

**UNION OF  
DEMOCRATIC  
MINEWORKERS**

**NOTTINGHAM**

**SECTION**

**RULES**



**2018**

**Miners' Offices  
Berry Hill Lane  
Mansfield  
Notts  
NG18 4JR**

# UNION OF DEMOCRATIC MINeworkERS

## R U L E S

### OF THE NOTTINGHAM SECTION

1 The Nottingham Section (in these Rules referred to as "the Section") is a constituent part of the Union of Democratic mineworkers (in these Rules referred to as "the Union").

#### 2 OBJECTS

The objects and powers of the Section shall be:

- (a) to support and put into effect the objects of the Union, insofar as the members of the Section are concerned.
- (b) to raise funds by contributions, fines, donations and levies for mutual help and industrial and trade union purposes and for the provision of benefits hereinafter referred to.
- (c) from time to time during its existence or on dissolution to utilise, set aside, or vest in Trustees to be duly appointed the whole or any part or parts of its property and funds for the establishment of a Trust for the benefit of any class of its members, their widows and families, and to settle the terms of any Trust Instrument necessary for that purpose.

#### 3 CONSTITUTION

- (a) The Section shall be composed of workers employed or formerly employed in or connected with the mining industry and ancillary undertakings including person employed on behalf of the Union or anyone associated with a colliery site be it a surface mine or deep mine whether employed. Persons who are members of the NUM should not be allowed dual membership with the UDM Nottingham Section.
- (b) In these Rules "the effective date" shall mean the date of registration under Section 1 of the Trade Union (Amalgamations etc.) Act 1964 of the Instrument of Amalgamation which created the Union and "the Nottingham Union" shall mean the National Union of Mineworkers (Nottingham Area) as constituted immediately before the effective date.
- (c) On the effective date the Section shall be divided into Branches equivalent to the Branches of the Nottingham Union which existed immediately before that date.

#### **4 THE COUNCIL**

- (a) The General Management of and incidental to the affairs of the Section shall be vested in Council which shall be constituted in manner hereinafter mentioned (and is herein referred to as "the Council").
- (b) The Council shall consist of the Section Official and representatives appointed by the Branches to represent such Branches at the Council Meetings.
- (c) Each Branch (consisting of more than 5 members) shall from time to time appoint one of its members to be its representative and to act as its Delegate at meetings of the Council.
- (d) No Branch shall be represented by more than one Delegate, who subject as hereinafter provided shall be elected by the members of the Branch in accordance with the Rules.

#### **5 MEETINGS OF THE COUNCIL**

- (a) Council Meetings shall be held once every calendar month. Notwithstanding the foregoing, the National Executive Committee may Authorise Special Section Conferences or Council Meetings if they consider circumstances warrant such action.  
The President/General Secretary of the Section shall have the power to decide whether an emergency situation exists and may call a special meeting.
- (b) The Council may from time to time adopt such standing orders as it may consider desirable for the efficient discharge of its business, and any breach of such standing orders shall be deemed to constitute a breach of these Rules. The Standing Orders are set out in Appendix II to these Rules.
- (c) Voting on any question before the Council except on a question of Alteration of Rules under Rule 24, shall in the first instance be by show of hands, but at the close of voting and before any further business is proceeded with, it shall be competent for one or more Delegates to demand a card vote on such question, and thereupon such a vote shall forthwith be taken and on such vote being taken, each Delegate shall have and exercise the number of votes to which he is entitled under Rule 20(a).  
Whichever method of voting shall be adopted, the manner in which each Branch Delegate shall cast his vote or votes shall be recorded in the minutes.
- (d) In the event of a decision of the Branches being required on any question which cannot be deferred until the next Council Meeting, and, in consequence, a postal vote proving necessary, then the branch voting shall be deemed to be on a card vote basis and shall be calculated in accordance with the provisions of Rule 20(a).

#### **6 SECTION OFFICIAL**

- (a) The Section shall appoint a Section Official and Council Member/s, who in addition to being responsible for the administration of the business and affairs of the Section between Council Meetings, shall be responsible for:-
- (i) the detailed organisation, membership and contributions, as covered by the Section;
  - (ii) establishment and maintenance of the Branches within the Section;
  - (iii) all negotiations for price lists, wages, compensation, and other matters other than those conducted by the National Executive Committee on a National Basis.
- (b) The Section Official shall be the President who shall also carry out the duties of the General Secretary, Financial Secretary and Treasurer.
- (c) The President shall be appointed by the Council from amongst the Section Officials of the Section. Each Branch representative to Council shall, at a branch general meeting to be held prior to the meeting of the Council at which such appointment of President is made, obtain instructions in accordance with Rule 13(c) as to the manner in which he is to vote on such appointment and shall vote accordingly.
- Any such Official appointed by the Council to the office of President, shall hold such office during such time as he shall remain a Section Official and otherwise on the terms and conditions to be agreed by Council.
- His duties shall be to preside at all Council and Committee meetings, and to see that the business of the Section is conducted in a proper manner and in accordance with the Rules and Standing Orders for the time being in force. He may subject to the provisions of Rule 5 call a special meeting of the Council.
- He shall have no power to vote except when those present at the meeting and entitled to vote have cast their votes and the voting is equal, in which case he shall have power to give a casting vote.
- He shall be a whole-time Official and in the event of his becoming a Member of Parliament or a whole-time paid Official of the Government, he shall relinquish his position as a Section Official.
- His additional duties shall be as follows:
- (i) He shall attend to the whole of the correspondence of the Section and in due course report to the Council on all matters arising thereon.
  - (ii) He shall in conjunction with the Trustees and all other necessary signatories, if any, sign all documents intended to be binding on the Section.

effect as one which has been negated within the preceding four months shall be permitted.

#### **17 RECORDING OF PROCEEDINGS**

Recording of the proceedings of any Meeting, by means of a tape recorder or other similar means, shall only be permitted if a request to make such a recording is made to the President, immediately prior to the commencement of the Meeting and such request is approved by a majority of the members present at the commencement of the Meeting.

#### **18 NOMINATIONS**

In the event of nominations being required, no Branch member shall be nominated, unless present at the Meeting, or unless his written acceptance of nomination and reason for absence is produced at the Meeting.

#### **19 BEHAVIOUR IN MEETINGS**

Swearing or abusive language shall not be permitted. If, after being warned by the Chairman, any member persists in such behaviour, he shall be required to leave the Meeting and shall only be allowed to return on making a suitable apology.

#### **20 INTOXICATING LIQUOR**

Intoxicating liquor shall not be consumed within the precincts of the Meeting whilst it is in progress.

#### **21 APPOINTMENT OF CHAIRMAN**

If the Branch President is absent for any reason, the meeting shall elect their own Chairman from amongst those Branch Officials and Committee Members present at the commencement of the meeting.

Any amendments strictly relevant to a motion (with the exception of those provided for in Standing Order No 11) may at any time during the discussion of such motion, be moved, and unless it shall be withdrawn, and that only be permission of the Meeting, shall be open to discussion, and a vote shall also be taken upon it.

### 13 AMENDMENTS

- (i) Every amendment shall be relevant to the motion on which it is moved.
- (ii) Where an amendment upon an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of, but notice of any number of amendments may be given.
- (iii) An amendment shall be either:
  - (a) To leave out words;
  - (b) To leave out words and insert or add others;
  - (c) To insert or add words;
  - (d) To refer a report or part of a report back to a Committee for further consideration.

(iv) If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which further amendments may be moved.

### 14 "THAT THE QUESTION BE NOW PUT"

A motion without a speech. "That the question be now put", or "That the Meeting do now proceed to the next business" may be made at any time during a debate, by any member who has not yet spoken on that subject, whether there be an amendment under discussion or not. If such motion be seconded, no speech being allowed, the Chairman shall put the motion forthwith, and if such motion, be carried, then the previous discussion, motion and amendment, if any, shall be once close, and the Meeting proceed with the next business.

### 15 VOTING

Voting on any question before the Meeting shall be by show of hands, unless it is Branch policy as recorded in the minutes, for a ballot vote to be taken on a particular issue, or a motion to that effect is carried at that Meeting. In addition to having a personal vote, the Chairman shall, in the event of voting being equal, have a second or casting vote.

### 16 MOTIONS WITHIN FOUR MONTHS

Subject to the proviso in Standing Order No 4, no motion to rescind any resolution which has been passed within the preceding four months, nor any motion to the same

(iii) He shall attend all meetings of the Council and all Committee and other meetings and keep proper minutes of all business transacted at the same time respectively.

(iv) He shall keep proper and sufficient records of all business transacted by Deputations of the Section and of all Price Lists negotiated by the Section on behalf of its members and furnish the Branches with information as instructed from time to time by the Council.

(v) Generally he shall carry out all the lawful instructions of the Council.

His duties shall further be as follows:

(i) He shall keep a correct account of all monies received and expended on behalf of the Section.

(ii) He shall at the end of each month prepare and submit to the Council a monthly Income and Expenditure Account and Balance Sheet, at each ordinary meeting.

(iii) He shall also at the end of each year prepare and submit to the Council an Income and Expenditure Account for such year together with a Balance Sheet showing fully and sufficiently the financial position of the Section at the end of such year, which Account and Balance Sheet shall be duly audited and certified by the Auditor of the Section prior to their submission to the Council.

(iv) He shall at all times give to the Council such information as it may require, regarding the financial affairs of the Section.

(v) He shall not retain under his control any sum or sums of money not immediately required for the purposes of the Section and all monies not so required shall be paid into such Bank as the Council shall direct, to the Credit of an Account or Accounts in the name of the Section or invested in the names of the Trustees in such investments as the Council shall direct.

(vi) He shall under no circumstances lend, use or deal with the funds of the Section for any purpose whatsoever, except in accordance with the Rules of the Section and with the previous sanction of the Council.

(vii) He shall, if so required, and at the expense of the Section, enter into a bond conditioned in such sum as the Council may reasonably require for the due performance of his duties, and if found guilty of fraud, dishonesty, neglect of his duties, or serious misconduct, he shall be subject to suspension at the pleasure of the Council, and may be dismissed from his office by a decision of a majority of the branches.

(viii) At the conclusion of his term of office, he or his representatives as the case may be, shall deliver up to the Trustees of the Section all monies, books,

documents, and other property of the Section that may be in his or their possession.

## **7 ELECTION OF SECTION OFFICIAL**

If any Section Official shall die or resign office, or if his tenure of office as Section Official shall be determined in accordance with the Rules of the Section, a new Section Official may be elected at the discretion of the Council from among the financial members of the Section in his place.

Any Section Official who shall be elected shall hold office for five years (save for any person who is elected or re-elected after 30 June 2019) from the date upon which he was or shall be declared elected as such Area or Section Official. They shall be eligible for re-election after completing their term in office.

However any Section Official who shall be elected or re-elected after 30 June 2019 shall hold office from the date upon which he or shall be declared elected; or re-elected as such Area or Section Official until 31 July 2021.

If from any mental or physical incapacity he shall become incapable of performing the duties of his office, or be guilty of gross misconduct in the performance of the same, the Section shall be entitled to terminate his employment without giving any notice.

The Sections members also have a facility to call for a vote of no confidence in the full-time official and after a ballot of members has been held and if 55% or more voted in favour of no confidence then the Section Council would immediately terminate his employment but the Union would agree to honour the remainder of his Term of Office financially.

Nominations for the vacant office of a Section Official shall be submitted in writing to the Council by such date as the Council shall direct.

## **8 TRUSTEES**

(a) There shall be two Trustees elected by Branches, from candidates nominated by Branches who shall continue in office during the pleasure of the Council and carry out their duties according to law and as prescribed by the Rules of the Section.

(b) All the real and personal estate of the Section including the real and personal estate of any Branch of the Section shall be vested in the Trustees of the Section for the time being, for the use and benefit of the Section and the members thereof. The Trustees shall at all times observe and carry out the lawful orders and directions of the Council. The Trustees shall deposit in their joint names and hold in their joint custody all Title Deeds, Certificates or other documents of title representing to the property of the Section in some joint stock bank or other reputable and safe place of deposit.

## **5 MEMBERS ADDRESSING THE MEETING**

Any member wishing to speak upon any motion, shall rise from his seat and address the Meeting through the Chair. He shall remain standing while addressing the Meeting and shall resume his seat immediately upon closing his speech.

## **6 REMARKS TO BE STRICTLY RELEVANT TO BUSINESS**

All remarks so addressed to the Chair, shall be strictly relevant to the business before the Meeting, and it shall be the duty of the Chairman to call any member to order, on violation of this Rule, and after two admonitions addressed to any member from the Chair, it shall be the duty of the Chairman to call upon such member to resume his seat.

## **7 ADDRESSING THE MEETING**

Every member shall remain seated, with the exception of the one who may be addressing the Meeting. But whenever the Chairman rises, either to a point of order or to put a motion or amendment, no member shall remain standing nor rise till the Chair be resumed.

## **8 MEMBERS TO SPEAK ONCE ON ONE SUBJECT**

No member shall speak more than once upon any one subject before the Meeting, except to ask a question, unless he be the Mover of a motion or amendment under discussion, and then only to reply to arguments which may have arisen in the discussion of his motion or amendment.

## **9 POINT OF ORDER**

Any member may at any time, rise to a point of order by addressing the Chair. But he shall confine his remarks to such point of order raised by him and all such points of order shall be settled by the Chairman.

## **10 MOTION OR AMENDMENT TO BE SECONDED**

No motion or amendment shall be open to discussion until it has been duly seconded. If no seconder be found, the Chairman shall at once proceed with the next business.

## **11 MOTIONS UNDER "ANY OTHER BUSINESS"**

No vote shall be allowed on a matter raised under "Any Other Business". Such items may, however, be discussed, and then placed on the Agenda for the next General Meeting, when a vote may be taken.

## **12 AMENDMENTS**

## 15 MOTION OF APPEALS WITHIN FOUR MONTHS

No motion to rescind any resolution which has been passed within the preceding four months, nor any appeal to the same effect as any appeal which has been negative within the preceding four months shall be in order, unless such motion or appeal shall be supported by at least five branches other than that making the appeal or giving notice of motion.

When any such appeal or motion has been disposed of by the Council, it shall not be competent for any Branch Delegate to propose a similar motion within a further period of four months. This shall not apply to resolutions arising from reports of Committees or Delegations.

## 16 DELEGATES LEAVING COUNCIL

That no Delegate be allowed to leave the Council before completion of the business, without the consent of the Chairman.

## A P P E N D I X I I I

### STANDING ORDERS FOR BRANCH GENERAL MEETINGS

#### 1 DATE OF MEETINGS

The President and Secretary shall be responsible for fixing the date, time and place of a General Meeting, subject to them taking cognisance of any decision which may be taken from time to time at a Branch General Meeting.

#### 2 AGENDA AND ORDER OF BUSINESS

The Branch President and Secretary shall prepare the Agenda, which shall be posted on the Union Notice Board not less than three days before the Meeting. The order of business shall be as prescribed by the Agenda and subject to these Standing Orders.

#### 3 MINUTES

The Minutes of the previous Meeting shall be read out by the Secretary and any member shall have the right to challenge them or ask any questions relating to them.

#### 4 DEPARTURE FROM ORDER OF AGENDA

Any departure from the specified order of the Agenda shall only be allowed by consent of the Meeting, after a motion to suspend the Standing Orders, but such motion may only be put after written notice, together with a copy of the resolution, shall have been given to the Chairman, who shall explain the urgency thereof, or otherwise, to the Meeting.

(c) (i) The Trustees shall, subject to the directions of the Council, invest the Funds not required for the current business of the Union in such stocks, funds, shares, securities or other investments or property whether real or personal of whatsoever nature and wheresoever situate, whether producing income or not as the Trustees shall consider suitable in accordance with the provisions of this sub-rule.

(ii) In making any investment the Trustees shall have regard to the need for diversification of investments so far as is appropriate to the circumstances of the section and to the suitability to the section of investments of the description of investment proposed and before making any investment they shall obtain and consider proper advice on the question whether the investment is satisfactory having regard to the matters aforesaid.

(iii) For the purpose of this sub-rule, proper advice means the advice given in writing or subsequently confirmed in writing, of a person who is reasonably believed by the Trustees to be qualified by his ability in and practical experience of financial matters and such advice may be given by a person notwithstanding that he gives it in the course of his employment as an officer or servant.

(d) Any Trustee ceasing to be a financial member of the Section or resigning, shall thereupon cease to be a Trustee and shall at the request of the Council execute and to all acts, deeds, and things necessary for vesting any property of the Section in the name of the remaining Trustee and such new Trustee, if any, as may be appointed in his place.

(e) Any vacancy arising among the Trustees through death, resignation, or the operation of the Rules or any other cause, shall be filled by an appointment in accordance with paragraph (a) of this Rule.

(f) Trustees must first seek approval of Branches and Council before expenditure of funds on Section properties other than essential repairs.

(g) The Trustees, acting on the direction of the Council, for the purpose of securing the liability of the Section to the Union of Democratic Mineworkers Officials and Permanent Staff Pension Scheme (the Scheme) on such terms as they deem appropriate may mortgage, charge or offer as security to the scheme the real and personal estate of the Section.

## 9 AUDITORS

(a) The Auditor of the Section shall be a Qualified Auditor, who shall be appointed by the Council, and the Accounts of the Section shall be audited by him annually and the result of such audit submitted to the Council. The Accounting period shall be for the twelve months ending 31st December in each year.

(b) Qualified Auditor shall be appointed by the Council (subject to the approval of the National Executive Committee) to audit the Section Books and Accounts relating to all payments payable by the Section to the Union, and such Auditors

shall issue their report at such intervals and in such form as may be prescribed by the National Executive Committee.

## 10 GENERAL FUND

(i) There shall be a General Fund under the control of the Council which shall be operated at the discretion of the Council in accordance with the Rules of the Section for furthering the objects of the Section.

The Council shall have power to instruct the Trustees to invest or use all or any part of the said General Fund in any of the following ways:

- (a) In any manner permitted by rule 8(c) of these Rules.
- (b) In the formation or acquisition of the shares in a company and in making and/or guaranteeing loans to such a company.
- (c) On loan to, or in the stocks, share debentures or securities (by whatsoever name they may be called) of any limited company or otherwise incorporated body formed to carry on any newspaper, publishing, or printing business, the activities of which (in the opinion of Council) are calculated to assist and advance the objects of the Union or Section, or the interests of workmen in general.
- (d) On loan to any other Trade Union (whether registered or unregistered) or any other person or persons whose individual identity is specified by the Council and the terms of whose loan are approved by the Council.

(ii) The Council shall have power to instruct the Trustees to borrow money for the purposes of the Section on such terms as to interest, repayment and otherwise as the Council shall think fit and whether or not upon the security of the whole or any part or parts of the real and personal estate of the Section.

## 11 MEMBERSHIP

(a) Full membership of the Union is available to anyone who works in the coal mining industry or it's ancillary undertakings. Contributions must be by check off through their employers wages department or by direct debit. Approval of any application for membership is by the Union's Council.

(b) The term Retired Member when used in these rules shall mean a person who since 1985 had been a Financial Member of the Union of Democratic Nottingham Section, and has by retirement or otherwise ceased to be employed in the Coal Mining Industry, and wishes to retain limited membership of the Section for the sole purpose of continuing their association with the UDM, approval of any application for membership is by the Union's Council.

## 11 AMENDMENTS

Any amendments strictly relevant to a motion (with the exception of those provided for in Standing Order No 10) may at any time during the discussion of such motion, be moved, and unless it shall be withdrawn, and that only by permission of Council, shall be open to discussion, and a vote shall also be taken upon it.

## 12 AMENDMENTS

- (i) Every amendment shall be relevant to the motion on which it is moved.
- (ii) Where an amendment upon an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of, but notice of any number of amendments may be given.
- (iii) An amendment shall be either:
  - (a) To leave out words;
  - (b) To leave out words and insert or add others;
  - (c) To insert or add words;
  - (d) To refer a report or part of a report back to a Committee for further consideration.
- (iv) If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which further amendments may be moved.

## 13 "THAT THE QUESTION BE NOW PUT"

A motion without a speech. "That the question be now put", or "That the Council do now proceed to the next business" may be made at any time during a debate, whether there be an amendment under discussion or not. If such motion be seconded, no speech being allowed, the Chairman shall put the motion forthwith, and if such motion be carried, then the previous discussion, motion and amendment, if any, shall at once close, and the Council proceed with the next business.

## 14 VOTING

It shall be the duty of a Delegate to exercise his vote or votes on all questions coming before the Council and in no event shall he remain neutral. Voting on any question before the Council, shall in the first instance be by show of hands, but at the close of such voting and before any further business is proceeded with, it shall be competent for two or more delegates to demand a card vote on such questions, and thereupon such a vote shall forthwith be taken and on such vote being taken, each Delegate shall have and exercise the number of votes to which he is entitled under Rule.



Any delegate wishing to speak upon any motion, shall rise from his seat and address the Council through the Chair. He shall remain standing while addressing the Council and shall resume his seat immediately upon closing his speech.

## 5 REMARKS TO BE STRICTLY RELEVANT TO BUSINESS

All remarks so addressed to the Chair, shall be strictly relevant to the business before the Council, and it shall be the duty of the Chairman to call any member to order, on violation of this Rule, and after two admonitions addressed to any member from the Chair, it shall be the duty of the Chairman to call upon such member to resume his seat.

## 6 ADDRESSING COUNCIL

Every delegate shall remain seated, with the exception of the one who may be addressing the Council. But whenever the Chairman rises, either to a point of order or to put a motion or amendment, no delegates shall remain standing nor rise till the Chair be resumed.

## 7 DELEGATES TO SPEAK ONCE ON ONE SUBJECT

No delegate shall speak more than once upon any one subject before the Council, except to ask a question, unless he be the Mover of a motion or amendment under discussion, and then only to reply to arguments which may have arisen in the discussion of his motion or amendment.

## 8 POINT OF ORDER

Any delegate may at any time, rise to a point of order by addressing the Chair. But he shall confine his remarks to such point of order raised by him and all such points of order shall be settled by the Chairman.

## 9 MOTION OR AMENDMENT TO BE SECONDED

No motion or amendment shall be open to discussion until they have been duly seconded. If no seconder be found, the Chairman shall at once proceed with the next business.

## 10 BRANCH APPEALS

That all appeals from Branches which are in accordance with the Rules of the Section be read before Council. After they have been read, they shall be open for discussion, and any member of the Council shall be allowed to ask any question relating to same, but no vote shall be taken upon any such appeal before it has been to the Branches for their approval or otherwise, except in the case of emergency or extreme urgency.

(c) Full membership of the Section for those members employed in the mining industry or ancillary undertakings shall be £3.95 per week, consisting of a contribution of £0.38p termed as the general fund contribution which shall be paid to the National Union, a contribution of £3.57 termed as the Section Contribution, which shall be paid to the general funds of the section.

(d) Each retired member shall pay in respect of each week a contribution of £1.50 consisting of £0.19p termed as the general fund contribution which shall be paid to the National Union, a contribution termed as the Section contribution of £1.31 shall be paid into the general funds of the section.

(e) If a member allows their arrears to remain unpaid for a period of two calendar months from the date when his contributions first fell into arrears, he shall thereupon cease to be a member of the Section.

## 12 BRANCHES

(a) Where a Branch has been formed after 1 January 2013, it will be necessary to have a minimum of 5 members in order to be accorded full Union status and representation.

(b) Branch Officials and members of Branch Committees shall hold office for a period of three years.

At midnight on the 30th day of June at the end of this term of office, the Branch Officials and members of each Branch Committee shall retire from Office and arrangements shall be made for a Branch election to be held.

Such election shall be by ballot/postal vote of the financial members of the Branch, and shall be conducted in accordance with the regulations made by the Council. Such election shall be held during the period 15th May to 29th June inclusive, on a date to be fixed by the Branch Committee for the purpose.

The retiring Branch Officials and members on the Branch Committee shall be eligible for re-election, but no person shall be nominated for more than one office as either Branch Officials or Committee Member under this Rule. In the event of a tie for a Branch position not having been resolved by a recount, in accordance with the regulations made by the Council, the successful candidate shall be determined at a Branch General Meeting.

If a vacancy shall occur among the Branch Officials or Committee Members due either to no candidate having been nominated for election to the vacant position or to the candidate who was nominated and elected having subsequently withdrawn or retired prior to the commencement of his period of office or due to the death, retirement or dismissal of any Branch Official or Committee Member during his current period of office, then and in any of such events the vacancy so occurring shall be filled by a member of the Branch to be appointed by the Branch. Any financial member of the Branch shall be eligible for nomination as a candidate for any one position under this Rule.

The fact that any candidate so nominated may be in office or may have held office as a Branch Official or member of a Branch Committee or Youth Member at or prior to the time when such vacancy shall occur, shall not be deemed to constitute any bar either to his nomination as a candidate for such vacancy or to his subsequent appointment to fill such vacancy, provided that he shall have resigned any such office held or formerly held by him prior to the date of his nomination.

A member of a recognised and established Branch of the Union, working at a Unit, with an employer other than UK Coal or its successor, shall not be eligible for nomination for office as a Branch Official, Committee member or youth member.

(c) (i) In the event of a Branch ceasing to function for any reason other than its amalgamation or grouping with another Branch or Branches, then the funds of that Branch shall be handed over and accounted for to the Section, who shall forthwith pay the same into and so as to form part of the General Fund of this Section referred to in Rule 10 of these Rules.

(ii) In the event of two or more Branches being amalgamated or grouped so as to form one Branch, then the funds of the respective Branches involved in the amalgamation shall also be amalgamated so as to form one Branch Fund.

(iii) In the event of a Branch ceasing to function under sub-paragraph (i) of this Rule, then the Branch Treasurer shall forthwith prepare a true statement of all income and expenditure as from the date of the last preceding audit under Rule 18 of these Rules, up to the date on which the Branch shall cease to function and a proper account showing all assets and liabilities of the Branch as at the last mentioned date. Such statement and account shall be correctly audited and signed by the Branch Auditors who shall then certify the amount to be accounted for to the Section under sub-paragraph (i) of this Rule. The Branch Secretary shall then forthwith pay the amount so certified by the Branch Auditors to the President of the Section whose receipt shall be a complete discharge to the Treasurer therefor.

### 13 BRANCH MEETINGS

(a) Branch General Meeting shall be held once in every 2 months. At such meetings which will be arranged by the Branch Secretary, the business of the Section and the Branch shall be laid before the members present for their approval or otherwise, including the passing of any resolution necessary for instructing the delegate as to the manner in which he shall vote on any matter to be considered by the Council. The Delegate will also report on any Council meeting. No person shall be present at a Branch General Meeting other than members of the Branch except that the Branch Secretary may invite such person or persons to be present to give advice or assistance to the members present on any matter to be discussed at the meeting.

Except insofar as special provision has been made in Rule 28(11), (12) and (13) of these Rules, any reference in these Rules to the male gender, shall be interpreted as including the female gender, in compliance with Section 12 of the Sex Discrimination Act 1975.

### 25 STRIKE ACTION

A strike, stoppage of work or other industrial action by the Section and its members may be called if (but only if) it is either:-

- (a) first approved by 55 per cent of those voting in a ballot of all members of the Union, held under Rule 14(1) of the General Rules of the Union or;
- (b) first authorised by the Council with the approval of a ballot of all members of the Section.

## A P P E N D I X I STANDING ORDERS

For the Guidance of the Chairman of the Council.

### 1 ORDER OF BUSINESS

The Order of Business at each Council Meeting shall be as prescribed by the Agenda, supplied to members at the opening of each Meeting, and subject to this body of Standing Orders.

### 2 PRINTED MINUTES

All printed minutes which shall have previously been supplied to delegates, shall be taken as read, but the Chairman shall ask whether any minute or minutes be challenged and only such minutes that are so challenged, shall be read and a vote taken thereon if necessary. Any member of the Council shall then be allowed to ask any question relating to the Minutes.

### 3 DEPARTURE FROM ORDER OF AGENDA

Any departure from specified order of the Agenda with the exception of motions under Rule 5(f) shall only be allowed by consent of the Council, after a motion to suspend the Standing Orders, but such motion may only be put after at least one hour's written notice, together with copy of resolution, shall have been given to the Chairman, who shall explain the urgency thereof, or otherwise, to the Council.

### 4 DELEGATES ADDRESSING COUNCIL

interest in the funds, at all reasonable times, on inspection of the accounts no copies or f phonies to be allowed. The Unions accountant must be present and this cost should be met by the person inspecting the accounts.

## 20 COMPLAINTS AGAINST OFFICERS

- (a) Any member or members having a complaint to make concerning the acts or defaults of the Section Officials, must forward particulars of the grounds of such complaint to the President/General Secretary of the Section within 7 days, who shall bring the matter to the notice of the next Meeting of the Council. The Council shall consider the facts of the case and give its decision thereon. If a member be not satisfied with the decision of the Council, he shall be entitled to appeal to the National Executive Committee within 7 days.
- (b) No appeal under this Rule can be considered by the Council, unless notice of intention to appeal is given to the President/General Secretary of the Section within a period of 7 days from the date of the decision of the Council.

## 21 DISCRETIONARY BENEVOLENT SCHEME

The Scheme shall be administered by Council and at their total discretion as to whether any donation is made to any member, their spouse/partner or children under school leaving age. Discretionary Benevolent donations could also be considered for cases of hardship and death in service.

## 22 RELATIONSHIP OF THE SECTION RULES TO THE GENERAL RULES OF THE UNION

Subject to the provisions of Rule 11(2) and Rule 16(3) of the General Rules of the Union, in all matters where the Rules of the Section and the General Rules of the Union conflict or the Rules of the Section are silent but the General Rules are not, the General Rules of the Union shall apply.

## 23 CLAIMS FOR DAMAGES AT COMMON LAW

Any member wishing to claim for damages, within the legal time frame, for injuries received from an accident whilst employed in the mining industry, must first apply to his Branch secretary and fill in the requisite form, which must be submitted to the President/General Secretary of the Union for consideration by Council. If approved this will then be forwarded to the Union's Solicitors. If a member retires or is made redundant and still has a Common Law claim or Tribunal Claim pending then they must continue to pay full subscriptions until the claim is settled.

## 24 SEX DISCRIMINATION

(b) Subject to the right of the Branch to fix its own time of meeting, the General Meeting of the Branch shall, whenever possible, be held at least 7 days before each ordinary meeting of the Council.

(c) Each Branch of the Section shall adopt standing orders for the more efficient conduct of business at all Branch Meetings.

(d) Model standing orders shall be prepared from time to time by the Council and laid before Council and Branches for approval. Such model standing orders, in the form approved by Council and Branches, shall then be adopted by each Branch at the first General Meeting of the Branch to be held following the date of such approval by Council and Branches and they shall supersede any existing standing orders that may previously have been adopted. (See Appendix III).

(e) Any breach by any member of the Branch of any standing order adopted in compliance with the provisions of this Rule shall be deemed to constitute a breach of the Rules of the Section.

## 14 DUTIES AND REMUNERATION OF BRANCH OFFICIALS

Branch Officials shall be paid on a salaried basis, subject to an annual review, and excluding travelling expenses agreed by Council.

## 15 BRANCH SECRETARY

(a) The Secretary shall keep a correct account of all monies received and expended and submit to the members of the Branch at each General Meeting referred to in Rule 13(c), a statement of account in writing showing the financial position of the Branch, after such statement has been first submitted to and approved by the Committee. He shall keep a correct record of all transactions of the Branch in the appropriate books or forms provided for the purpose and sanctioned by the Council, such books and forms shall be kept in a clean and orderly manner, and shall be available for inspection at any time by any Section Official or any person duly authorised by the Council to inspect the same.

(b) He shall attend to the whole of the correspondence of the Branch and arrange Branch Meetings.

(c) He shall be responsible for seeing that all payments into the Bank are made in accordance with the Rules and any directions from time to time laid down by the Council.

(d) The records and books of the Branch Secretary shall be kept entered up to date and shall be available for inspection at any time by the Council or any other person duly authorised by the Council to inspect the same.

## 16 DUTIES OF DELEGATES

- (a) The Delegate of a Branch shall duly and punctually attend each Meeting of the Council and shall at the 2 monthly General Meetings of his Branch held next after each Council Meeting, report to such Meetings upon the work of the Council.
- (b) In the event of a card vote, the Delegate of a Branch having 5 members shall have one vote, and the Delegate of a Branch having over 5 members shall have one vote in respect of each complete 5 members.
- (c) It shall be the duty of a Delegate to exercise his vote or votes on all questions coming before the Council and in no event shall he remain neutral.
- (c) A Delegate attending Council Meetings and any other Meetings he may be instructed by the Council to attend, shall be paid such allowance and expenses as may from time to time be fixed by the Council.

17 **MEMBERS' RIGHTS AND OBLIGATIONS**

- (a) Only members of a Branch within the Nottinghamshire Area who are or were previously employed within the mining industry shall be entitled to attend all ordinary and special general meetings of the branch and to take part in the consideration of all matters which is competent for the Branch to consider

Any member who claims that they are being dealt with by their Branch contrary to the Rules of the Union, shall have power to appeal to Council within 7 days.

If the member is not satisfied with the decision of the Council he shall have the right of appeal to the National Executive Committee, within 7 days of Council's decision, whose decision shall be final and binding on all parties, but no appeal under this paragraph shall be considered by the National Executive Committee unless notice of appeal has been given to the General Secretary of the Union within 7 days of the date of the decision of the Council.

- (b) No member of the Section shall make any false statement for the purpose of securing any benefits from the Union or the Section. They shall be responsible for making sure their contributions are up to date.
- (c) No member shall be entitled to any benefits from the Section who, in the opinion of the Council has been justifiably discharged from his employment for misconduct, neglect of duty, or any breach of his contract of employment.
- (d) If any member or members take away, appropriate, withhold, misapply, or otherwise deal with any funds of the Union or of the Section (whether General or Local) or any property of the Union or of the Section, in circumstances which constitute a felony, misdemeanour or statutory offence, he or they shall be prosecuted according to law, and on conviction shall not thereafter be eligible for any office unless on appeal to the Council, it be decided by that Committee that he shall be eligible (and on this question the decision of the Council shall be final and binding on all parties).

- (e) If any member or officer willfully commits a breach of these Rules, the Council shall have power to expel him/her or to suspend him/her from membership of the Section for a specified period, during which period they shall be liable to pay full contributions payable under the Rules, but shall be disqualified from holding any office within the Section, from attending any Committees and Meetings of the Section and receiving any benefits from the Section. If a member is not satisfied with such a decision, they shall have the right to appeal to the National Executive Committee. The decision of the National Executive Committee on the matter shall be binding on all parties.
- (f) All members elected to Office to serve the membership shall carefully observe all National Conference decisions and all mandates from Branches and Council, and from all policy making bodies of the Section.

- (g) No member shall on any account abuse or vilify any Section or Branch Official or any other member of the Union for observing the rules and policy of the Union or the Section. This Rule shall in no way detract from or limit the rights given to members under Rule 27 dealing with complainants against Officers.

18 **ALTERATIONS TO RULES**

- (a) Any proposal for any alteration, amendment or rescission of the existing Rules or for any new Rule, shall be forwarded to the General Secretary in writing at least 21 clear days before the date of the November Meeting of the Council in any year.
- (b) Following the November Meeting of the Council and at least 14 clear days before the date of the December Meeting of the Council, the General Secretary shall cause copies to be made and posted to the Branch Secretaries of any such proposal referred to in sub-clause (a) of this Rule, as shall have been included in the Agenda for the purpose of discussion at the November Meeting of the Council in any year, and, on receipt thereof, the Branch Secretary shall forthwith call a General Meeting of the members of the Branch to consider the same and pass a resolution for instructing the Delegate of the Branch how he shall vote thereon, at the December Meeting of the Council.

- (c) If it is resolved by a simple majority of the members of Council, that particular alterations, amendments or rescissions of these Rules or additional Rules are immediately required, then such alteration, amendment, rescission or addition specified in such resolution, shall be made if approved by a two-thirds majority of members voting on a ballot of all members of the Section. In these circumstances the Council shall take all necessary steps as soon as practicable to hold such a ballot.

19 **INSPECTION OF BOOKS AND ACCOUNTS**

The books and accounts of the Section and the names of the members shall be open for inspection by any Financial Member or other person having an