Union.

(4) A member shall cease to be a member if either:

(a) He ceases at any time to be eligible for membership in accordance with these Rules.

(b) He terminates his membership by one month's notice in writing at any time.

(c) His subscription is unpaid for one month after the date when due and remains unpaid after notice from the General Secretary and the expiry of one month from the receipt of such notice.

(d) He is expelled by reason of disciplinary action in accordance with Rule 26.

(5) Any person refused membership or whose membership has been terminated in accordance with Rule 4 (4) may, by letter addressed to the General Secretary, appeal to the General Purposes Committee against such refusal or termination.

(6) If an appeal against refusal or termination of membership is made the General Purposes Committee shall afford to the person appealing an opportunity to appear before the General Purposes Committee and to be represented or accompanied by an individual who is a member. The General Secretary shall give to the person appealing not less than 15 days notice of the place where, and the date and time when, his appeal will be heard.

(7) The decision of the General Purposes Committee shall be given in writing within 25 days of the appeal and shall be final. If the appeal is dismissed the grounds for dismissal must be stated.

(8) No further application for membership by a person whose appeal has been dismissed shall be considered until a period of 12 months has passed from the date of that decision of the General Purposes Committee.

(9) A person who is expelled shall not be eligible to apply for readmission to membership for a period of 12 months from the date of the decision of the Members Disciplinary Committee pursuant to Rule 27.

#### **5. Settlements**

All settlements of issues within the objects of the Union affecting a member arrived at by negotiation or arbitration between the Union and an Employer, or in accordance with the Constitution and Rules of any negotiating body on which the Union is represented shall be binding on him.

## **6. General Council**

(1) The General Council shall be the governing body of the Union and its Principal Executive Committee for the purposes of Chapter IV of the 1992 Act.

(2) The General Council shall consist of the elected District representatives, the Officers and the General Secretary. A representative of the Pensioners Committee shall attend but shall have no voting rights. The General Council shall have powers to co-opt members but co-opted members shall not have voting rights.

(3) The General Secretary shall convene all meetings as he may consider necessary or when requested by the Chairman. Meetings shall be held at least once a year.

(4) An Annual Meeting of General Council shall be held each year in order to receive the Annual Accounts of the Union for the previous year ending 31st December and the Auditors' Report thereon; conduct the elections and appointments set out in Rules 10-13 and 16-18 and transact any other appropriate business.

(5) The General Secretary shall give at least 10 days notice of meetings to all members of the General Council.

(6) The General Secretary shall convene a Special Meeting at his discretion or upon the receipt of a request in writing signed by one third or more of the members of the General Council stating the nature of the business to be transacted.

(7) Two thirds of the representatives elected to the General Council shall form a quorum at any meeting.

(8) The General Council shall consider motions submitted by the Chairman, District Committees, the General Purposes Committee and the Pensioners Committee provided that motions from the Pensioners Committee are directly concerned with the interests of pensioner members.

(9) All motions submitted under Rule 6 (8) shall appear on the Agenda of the General Council.

(10) Matters of urgent business not notified to General Council on the Agenda of the meeting shall be debated only with the consent of the Chairman of the meeting.

### **(11) Voting at General Council**

Except when otherwise provided in these Rules, in the first instance voting at the General Council shall be by a show of hands, but any District representative may demand a card vote. The card vote shall be taken forthwith and its results shall supersede the previous vote by a show of hands.

In the event of a card vote each representative who is a card vote holder shall be entitled to the number of votes equal to the total number of members of that representative's District.

Where a District has more than one representative present at the meeting of General Council the total card vote of that District shall be divided equally between the representatives of that District present at the meeting.

### **(12) Urgent Business**

If in the opinion of the Chairman a decision of the General Council on an item of business is required urgently and written or verbal reference to all members of the General Council would serve the same purpose and seem more appropriate than calling a Special Meeting under Rule 6 (6), then such reference shall be made and the result accepted as herein stated.

There shall be a time limit of 48 hours for a reply from the time a verbal reference to the member is made or 7 days for a reply from the time a written reference is made.

When the appropriate time limit in this Rule has expired the votes of the members who have replied shall be counted. In order for a decision in favour of the action proposed to be reached there must be a simple majority in favour both by the total number of members' votes cast, and the number of votes cast by members as if a card vote had been taken.

When counting of the votes is complete the General Secretary shall circulate the decision to all members of the General Council setting out the voting figures by both the straight vote and the card vote.

## **7. Officers**

(1) The Officers of the Union shall be the Chairman, the Deputy Chairman, the Vice Chairman and the General Secretary.

(2) The duties of the Chairman shall be:

(a) To preside at meetings of the General Council and the General Purposes Committee.

(b) Between meetings of the General Council subject to subsequent ratification, to be responsible with the General Secretary for taking decisions on urgent matters.

(c) To ensure that all matters are dealt with in accordance with the Objects and Rules of the Union.

(d) He shall retain all rights, including voting rights as a District representative at meetings of the General Council. He shall not be eligible to vote at any Committee except where he is an elected member of that Committee.

(e) He shall be entitled ex-officio to attend any meeting of any Committee of the Union.

(f) He shall chair the Members' Disciplinary Committee and any Tribunal of Enquiry appointed under Rule 28.

(3) The duties of the Deputy Chairman shall be:

(a) To carry out the duties of the Chairman in his absence and such other duties as the General Council or General Purposes Committee may assign to him. When carrying out the duties of Chairman he shall retain all rights, including voting rights, as a District representative.

(b) To oversee the management of the Union's investments.

(c) To ensure that all proper accounting records of the Union are maintained at all times.

(d) To ensure that the books of the Union are prepared for audit purposes promptly in accordance with Rule 12.

(e) To ensure that the Annual Accounts and Auditors' Report are available for approval at the Annual General Meeting.

(4) The Vice Chairman shall carry out any of the duties of the Chairman and the Deputy Chairman in their absence.

(5) The General Council shall appoint a General Secretary subject to the requirements of statute. He shall be a member of the General Purposes Committee and be entitled *ex-officio* to attend any meeting of any Committee of the Union. The General Secretary shall be responsible for:

(a) The conduct of collective bargaining with employers on behalf of all members of the Union.

(b) Submitting the Annual Return to the Certification Officer for Trade Unions and Employers Associations or such other Officer as required by law.

(c) Performing such other duties as may be required by these Rules or shall be assigned to him by the General Council or the General Purposes Committee.

(d) Between meetings of the General Council, subject to subsequent ratification, to be responsible with the Chairman for taking decisions on urgent matters.

#### **8. General Purposes Committee**

(1) The General Purposes Committee shall be responsible for overseeing the day-to-day implementation of the policy of the Union as directed by the General Council.

(2) The Chairman, Deputy Chairman and Vice Chairman shall be *ex-officio* members of the General Purposes Committee with elections taking place quinquennially:

(3) There shall also be elected quinquennially five members to join the Officers to form the General Purposes Committee. Vacancies on the General Purposes Committee arising during the quinquennial term shall be filled by election by General Council as the need arises.

(4) The General Purposes Committee shall have powers to co-opt non-voting members.

(5) A quorum of the General Purposes Committee shall be five voting members.

#### **9. District Committees**

(1) The membership shall be divided into Districts, the boundaries and number of which shall be decided by the General Council. A District Committee directly responsible to and under the authority of the General Council shall deal with the affairs of each District.

(2) Every active member with a minimum of two years' membership of the Union and who is accredited by the Union as a representative under Rule 19 and whose subscription is not wilfully in arrears is eligible for election to the District Committee which covers the place in which he works or resides permanently.

(3) The responsibilities of District Representatives will be determined by the Union's General Council but may include:

- (a) Consultation with constituent members on matters related to their terms and conditions of employment or working conditions;
- (b) Ensuring that constituent members are fully informed of procedural matters and settlements where these have been reached;
- (c) Where required by the General Secretary, advising and representing members in disciplinary or grievance cases;
- (d) Where required by the General Secretary, attending interviews between Employers and Employees on matters that could lead to disciplinary action being taken;
- (e) Ensuring that the Union's policy-making bodies are aware of local circumstances affecting the working conditions of their constituent members;
- (f) Co-ordination of and assistance in, the recruitment of members in the District concerned including involvement in the induction of new employees;
- (g) Where required by the General Secretary, representing constituent members in negotiations or consultations with management at the appropriate level.

(4) Representatives to the General Council

- (a) In accordance with Rule 15 there shall be elected by members in a District one representative to the General Council for every 700 members within a District subject to a maximum of three members from any District. If there shall be less than 700 members within a District that District shall nevertheless be entitled to one representative. The duties of the General Council Representative shall be to represent the District at the General Council meeting.
- (b) To be eligible for election as a General Council representative a member must have been an Active Member of the Union for not less than 24 months prior to the date of his nomination.
- (c) The General Council Representative shall be a member of his respective District Committee ex-officio, unless he is also elected directly as a member of the Committee under Rule 9 (4) (a), and shall be required to attend meetings of his District Committee.
- (6) The General Secretary shall convene all meetings of the District Committee, giving at least 10 days notice of each meeting to all members of the Committee.
- (7) At the first meeting of each District Committee immediately following the Quinquennial election of District Committee representatives each District Committee shall elect a Chairman and Deputy Chairman.
- (8) The Chairman shall supervise the proceedings at District Committee meetings, ensuring that all matters are dealt with in accordance with these Rules. Between meetings of the Committee he shall be responsible for the implementation of the Committee's policy decisions and, under the direction of the relevant full-time officials, for the conduct of the Union's affairs within that District in accordance with the Objects and Rules of the Union and the policy decisions of the General Council, subject to subsequent ratification by the Committee at its next meeting.



(9) The Deputy Chairman duties shall be as for those of the Chairman of the Committee in the Chairman's absence.

(10) The District Committee shall have powers to co-opt members but co-opted members shall not have voting rights.

#### **10. Trustees**

(1) There shall be appointed three Trustees from among the members of the Union to act as Trustees of the Union's funds for quinquennial period.

(2) The appointments shall be made at the Annual Meeting of General Council immediately preceding each Election Year.

#### **11. Members Disciplinary Committee**

There shall be elected three members of the General Council to act as a Members Disciplinary Committee responsible for investigating and, subject to the over-riding authority of General Council, disposing of complaints against members of the Union.

#### **12. Independent Auditors**

(1) The accounts of the Union shall be audited as at 31st December in each calendar year by Independent Auditors. All books of account and papers as may be necessary to ensure a full audit shall be produced to the Auditors.

(2) The Independent Auditors shall be appointed for the current year by General Council at its Annual Meeting.

#### **13. Independent Returning Officer**

Unless otherwise provided for under these Rules or Statute, all contested elections shall be administered by an Independent Returning Officer appointed for the current year by General Council at its Annual Meeting.

#### **14. Election of District Committees**

(1) Other than a by-election, the election of District Committee Representatives shall be carried out quinquennially by secret ballot on 1st January or as soon as practicable thereafter in each election year.

(5) Every Active Member with a minimum of two years' membership of the Union and who has first been accredited by the Union as an Accredited Representative and whose subscription is not wilfully in arrears, is eligible for election to the District Committee which covers the place in which he works or resides permanently.

(6) A member may not propose or second the nominations of more candidates in an election than the number of vacancies for the constituency in which the member is eligible to vote: otherwise these nominations shall be declared void by the Independent Returning Officer. A candidate may only obtain nominations from a proposer or seconder who are members eligible to vote in the election.

(7) Every Active Member in membership as at the Date of Notification of an election and whose subscription is not wilfully in arrears is entitled to vote in any election in the constituency that covers the place in which he works or resides permanently.

(10) Should a District Representative cease to work or live within the constituency for which he was elected, he must either offer his resignation in writing to the General

Secretary or, if he wishes to continue to serve that constituency, declare this fact at the next Committee meeting. In the latter case the members of the Committee shall consider his retention and vote their acceptance or otherwise. For him to continue there must be a vote in favour of his retention by at least two thirds of the members present and entitled to vote. If the Committee decides against retention of the elected member the General Secretary must make arrangements for a by-election to be held within 3 months.

(11) Any member of a District Committee, whose membership of the Union is suspended or terminated in accordance with the Rules, shall automatically cease to be a member of that Committee.

(12) Any member of a District Committee absent from three consecutive meetings should furnish reasons for absence and if these are not forthcoming or are not acceptable to the majority of that Committee, the seat shall be declared vacant.

(13) A by-election shall be held within 3 months of any vacancy for a District Representative or of a member's seat on a District Committee occurring or at the request of a District Committee. The person elected shall hold office on the same terms and period of office and otherwise as the person in whose place he is elected.

(14) Notwithstanding that the Rules may provide otherwise, if there is less than 6 months between the occurrence of the vacancy and the next annual or quinquennial election (if any) to the vacancy, any casual vacancy occurring on the District Committee may be filled by that Committee by co-option of a person eligible to be a member of the District Committee.

(15) The Independent Returning Officer elected pursuant to Rule 13 shall be responsible for the counting and scrutiny of the election results where there are contested elections.

(16) The General Secretary shall notify members in a District of an intended election calling for nominations, and specifying that nominations must be forwarded to the General Secretary to reach him no later than 20 days following the date of such notice. The General Secretary must acknowledge the receipt of all nominations within 5 days and provide evidence to show this has been done if called upon to do so by any member.

(17) When all nominations have been received the General Secretary shall, in the case of a contested election, advise the Independent Returning Officer of all details of the election, and forward a ballot paper to each member in the constituency being contested. The ballot paper must show the names of all valid candidates, the procedure to be adopted when voting and specify that the ballot paper must reach the Independent Returning Officer by first post on the date printed on the ballot paper. This date shall not be less than 8 days from the date of posting of the ballot paper by the General Secretary, otherwise the ballot paper shall be declared invalid.

## **15. Election of General Council Representatives**

(1) Election of General Council members shall take place as soon as practicable after the election of District Committee Representatives in each election year.

(2) At the first District Committee Meeting following the quinquennial election of District Representatives, members of the District Committee shall nominate the appropriate number of General Council Representatives as defined by Rule 9 (4) (a).

(3) An election will then be held for the General Council Representative's position amongst the members of the District and the Committee's nominee will be notified to members.

(4) Subject to the provisions of these Rules and the powers of the Independent Scrutineer, the election of members of the General Purposes Committee and Officers shall be organised and conducted by secret ballot in accordance with the directions of the General Council.

(5) The General Council shall appoint an Independent Scrutineer to supervise the production, storage and distribution of voting papers, to receive and count the voting papers, to report on the election, to retain the voting papers for an appropriate period and to perform such other duties as required by the 1992 Act, or as the General Council may otherwise specify.

(6) The results of any election shall not be concluded until the General Council has received the Independent Scrutineer's report and declared which candidate(s) has/have been elected. This should take place as soon as is reasonably practicable after the votes have been counted.

(7) Candidates may circulate an election address stating their personal histories and individual points of view in relation to the Union's policies, and the Union will meet all statutory obligations in respect of the content and distribution of election addresses.

(8) The candidate receiving the greater number of votes shall be declared duly elected by the Independent Returning Officer as soon as is reasonably practicable upon receipt of the Independent Scrutineer's report.

## **16. Election of Chairman**

(1) The General Council shall appoint an Independent Scrutineer to supervise the production, storage and distribution of voting papers, to receive and count the voting papers, to report on the election, to retain the voting papers for an appropriate period and to perform such other duties as required by the 1992 Act, or as otherwise the General Council may specify.

(2) The General Council will ask each District for their nominations not less than two months before the existing Chairman's term of office is due to expire (or, if there is a vacancy, within a reasonable period thereafter).

(3) Each District should send their nominations to the Independent Returning Officer appointed by the General Council.

(4) No member will be eligible to stand as a candidate in an election under this Rule unless the General Council is satisfied that:

(a) The candidate is eligible under these rules to be elected to office;

(b) The candidate is either an Active Member with a minimum of 5 years membership of the Union at the time of the nomination, whose subscription is not wilfully in arrears and whose candidacy is supported by at least 100 members of the Union entitled to vote in that election, or is the current holder of the office of Chairman.

(c) The candidate meets the conditions in respect of nominations for candidacy;

(d) The candidate has been proposed and seconded in his nomination for candidacy by members entitled to vote in that election;

- (5) Only candidates who satisfy the above conditions will be validly nominated.
- (6) In the event of a contested election General Council reserves the right to interview candidates to determine their suitability for the position of Chairman.
- (7) A member may not propose or second the nomination of more than one candidate in the election (otherwise the nomination shall be declared void by the Independent Returning Officer).
- (8) Every Active Member in membership as at the Date of Notification of an election and whose subscription is not wilfully in arrears is entitled to vote in any contested election under this rule.
- (9) All elections for the positions of Chairman in these Rules shall be by secret postal ballot.
- (10) The results of the election shall not be concluded until the General Council has received the Independent Scrutineer's report and declared which candidate has been elected. This should take place as soon as is reasonably practicable after the votes have been counted. In the event of an uncontested election, the result of the election shall not be confirmed or announced until the Scrutineer has provided a report.
- (11) The General Council will make a decision or create any byelaws on any matters not set out in these Rules concerning the conduct of the election of the Chairman, subject to compliance with the 1992 Act.

#### **17. Election of General Secretary**

- (1) The General Secretary shall be elected and shall hold office for the maximum period of time prescribed by the law.
- (2) A candidate for the post of General Secretary must either be an Active Member with a minimum of 5 years membership of the Union at the time of the nomination, whose subscription is not wilfully in arrears, whose candidacy is supported by at least 100 members of the Union entitled to vote in that election, or the current holder of the office of General Secretary.
- (3) In the event of a contested election General Council reserves the right to interview candidates to determine their suitability for the position of General Secretary.
- (4) General Council shall appoint an Independent Scrutineer to supervise the production, storage and distribution of voting papers, to receive and count the voting papers, to report on the election, to retain the voting papers for an appropriate period and to perform such other duties as required by the 1992 Act, or as otherwise as the General Council may specify.
- (5) The General Council will ask each District for their nominations not less than two months before the existing General Secretary's term of office is due to expire (or, if there is a vacancy, within a reasonable period thereafter).
- (6) Each District should send their nominations to the Independent Returning Officer appointed by the General Council.
- (7) Every Active Member in membership as at the Date of Notification of an election and whose subscription is not wilfully in arrears is entitled to vote in any contested

election under this rule.

(8) All elections for the positions of General Secretary in these Rules shall be by secret postal ballot.

(9) The results of the election shall not be concluded until the General Council has received the Independent Scrutineer's report and declared which candidate has been elected. This should take place as soon as is reasonably practicable after the votes have been counted. In the event of an uncontested election, the result of the election shall not be confirmed or announced until the Scrutineer has provided a report.

(10) Subject to compliance with the 1992 Act, the General Council will make a decision or create any byelaws on any matters concerning the conduct of the election of the General Secretary not set out in these Rules.

### **18. Election of Deputy Chairman and Vice Chairman**

At the Annual meeting in the election year there shall be elected from amongst the Union's members by secret ballot a Deputy Chairman and a Vice Chairman in accordance with Rule 7.

### **19. Accredited Representatives**

Within each office Representatives may be accredited by the Union, and appointed or elected to represent the interests of members in the places concerned. The responsibilities of Accredited Representatives may include:

- (1) Advising members in disciplinary or grievance situations.
- (2) Attending interviews between Employers and members on matters that could lead to disciplinary action being taken.
- (3) Advising members on other issues or problems and, when specifically asked to do so by the member or members, discussing these informally with management.
- (4) Discussing with the appropriate Managers or Supervisors matters affecting working conditions in their offices.
- (5) Ensuring that members are fully informed of procedural matters and settlements where these have been reached.
- (6) On behalf of the Union, consulting members on matters subject to consultation and negotiation with Employers.
- (7) Recruiting members into the Union.

### **20. Notices And Special Meetings**

(1) Unless stated otherwise in these Rules notice shall be given sufficiently if sent by post by first class mail in a prepaid envelope, or by facsimile transmission addressed to the person concerned at his address entered in the register of members maintained pursuant to Rule 17. Notice shall be deemed to have been given two days after the day on which the letter was posted or transmitted.

(2) A Special Meeting of a District Committee shall be convened by the General Secretary or upon the request of either the Chairman of the Union or the Chairman of the relevant Committee or upon the receipt of a request in writing signed by not less than one third or six in number, whichever is the lesser, of the then members of such

Committee, or at least twenty five members within the appropriate District stating the nature of the business to be transacted.

(3) Notice shall be given as for meetings of the appropriate Committee.

## **21. Conduct Of Elections And Ballots**

(1) Before any member is nominated to stand for election to the General Council, or to any office or Committee of the Union, the proposer shall obtain his consent to that nomination and shall inform the person conducting the election of that consent.

(2) A candidate for election to the General Council or any Committee or office must be proposed and seconded by members entitled to vote in that election.

(5) All elections for any office in these Rules shall be by secret ballot.

(6) Subject to the appointment of an Independent Scrutineer in respect of elections for the positions of Chairman, General Secretary and member of the General Council, the Independent Returning Officer elected pursuant to Rule 13 shall be responsible for the counting and scrutiny of the election results where there are contested elections.

(7) Notwithstanding that the Rules may provide otherwise, if there is less than 6 months between the occurrence of the vacancy and the next annual or quinquennial election (if any) to the vacancy, any casual vacancy occurring on the General Council or on any Committee may be filled by the General Council, or that Committee by co-option of a person eligible to be a member of the General Council or that Committee as the case may be.

(8) Any general ballot of the membership or part thereof (hereinafter referred to as "the ballot") required by these Rules, but excluding ballots in respect of industrial action, shall be by postal or electronic ballot.

(9) Any postal ballot shall be held within 4 weeks of the date when the requirement arises pursuant to these Rules.

(10) When a postal ballot is required, not less than 7 days before the final date for the return of Ballot Papers, the General Secretary shall prepare and despatch a Notice of Intention to hold a ballot together with a Ballot Paper to all members concerned (hereinafter referred to as "the Ballot membership") at the address of each member recorded in the register of members maintained in accordance with Rule 17.

(11) The General Purposes Committee shall decide the final date above for the receipt of ballot papers at the principal office of the Union for the time being or such other address as may be directed on the Ballot Paper (hereinafter referred to as "the Ballot Office").

(12) The General Purposes Committee shall appoint two scrutineers who shall scrutinise the counting of votes.

(13) The two scrutineers shall not take part in any election ballot in which they are candidates.

(14) The Notice of Intention to hold a ballot shall include a statement setting out in general terms the matter upon which the Ballot membership is required to ballot and shall state the last day for the receipt of Ballot Papers at the Ballot Office.

(15) Each Ballot Paper shall state the address of the Ballot Office to which Ballot Papers are to be returned, the last day for the receipt of Ballot Papers at the Ballot Office and provide instructions for marking Ballot Papers to record a valid vote.

(16) Envelopes which indicate that they contain Ballot Papers duly returned to the Ballot Office shall immediately be placed unopened into sealed Ballot Boxes previously sealed by the two scrutineers, to await the expiry of the time allowed for the Ballot.

(17) The sealed Ballot Boxes shall be opened at the Ballot Office by the two scrutineers, in the presence of the Independent Returning Officer the day following the last day for the receipt of Ballot Papers.

(18) Any Ballot Paper returned to the Ballot Office after the last day for the receipt of Ballot Papers, or not marked in accordance with the instructions set out on the Ballot Paper, shall be rejected by the Independent Returning Officer. The Ballot Officer's decision as to whether or not a Ballot Paper has been spoilt shall be final.

(20) At the conclusion of the count, the Independent Returning Officer shall declare the result of the ballot in a written statement to the General Secretary. The General Secretary shall send a Notice giving the result of the ballot to all branches and departments of the Employer that have members within the Ballot membership.

(21) When an electronic ballot is required the General Secretary shall not less than 7 days before the final date for the return of Ballot Papers, prepare and despatch a Notice of Intention to hold a ballot to all members concerned (hereinafter referred to as "the Ballot membership") at the email address of each member recorded in the register of members maintained in accordance with Rule 25. The Notice of Intention will contain the instructions necessary to allow members to cast their votes electronically.

(22) The General Purposes Committee shall decide the final date for the receipt of electronic votes.

(23) At the conclusion of the count, the Independent Returning Officer shall declare the result of the ballot in a written statement to the General Secretary. The General Secretary shall publish a Notice giving the result of the ballot to members within the Ballot membership.

## **22. Suspension Or Removal From Office**

(1) No Officer or member of any other Trade Union or other body having objects similar to or conflicting with the objects of the Union, shall be eligible for election to or continue to hold office or position in the Union unless elected by the General Council to such body or unless he shall first have declared the holding of such office or membership to the General Secretary in writing. Failure to make such a declaration shall invalidate any such election. The declaration must be sent to the General Secretary using the Recorded Delivery postal system and will be acknowledged by the General Secretary within 5 days. The General Secretary shall inform the General Council who shall decide whether the person concerned may stand for election to, or continue to hold, that office or position.

(2) The General Council, at a meeting called for the purpose, may suspend or remove from office, either singularly or collectively, any Officer of the Union or any Committee or any elected representative, by a resolution passed by a vote in favour by at least 75% of those members present and entitled to vote.

(3) A District Committee may, at a meeting of that Committee called for the purpose, suspend or remove from office, either singly or collectively, any officers or representatives of the Committee by a resolution passed by a vote in favour by at least 75% of those members present and entitled to vote.

(4) Any Trustee may be removed and replaced at a meeting of the General Council by a resolution passed by a vote in favour of dismissal by at least two-thirds of those members present and entitled to vote.

(5) Any Auditor or Independent Returning Officer may be removed and replaced at a meeting of the General Council by a resolution passed by a simple majority in favour of dismissal of those members present and entitled to vote.

### **23. Property And Finance**

(1) All property belonging to the Union shall be held in the names of the three Trustees appointed pursuant to Rule 10 on behalf of the Union who shall as and when directed by the General Council or the General Purposes Committee acting on behalf of the General Council:

(2) The Trustees may let such parts of the property as may not for the time being be required for the purposes of the Union.

(3) The Trustees may mortgage or charge the property or any part or parts of it respectively to secure the repayment of any sum or sums of money which the Trustees may (as they are now authorised and required to do when directed by the General Council) borrow on the security of the property and with or subject to such powers of sale and other powers and provisions and upon such terms in all respects as the Trustees shall think fit but it is expressly declared that no Trustee shall be required by the General Council to enter into any personal covenant for the repayment of any money borrowed or for payment of interest or otherwise to incur any personal liability in respect of the money secured by any mortgage or charge and it shall not be incumbent upon any intended lender or lenders to inquire into the necessity, expediency or propriety of any mortgage or mortgages of the property which shall be made or proposed to be made under or by virtue of this rule.

(4) The Trustees shall have the power to borrow for investment or other purposes whether or not on security and shall have the power to mortgage or charge any property or any part of such property to secure repayment of any borrowings.

(5) There shall be a General Fund of the Union, which may be applied to any purpose in accordance with the objects of the Union as the General Council may decide.

(6) The General Council shall have powers to invest the funds of the Union in any investments authorised by law for the investment of trust funds without the need for the division of funds as directed by the Trustee Investments Act 1961 as amended.

(7) The General Council shall have powers to invest the funds of the Union in the shares of any holding company or other company the General Council may decide to form including (by way of description and not limitation) the giving of guarantees (with or without security) in connection with all or any of the activities or investment powers of the Union.



(8) The General Council shall have powers to invest the funds of the Union in the purchase of any Freehold or Leasehold property for occupation by the Union or its retention as an investment or pending realisation.

(9) Money required for the day-to-day purposes of the Union shall be held in a banking or building society account under the control and management of the General Purposes Committee.

#### **24. Register Of Members And Records**

(1) The Union shall maintain and keep up to date a register in which shall be recorded the work and home addresses and personal details of each member.

(2) Any statutory obligations in respect of members' inspection of the Union's membership or accounting records will be met as required.

(3) A copy of the Rules of the Union shall be available to any member upon request to the General Secretary.

#### **25. Industrial Action**

(1) Industrial action shall only be taken as provided under these rules.

(2) A meeting of the General Council shall be called specifically to consider any resolution to take industrial action, setting out in detail the particular nature of any form of industrial action proposed.

(3) Industrial action shall be taken only following a ballot, carried out in accordance with any relevant legislation, of all active members whom it is proposed shall take industrial action.

(4) Where the circumstances of negotiations require, the Chairman may authorise the members of General Council to be contacted in accordance with Rule 6 (12) of these Rules.

(5) Any resolution to take industrial action must be passed by a vote in favour by a simple majority of votes cast.

(6) If the result of any ballot shows that a simple majority of all the members voting are in favour of taking the industrial action proposed then, provided the matter in dispute has not previously been satisfactorily settled, the General Council shall decide whether the industrial action should be carried into effect and the date upon which such action shall begin.

(7) The General Council may delegate responsibility for the day-to-day management of any programme of industrial action to the General Purposes Committee.

(8) The instructions for taking the industrial action decided upon shall be issued to members by the General Secretary and the action shall continue until terminated by a resolution of the General Council.

#### **26. Disciplinary Action**

(1) A Members Disciplinary Committee shall be appointed in accordance with Rule 11. The Chairman of the Union shall act as its Chairman.

(2) Any member who in the opinion of the General Purposes Committee acts in a manner contrary to the objects of the Union or acts in breach of the Rules of the Union or who conducts himself in a manner damaging to the Union shall be liable to disciplinary action.

(3) If a complaint is made against a member the General Purposes Committee may refer this to the Members Disciplinary Committee.

(4) The General Secretary shall give to the member details of the complaint against him and request him to appear before the Members Disciplinary Committee. The General Secretary shall give the member not less than 10 days notice of the date, time and place he is to appear, advising him that he may be assisted or represented legally or by a person who is an active member at the hearing before the Committee. The General Secretary shall give similar notice to the complainant and all relevant witnesses known to the General Secretary at the time of giving notice.

(5) The Committee shall observe the principles of natural justice and conduct all proceedings informally, but otherwise shall have complete discretion over its procedure.

(6) Upon proof of service on the member of the notice required by Rule 27 (4) the Committee may proceed to hear the complaint in his absence if he fails to appear at the hearing in respect of which the notice was given.

(7) If the complaint is proved the Committee may decide that the member be reprimanded, suspended or expelled from the Union for a period not exceeding two years, or impose a fine of up to £1000 upon the member.

(8) The General Secretary shall notify the member and all members of the General Council of the decision of the Committee within 10 days of the conclusion of the hearing, and inform him of his right of appeal under Rule 27 (9) against any decision.

(9) Any member recommended by the Committee to be disciplined may, by letter addressed to the General Secretary within 10 days of being informed of the decision, appeal to the Appeals Committee against the imposition of that penalty upon him.

(10) The Appeals Committee shall consist of all members and reserve members elected to the Members Disciplinary Committee who were not members of the Members Disciplinary Committee that decided the penalty under appeal. The Committee shall elect its own Chairman.

(11) The Appeals Committee shall give the member an opportunity to appear before the Committee. The General Secretary shall give the member not less than 10 days notice of the date, time and place of the Appeal hearing, advising him that he may be assisted or represented legally or by a person who is an active member at the hearing. The General Secretary shall give a similar notice to the complainant and to all witnesses who appear before the Committee that recommended the penalty.

(12) The Appeals Committee shall conduct any Appeal hearing in accordance with Rule 27 (5) and may confirm, change or quash the penalty under appeal. The decision of the Appeals Committee shall be given in writing within 10 days of the Appeal hearing and shall set out the grounds for the decision if the appeal is dismissed.

(13) The General Secretary shall notify the member and all members of the General Council of the decision of the Appeals Committee within 10 days of the decision being made.

(14) The General Purposes Committee may suspend or expel from membership any member who fails to pay to the Union any fine imposed upon him under this Rule within 31 days of notice of the fine being given to the member.

(15) The General Council may at any meeting reduce or quash any penalty imposed on a member by the Members Disciplinary Committee or the Appeals Committee.

(16) Notices required to be given in accordance with this Rule shall be given in writing in accordance with Rule 20.

## **27. Breach Of The Rules**

(1) Any member may submit a complaint in writing alleging a breach of these Rules by the General Council or any other Committee or any Officer, official or member to the General Secretary.

(2) The General Secretary shall notify the Chairman, or in his absence the Deputy Chairman, of the receipt of the complaint. The Chairman, or his nominee, shall instruct the General Secretary either to conduct an investigation into the complaint in accordance with Rule 28 (3) or convene a Tribunal of Inquiry in accordance with Rule 28 (4).

(3) Any inquiry into a complaint undertaken by the General Secretary in accordance with Rule 28 (2) shall be completed within 20 days of the receipt of the complaint. The General Secretary shall report his findings together with a recommendation of the action to be taken on the complaint to the complainant and the members of the General Council who shall be required to indicate approval or otherwise of the action recommended by the General Secretary in accordance with the procedures in Rule 6 (11).

(4) A Tribunal of Inquiry (hereinafter called 'the Tribunal') shall be convened by the General Secretary on the instructions of the Chairman, or his nominee in accordance with Rule 7, within 10 days of the receipt of the complaint by the General Secretary, or within 10 days of the acceptance by the General Council of such recommendation by the General Secretary in accordance with Rule 28 (3), or upon any resolution of the General Council to convene a Tribunal of Inquiry.

(5) A Tribunal of Inquiry shall consist of the Chairman, or his nominee, who shall act as Chairman of the Tribunal, together with two past members of the General Council, one nominated by the Trustees of the Union and the other nominated by the complainant. If the Tribunal is convened under Rule 20 (4) upon any resolution of the General Council and there is no complainant, both members, other than the Chairman or his nominee, shall be nominated by the Trustees.

(6) The General Secretary shall provide accommodation for the Tribunal and shall be responsible for all administrative arrangements and services required by the Tribunal.

(7) The Chairman of the Tribunal shall appoint a suitable person to carry out the duties of Secretary to the Tribunal. The person appointed shall be the General Secretary unless the complaint under inquiry has been made against him.

(8) The Tribunal shall conduct its proceedings informally in accordance with such procedure as the Tribunal concerned, in its absolute discretion, may decide. It shall call before it witnesses to give oral evidence or may accept such written evidence as the Tribunal, in its absolute discretion may decide.

(9) The Tribunal shall have access to all relevant correspondence and other documents, written or made on behalf of, or received, by the Union.

(10) All reasonable expenses of the members of the Tribunal and all persons required to attend the Tribunal shall be paid from the funds of the Union.

(11) The Tribunal shall submit a report to the General Secretary within 20 days of the Tribunal having been convened. The General Secretary shall without delay circulate a copy of such report to the complainant, to the General Council and to any other persons whom the Tribunal may specify.

(12) The General Purposes Committee will oversee the implementation of any recommendations the report may make.

## **28. Alterations To The Rules**

(1) Any proposed alterations to the Rules by any District Committee must be forwarded in the form of a Notice of Motion to be considered at the next appropriate meeting of the General Council.

(2) At the next meeting of the General Council the proposed alterations shall be accepted provided there is a two-thirds majority of the members of the General Council present and entitled to vote in favour of the proposed alterations. The Chairman shall have discretion to apply the provisions of Rule 6 (12) in order to expedite discussion of any proposed alterations to the Rules except that there shall be a two-thirds majority of all the members of the General Council being in favour of the proposed alterations before the alterations take effect.

(3) In the event of a card vote being demanded in accordance with Rule 6 (11), the proposed alterations shall only be accepted provided two-thirds of the total number of votes eligible to be cast by card vote holders present are cast in favour.

## **29. Affiliation To Trades Union Congress**

The Union shall not seek affiliation to the Trades Union Congress until a ballot of all members conducted in accordance with Rule 21 shows a two-thirds majority of total membership in favour thereof.

## **30. Dissolution**

(1) The Union shall continue in being until referendum by ballot of all members, conducted in accordance with Rule 21, shows a two-thirds majority of the total membership in favour of dissolution. A referendum of members on dissolution shall only be taken on a resolution passed by a meeting of the General Council called for the purpose, by a vote in favour by at least two-thirds of those members present and entitled to vote.

(2) Upon dissolution of the Union all assets shall be realised. Monies shall be applied to the payment of the debts set out in Section 319 of The Companies Act 1948, as amended and extended by any other statutory legislation, in priority to all other debts. After the payment of all other debts, the remainder shall be distributed in equal shares to all who have been members for at least 12 months prior to the date of dissolution.