

**SCOTTISH & NORTHERN IRELAND
PLUMBING EMPLOYERS' FEDERATION**



Constitution

and

Rules

Revised November 2013

**SCOTLAND & NORTHERN IRELAND
PLUMBING EMPLOYERS' FEDERATION**

Constitution and Rules

TITLE

1. The Federation shall be called The Scottish and Northern Ireland Plumbing Employers' Federation.

OBJECTS

2. The objects of the Federation shall be:
 - (i) to promote any measures and take any steps that may be considered advisable for the furtherance or protection of the Plumbing and Domestic Engineering including the related Domestic Central Heating Industry in Scotland and Northern Ireland.
 - (ii) to promote the formation of Local Associations throughout Scotland and Northern Ireland.
 - (iii) to deal with all matters affecting the general interests of Members and in particular:
 - (a) to promote quality in plumbing and domestic engineering including related domestic central heating work and just and honourable practice in the conduct of business and to suppress malpractice.
 - (b) to promote and participate in any scheme for the statutory or voluntary registration of persons and/or firms engaged in the Plumbing and Domestic Engineering Industry.
 - (c) to promote good relations between Members and operatives and conduct negotiations with employees' representatives and amicably or by arbitration arrange rates of wages and working conditions for the Industry.
 - (d) to protect and defend the interests of Members against employees or combinations of employees seeking by strikes or other means to impose restrictive conditions upon the Industry.
 - (e) to promote, manage, or participate in the operation of Holidays with Pay, Sickness and Accident Benefit and superannuation and other schemes for persons employed in the Industry.
 - (f) to promote, encourage and participate in schemes for the education and training of apprentices and others engaged in the Industry.

- (g) to maintain contact with and make any necessary representations to Government Departments, Local Authorities and other bodies in regard to all matters affecting the Industry.
- (h) to co-operate with other trade associations in all questions of common interest.
- (i) to originate and promote improvements in the law and to support or oppose alterations therein and to effect improvements in administration and for the purpose aforesaid to take all steps and proceedings as may be deemed necessary.
- (j) to give all such assistance, legal or otherwise, as shall be considered proper and desirable.
- (k) to promote, arrange and establish equitable forms of contract and otherwise negotiate such standard conditions for the Industry as may seem to be necessary and desirable.
- (l) to promote, undertake and manage or participate in or arrange for the promotion and management of the wholesale or bulk purchasing and distribution of plumbing materials, appliances and equipment and to distribute or participate in or arrange for the distribution of any or all of the profits arising from these operations or any of them as may seem to be desirable.
- (m) to circulate among Members information on all matters affecting the Industry and to print, publish and circulate such periodicals, paper and circulars and other literature as may appear necessary and desirable.
- (n) to set up and provide on a fee paying basis an advisory service on wages and conditions of employment of plumbing operatives for the benefit of individuals, companies, Municipal and Local Authorities and public bodies employing such labour.
- (o) to establish, undertake, superintend, administer and contribute to any charitable, benevolent or educational fund, institution or undertaking which may seem to benefit the Industry or those employed or those who have been employed in it.
- (p) to undertake and execute any trusts which may be necessary to any of its objects.
- (q) to arrange, support and provide for social activities between Representatives, Members and their friends.
- (iv) to do all such lawful things as are incidental or conducive to the attainment of the above objects or any of them.

MEMBERSHIP

3. The Membership of the Federation shall consist of firms which terms shall include single man businesses, partnerships and companies who are established as contractors engaged in plumbing and mechanical services in Scotland, Northern Ireland and such other places as may be agreed by the Council of the Federation and such firms shall be organised in and be Members of Local Associations.

Basis of Membership
4. As from the date when this Constitution comes into effect existing Members of Local Associations shall also be Members of the Federation.

Existing Members
5. All applications for Membership shall be made in such form and will be considered in accordance with procedures laid down by the Council of the Federation from time to time.

Applications for Membership
6. All applicants admitted to Membership having a branch in the area of another Association or Branch shall become a Member in respect of that area also, and shall pay the appropriate Annual Subscription in respect of that branch. All existing Members having or starting a branch in the area of another Association or Branch shall similarly become a Member in respect of that other area.

Branches in another area
7. For the purpose of representation each Member shall nominate the person who shall be the proprietor, a partner, a director or an employee with executive rank who shall represent the Member at general meetings of the Local Association and shall vote on behalf of the Member. Other partners or directors may, if the Local Association so desires, become Associate Members on such conditions as the Local Association may lay down.

Representation of members
8. All matters concerning the cessation of Membership shall be dealt with in accordance with clauses 9, 10 and 11 of this Constitution.

Cessation of Membership
9. Membership shall cease upon a Member ceasing to carry on business as a contractor engaged in plumbing and engineering including related domestic central heating in Scotland and Northern Ireland. A Member so excluded shall cease to be a Member, shall no longer have an interest in or claim upon any of the Funds of the Federation or a Local Association but shall remain liable for any arrears of subscription.

Ceasing to carry on plumbing business

10. Any Member wishing to retire shall give three calendar months' notice in writing to the Federation to that effect on or before 1st October in any year. The resignation shall take effect as from 31st December following and the Member retiring shall cease to have any interest in or claim upon any of the funds of the Federation or a Local Association but shall remain liable for any arrears of subscriptions.

CONDUCT

11. If any Member fails to observe or adhere to:
- The Rules of the Federation and/or;
 - The Plumbing Industry Licensing Scheme ("PILS"), including failure to comply with a decision of the complaints panel, disciplinary panel or board; and/or
 - The decisions of either the Federation or the PILS;

Or if any Member acts a way, or fails to act in a way, which is contrary to the principles and objectives of the Federation, its Local Associations, or the PILS, the Member shall be subject to rules 12 and 13.

CONSEQUENCES OF BREACH OF RULE 11

12. Any Member whose conduct falls within the terms of rule 11 shall be dealt with by a disciplinary panel ("the Disciplinary Panel") in terms of rule 13, which said Panel is empowered to deal with any complaint in the following way:
- (a) To decide not to uphold the complaint
 - (b) To admonish or warn the Member in relation to its conduct and behaviour
 - (c) To suspend the Member for such period of time as the panel shall consider appropriate
 - (d) To expel the Member
 - (e) In the event of either suspension or expulsion, the panel may prescribe recommendations for re-entry to Membership which the Federation are entitled to consider when deciding on the appropriateness of the Member's re-entry
 - (f) To impose such conditions and restrictions on Membership as the panel shall see fit, including (but not restricted to):
 - (i) Periodic review and assessment of the Member's conduct, and/or
 - (ii) Requests for the Member to provide information/data to the panel in advance of any periodic review hearing, and/or

- (iii) A requirement that the Member amends its conduct and/or the basis on which it conducts its affairs and business.
- (iv) The training of staff/employees in particular areas
- (v) liaising with third party organisations

A Member expelled in accordance with this Rule shall cease to be a Member and shall no longer have any interest or claim upon any of the funds of the Federation or a Local Association but shall remain liable for any arrears of subscription.

In cases where a Member has been expelled or suspended from membership because they have failed to or have refused to undertake remedial which the PILS Complaints Panel decided was necessary, the Member shall be liable to pay the whole cost of any remedial work directed by the Complaints Panel.

DISCIPLINARY PANEL AND RIGHT OF APPEAL

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| 13. | Any complaint brought against any member as a result of conduct which falls within Rule 11 shall be dealt with by a Disciplinary Panel made up of no fewer than members of the SNIPEF Council. The Member shall be given an opportunity to make representations in person or in writing prior to such decision being reached. The Member will have the right to appeal against the decision of the Disciplinary Panel. Any appeal will be heard by no fewer than three of the SNIPEF officebearers. The Member may be represented at any of the meetings by an appropriate representative (the appropriateness of the representation being decided by SNIPEF in their sole discretion, acting reasonably) but shall be wholly liable for any costs for this representative's attendance | |
| 14. | The Office Bearers of the Federation shall consist of the President, the Immediate Past President, the Vice-President and the Junior Vice-President. | Office Bearers |
| 15. | At the Annual General Meeting the Council shall elect from its Members a President of the Federation who shall hold office and act as Chairman of the Council until the next Annual General Meeting. | President |
| 16. | At the Annual General Meeting the Council shall also elect from its Members a Vice-President and Junior Vice-President who shall hold office until the next Annual General Meeting. | Vice-President |
| 17. | The President, the Vice-President, the Junior Vice-President and the Immediate Past President shall be ex-officio Members of the Council of the Federation. The President shall, in addition, be ex-officio a Member of any Committee. | Ex-Officio |

COUNCIL

- 18.** The Management of the Federation and the conduct of its business shall be carried out by the Council which shall consist of the President, the Immediate Past President and the Representatives of Local Associations and shall be presided over by the President, whom failing, the Vice-President, whom failing the Immediate Past President, whom failing the Junior Vice-President, whom failing a Chairman of one of the Committees present. Powers
- 19.** The Council shall have plenary powers in the management of the business and affairs of the Federation including the management of its property and the investment of its funds and the application and disposal of such property and funds for any purpose which may be deemed advisable, including granting letters of guarantee and also the raising, pursuing and defending of actions at law and may delegate all or any of its powers and duties to a Committee or Committees. Representative
- 20.** Local Associations shall appoint Representatives to the Council of the Federation. Local Associations will be entitled to appoint one representative and one additional maximum of one representative when they have more than 100 members. Appointment and Substitution
- The Council shall have power to review the representation of Local Associations at the Annual General Meeting on a recommendation from the previous Meeting of the Council.
- 21.** The appointment of Representatives to the Federation shall be made by each Association annually and shall take effect as from the Annual General Meeting of the Federation. A Substitute Representative may be appointed by an Association to fill any vacancy occurring during any year and such Representative shall have the full rights of a Representative and shall take the place of the Representative he is replacing on any Committee but shall not thereby assume any office on such Committee previously held by the Representative he is replacing.
- Those members appointed as representatives to the Council may send an alternate to Council Meetings or the Annual General Meeting. The alternate will have the same voting powers as the nominated Representative.

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| 22. | The Council shall meet at least two times each year. | Meetings |
| 23. | The Meeting of the Council in the month of May, or as near thereto as possible, shall be the Annual General Meeting of the Federation at which there shall be transacted such business as is laid down in this Constitution to be conducted at the Annual General Meeting. | Annual General Meeting |
| 24. | The Administrative Year of the Federation shall commence at the Annual General Meeting of the Federation and end at the following Annual General Meeting. | Administrative Year |
| 25. | Voting at the Meetings of the Council shall be by show of hands, each Member of the Council except the Chairman being entitled to one vote. A majority of those present shall, in the event of a difference of opinion, bind the Council. In the event of an equality of votes the Chairman shall have a casting vote. | Voting |
| 26. | A quorum shall consist of one or more Representatives from at least four Associations. | Quorum |
| 27. | A Special Meeting of the Council shall be convened by order of the President or at the written request of one or more Representatives from at least four Associations and specifying the reason for the request. | Special Meeting |
| 28. | Notice of all meetings of the Council shall, if possible, be given not less than seven clear days before each Meeting to all Representatives entitled to attend. | Notice of Meetings |
| 29. | The Council may appoint a Sub-Committee or Representatives to consider any matter and may delegate to such Sub-Committee such powers as the Council may deem expedient and proper, provided that such powers are within the powers of the Council as laid down in this Constitution. | Power to Appoint Sub-Committee |

COMMITTEES

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| 30. | The Council shall appoint from among its Members such Committees as it may consider necessary for carrying on the business of the Federation under the control of the Council and may delegate to such Committees such powers as the Council may deem expedient and proper provided such powers are within the powers of the Council as laid down in this Constitution. | Composition |
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| 31. | Each Committee shall have the power to co-opt any person who is a representative or a partner or director of a Member firm but not necessarily a Representative of an Association on the Council of the Federation. Such person shall have no voting powers. In addition each Committee shall have the power to co-opt persons who have special expertise, skills or experience of benefit to Committee. | Power to co-opt |
| 32. | Each Committee shall appoint from its own Members a Convenor and Vice-Convenor to act until the next Annual General Meeting of the Federation. | Convenor and Vice-Convenor |
| 33. | The Executive Committee of the Federation shall consist of the Office Bearers. The President and Vice-President of the Federation shall act as Chairman and Vice-Chairman respectively of the Executive Committee. | Executive Committee |
| 34. | Voting at the Meetings of the Committees, including the Executive Committee, shall be by show of hands, each Member of the Committee being entitled to cast the number of votes equal to the number of representatives the Local Association is entitled at that time to send to the Council of the Federation. A majority of those present shall, in the event of a difference of opinion, bind the Committee. In the event of an equality of votes, the Chairman shall have an additional or casting vote. | Voting |
| 35. | A Quorum for the Committees, excluding the Executive Committee, shall consist of at least four members of the Committee. A quorum for the Executive Committee shall consist of at least three members of the Committee. | Quorum |
| 36. | Notice of all Meetings of the Committees, including the Executive Committee, shall, if possible, be given not less than seven days before each meeting to all Members entitled to attend. | Notice of Meeting |
| 37. | Each Committee, including the Executive Committee, may appoint a Sub-Committee of Members of the Committee to consider any matter and may delegate to such Sub-Committee such powers as the Committee may deem expedient and proper, provided that such powers are within the powers of the Committee. | Power to appoint Sub-Committee |

LOCAL ASSOCIATIONS

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| 38. | The functions of Local Associations shall include the dealing with all matters affecting the local interest of Members, the discussion locally of matters of general interest to Members and the presentation to the Council of the Federation of the local views within the Association on such matters. They shall have power to formulate and amend their own Constitution subject to Clause 39, arrange their own meetings, appoint their own Office Bearers, Secretaries and staff and deal with their own funds. | Functions |
| 39. | Local Associations and their Secretaries shall observe the terms of this Constitution and shall carry out without delay decisions of the Council of the Federation and any of its Committees acting in accordance with powers granted to it by the Council all as conveyed to them by the Chief Executive and shall not do anything which is contrary to this Constitution or to national policy. Local Associations shall furnish the Federation with all information which the Federation may require. | Obligations |

Failure of a Local Association or its Secretary to so act shall amount to a breach of this Constitution and all facilities shall be withdrawn from the Association until the Association or its Secretary has so acted.

SPECIALIST SECTIONS

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| 40. | The Federation Council may authorise the formation of Specialist Sections of Members carrying out a certain class of work. Such Sections shall have the right to set up their own Executive Committee, the Members of which shall be elected by the Members of the Section in general meeting. | Formation of Specialist Sections |
| 41. | Subject to the general control of the Council a Specialist Section or its Executive Committee shall be empowered to deal with matters solely affecting the interests of the Section but no resolution or act of any Section or its Executive Committee shall be put into effect without the authority of the Council. | Powers |

FINANCE

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| <p>42. Every Member on admission shall pay to the Federation an Entrance Fee the amount of which shall be determined by the Council of the Federation.</p> <p>Every member shall pay to the Federation an Annual Subscription. Firms who were members of SNIPEF before 31st March 2014 shall be due to pay their subscription on 1st January each year. New Members who join on or after the 1st April 2014 shall pay on admission the full amount of Annual Subscription and shall thereafter be due to pay their subscription on the 12 month anniversary of their initial subscription date</p> | <p>Entrance Fees and Subscriptions</p> |
| <p>43. The composition of the Annual Subscription payable by each member shall be determined by resolution of the Council of the Federation which shall also determine the proportion of the Annual Subscription to be paid to Local Associations.</p> | <p>Composition of Subscription</p> |
| <p>44. A Member whose subscription is unpaid for a period of 2 months in any year shall be regarded as being in arrears. A Member in arrears shall forfeit all the privileges of Membership until such time as the arrears are paid. A Member still in arrears after 4 months shall cease to be a Member and the Federation and the Local Associations are hereby empowered to take any action necessary to recover the arrears, in which event Membership may be restored in accordance with the procedure for admitting New Members on such terms and conditions as may be considered fair and reasonable.</p> | <p>Members Arrears</p> |
| <p>45. The Federation shall reimburse Representatives of Local Associations and Specialist Sections all reasonable expenses incurred when engaged on Federation business.</p> | <p>Reimbursement of Representative Expenses</p> |
| <p>46. All financial matters shall be under the control of a Finance Committee which shall be one of the Committees to be appointed in accordance with this Constitution.</p> | <p>Finance Committee</p> |
| <p>47. The Financial Year of the Federation and Local Associations shall commence on 1st January each year and end of 31st December following.</p> | <p>Financial Year</p> |
| <p>48. The Accounts of the Federation which shall have been duly audited shall be submitted at the Annual General Meeting of the Federation.</p> | <p>Accounts</p> |

SECRETARIAT

- 49.** A Chief Executive, known as the Director and Secretary or such other title as may be decided by the Council of the Federation from time to time, and staff at National level shall be appointed by or under the authority of the Council of the Federation. Local Associations shall be responsible for appointing the Secretaries of their own Local Associations and Branches. Appointment
- 50.** The Chief Executive shall be responsible for giving information and advice to the Federation, Local Associations and Members, for carrying out the policy and instructions of the Federation, for performing the necessary secretarial services at National level, for operating any Schemes for the benefit of Members as may be decided upon by the Federation, for co-ordinating and assisting the work of Local Associations and taking all necessary steps as required by the Federation and Local Associations and in accordance with this Constitution for the efficient running of the organisation. Duties of Chief Executive

ANNUAL REPORT

- 51.** The Annual Report of the activities of the Federation for the previous Administrative Year shall be submitted at the Annual General Meeting of the Federation.

APPOINTMENTS TO EXTERNAL BODIES

- 52.** All persons appointed by the Council to external bodies or organisations shall be limited to a maximum period of appointment of 3 years with the option for the Council to renew such appointments for a further period of 3 years when appropriate. External Bodies

AMENDMENT OF CONSTITUTION AND RULES

- 53.** Alterations in the Constitution and Rules may be made at a Meeting of the Council of the Federation by a majority of at least two-thirds of the recorded votes, provided intimation of the proposed alterations has been given in the notice calling the Meeting. Amendment Procedure

DISSOLUTION

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| <p>54. The Federation may be dissolved at a Meeting of the Council of the Federation specially called for the purpose, of which meeting notice shall be given by the Secretary to the Members of the Council fourteen clear days before the date thereof, and such notice shall contain the business to be transacted at the meeting. The dissolution shall take place only in the event of a majority of at least two-thirds of those present at such meeting voting for such dissolution.</p> | <p>Dissolution
Procedure</p> |
| <p>55. Upon the resolution for dissolution being approved at such Special Meeting, the Council shall then resolve on the basis of a simple majority of the votes cast, the manner in which any funds of the Federation remaining after liquidation of all its just liabilities shall be disbursed or any contributions shall be made by Members to meet any deficiency.</p> | <p>Division of
Funds</p> |