

CONSTITUTION

AND

RULES

BANFF AND MORAY MASTER PLUMBERS

ASSOCIATION

March 1987

CONSTITUTION AND RULES OF BANFF AND MORAY MASTER
PLUMBERS' ASSOCIATION

I.

TITLE

The Association shall be called "Banff and Moray Master Plumbers' Association".

II.

OBJECTS

The objects of the Association shall be:-

- (1) To promote and protect the interests of Plumbing and Mechanical Services (Employers) in the Banff and Moray area.
- (2) To consolidate good relations between Members and promote and protect the interests of Members.
- (3) To deal with all matters affecting the general interests of Members and in particular:-
 - (a) To regulate contracting terms for Members as far as possible and desirable and promote and protect the general contracting terms of the Trade.
 - (b) To maintain contact with and make any necessary representations to Government Departments, Local Authorities and other bodies in regard to all matters affecting the Trade.
 - (c) To promote good relations between Members and their operatives and give every assistance to Members in the settlement of all questions which may arise between Members and their operatives in accordance with the procedure which may be laid down by agreement with the operatives nationally.
 - (d) To promote an interest in and assist in maintaining the efficiency of the education and training of apprentices in the Banff and Moray area.
 - (e) To give Members all such assistance, legal or otherwise, as the Association or the Committee of the Association shall consider for the time being proper and desirable.
- (4) To do all such other things as may be considered by the Association to be necessary for the attainment of the objects above stated and in furtherance of those aims to maintain membership of the Scottish and Northern Ireland Plumbing Employers' Federation.

III.

MEMBERSHIP

- (1) The Membership of the Association as laid down in Clause 3 of the Scottish and Northern Ireland Plumbing Employers' Federation Constitution and Rules consists of firms which term shall include single-man businesses, partnerships and companies who are established as contractors engaged in plumbing and mechanical services in Banff and Moray and the following rules shall apply in determining what is an established firm for purposes of membership.
 - (1) The Member must be in business for such time as the Association shall consider necessary in the circumstances to confirm that it has become established.
 - (2) The Member must be operating from premises which are commercially rated but it may be acceptable to the Association in the particular circumstances if the firm is operating from a privately owned house and also has commercially rated premises either adjacent thereto or elsewhere.
 - (3) The Member must display a business sign on its premises and have telephone facilities.
 - (4) The Member must carry adequate insurance cover and the Association will normally require that the firm should meet statutory requirements in regard to employers' liability cover. There is a recommendation that firms have a minimum public liability insurance cover of £500,000.
 - (5) The Member must not be operating on a labour only basis.
 - (6) No proprietor, partner or director shall be a member of a trade union of employees.
 - (7) The person responsible for the technical aspects of the business must be technically qualified and a principal or manager with executive rank.
 - (8) The representative of the Member to the Association must be a principal or manager with executive rank.
 - (9) The Member is required to comply with the provisions of the Working Rules of the Scottish and Northern Ireland Joint Industry Board for the Plumbing Industry and in particular must operate the Holidays with Pay and Welfare Scheme and the Industry Pension Scheme (or equivalent scheme) in respect of all plumbing labour employed.
 - (10) The Association reserves the right to inspect the premises and work carried out by the Member and to require all information which in its opinion is necessary to establish that the above requirements are being fulfilled.

- (1) (11) Application for membership may be made to the Federation in the first instance and will subsequently be dealt with by the Association.
- (12) The Member is required to comply with the Code of Fair Trading published by the British Plumbing Employers' Council and in particular where a customer submits a request for arbitration of a complaint in accordance with the Code, the Member will be required to go to arbitration unless the Federation is of the opinion that it would be unreasonable for the Member to do so.
- (2) Any decision admitting or rejecting an applicant may be over-ruled by the Association at the next Annual General Meeting.
- (3) Upon a Member becoming bankrupt or granting a trust deed for behoof of creditors or dissolving partnership, or ceasing to carry on business as a contractor engaged in plumbing and mechanical services in Scotland, such Member subject to Rule (5) of this subsection shall thereupon cease to be a Member of the Association, and the name of such Member shall thereafter be deleted from the roll of Members; but any Member or partner of a dissolved Firm whose name is so deleted may, upon making application, and thereafter if found eligible, be re-admitted to membership as at such date and upon such payments and conditions as the Committee shall consider fair and reasonable. Any decision of the Committee upon any application for re-admission shall be subject to review by the Association as in the case of any ordinary application for membership.
- (4) The purchaser of a business in the area covered by the Association which belongs to a Member who is retiring or giving up business for any reason shall be treated as a new Member and shall be liable for entry fees and subscriptions as such. Members carrying on branch businesses outwith the Banff and Moray Area shall be bound to become Members of the Association, if any, operating in the area in which such branch businesses are situated.
- (5) In the event of a Member's business being carried on after his death by his widow or by his trustees for her behoof or for behoof of his children, the business shall, during the time it is being so carried on, retain Membership of the Association, and the widow or trustees shall nominate a representative connected with the business and if approved of by the Association shall be entitled to attend all meetings of the Association and vote thereat.

IV.

OFFICE BEARERS AND COMMITTEE

- (1) The Office-bearers of the Association shall consist of the President, the Immediate Past President, the Vice President and other such Office-Bearers as may be considered desirable, who will, together with up to 10 other Members, form the Committee of the Association and be responsible for the management and conduct of the business of the Association.

- (2) The Office-Bearers and Committee for the ensuing year shall be elected at the Annual General Meeting of the Association.
- (3) Members in arrears with their subscriptions shall not be eligible for office.
- (4) Representatives to Federation should be qualified as a plumbing manager or a time-served plumber, always provided that at least one representative must be a time-served plumber.

V.

MEETINGS

(a) General Meetings

- (1) The Annual General Meeting of the Association shall be held in the month of March each year for the purpose of considering a report by the Committee along with an audited Statement of the Accounts for the previous year, appointing Office-Bearers Committee and a Secretary for the ensuing year and transacting any other business.
- (2) At all general meetings of the Association eight shall form a quorum and a majority of those present shall, in the event of difference of opinion, bind the Association. Only one Member of a firm or company shall be entitled to vote at any such meeting.
- (3) A special General Meeting of the Association shall be called at any time on a request for such a meeting being addressed to the Secretary by not fewer than six Members of the Association giving details of the purpose for which the meeting is being requested.
- (4) Annual General Meetings and General Meetings shall be called on at least 7 days notice.

(b) Ordinary Meetings

The Association shall arrange meetings as and when required throughout the year, but not less than four times per annum. Five shall form a quorum.

(c) Committee Meetings

The Committee of the Association shall arrange meetings as and when required. Four shall form a quorum.

(d) Voting

- (1) All Members and Partners or Directors of Firms enrolled as Members may attend and take part in the discussion at general and ordinary meetings but the vote of a Firm shall be recorded by one representative only.
- (2) At all General, ordinary and Committee Meetings, in the case of an equality of votes, the Chairman shall have a casting as well as a deliberative vote.

- (3) No member in arrears with his subscriptions may take part in or vote at any Meetings of the Association.

VI.

SECRETARY AND TREASURER

The Association shall appoint at the Annual General Meeting a Secretary and Treasurer for the ensuing year who shall be required to attend all Meetings, keep a correct record of their proceedings and a Roll of the Members, conduct all correspondence, and generally discharge the duties usually connected with such an office. He shall also, as Treasurer, receive and disburse the funds, keep a correct account thereof, and lodge in the Bank, or otherwise deposit or invest by the advice of the Committee, all sums in his hands exceeding £10.

VII.

AUDITOR

The Association shall appoint at the Annual General Meeting an auditor for the ensuing year. An auditor must be qualified under section 389 of the Companies Act 1985 or any re-enactment thereof. The duties of the auditor will be to report to the members in accordance with the Trade Union and Labour Relations Act 1974 Schedule 2 paragraphs 18 to 21 or any re-enactment thereof.

VIII.

SUBSCRIPTIONS

- (1) Every Member on admission shall pay an Entrance fee, the amount of which shall be determined from time to time by the Council of the Federation. Entrance fees will be retained by the Association.
- (2) Every Member shall pay to the Federation an Annual subscription consisting of a National portion and a Local portion. Subscriptions shall be due on 1st January each year and payable before 31st March. New Members admitted after 30th June in any year shall pay on admission such part of the subscription as may be determined by the Federation.

The Annual subscription payable shall comprise an Annual Levy based upon the number of Adult operatives employed by the Member for the previous year to 31st December.

The rate of levy in respect of National portion and Local portion shall be determined by the Council of the Federation and the Association respectively. The Local portion shall be retained by the Association.

Any Member failing to pay his Annual subscription by 30th June in

VIII.

- (2) any year shall be regarded as being in arrears and shall forfeit all the privileges of membership.
- (3) The first Annual Subscription shall be payable on admission but the Federation may allow an abatement in respect of any part of the current financial year which is running at the date of admission.

IX.

FUNDS

Any funds of the Association not required to meet expenses of management or administration may be invested as the Committee resolves in any way competent to Trustees by law in the names of the President, Vice President and Secretary and Treasurer for the time being.

X.

FINANCIAL YEAR

The Financial Year of the Association shall commence on 1st January and end on 31st December following.

XI.

RULES

- (1) The Committee shall have power to make such Rules as it may consider necessary and desirable provided always that such Rules are consistent with the constitution of the Association and have received the sanction of the Association at a General Meeting.
- (2) Any Member infringing or failing to observe in any respect the Rules of the Association shall be liable to such penalties as the Committee may impose, and full power is hereby given to the Committee to impose penalties for such failure. All Members shall have the right of appeal to the Association at a General Meeting against the imposition of any penalty.
- (3) In the event of such Member refusing to accept such penalty as ratified by the Association at a General Meeting, he shall be reported to the Committee which may delete his name from the Roll of Membership, and he shall thereupon forfeit all right or interest which he may have, or claim, in the Association and funds thereof. Nevertheless, although such Member may be cut off from Membership, as above provided for, he shall remain liable to the Association for all sums of money due to the Association at that date and the Association shall be entitled, either in its own name or in the names of such Office-Bearers as they may appoint for the purpose,

XI.

- (3) to sue such Member for payment of the sum due by him, and take all necessary legal steps for effecting that purpose, including the powers to compromise. It shall be competent to any General Meeting held within six months after such Resolution to re-admit such Member, and restore him to all or any of his said rights and interests upon such terms and conditions as the Association at such Meeting may think fit, provided notice of any proposal to that effect be given in the circular calling the Meeting. After the expiry of six months, no such person shall be re-admitted except as a new Member.
- (4) All disputes between and with Members or their representatives with reference to the Rules, Regulations or Bye-Laws of the Association, or to their rights or obligations under the same shall be submitted and referred to the Committee whose decision shall be final and binding on all parties.
- (5) All correspondence is the property of the Association and will not be circularised or copies sent or given out without the authorisation of the President or a majority of the Management Committee.

XII.

ALTERATION TO CONSTITUTION AND RULES

Additions to, or alterations of the Constitution and Rules shall only be made at the Annual General Meeting or at a General Meeting called for the purpose and notice of such proposed additions or alterations must be given in writing to the Secretary by the Member proposing such additions or alterations at least four weeks before the holding of such meeting, and the Secretary must give notice in a circular calling the meeting of the proposed additions or alterations.

XIII.

RESIGNATIONS

Any Member wishing to resign must send in his resignation to the Secretary, in writing, before the Annual General Meeting or he will be liable for another years subscription.

XIV.

DISSOLUTION

- (1) The Association may be dissolved on a resolution to the effect being passed at a Special General Meeting called for that purpose by not less than three-fourths of the Members present and voting at such Meeting.

XIV.

- (2) On such dissolution of the Association, the funds remaining in hand and all payments of debts and liabilities and the expenses of winding up shall be divided equally amongst those Members whose names are on the Roll of Membership at the date of the passing of the resolution to wind up.
- (3) If on such dissolution of the Association, the funds of the Association shall prove insufficient to meet the liabilities including the expenses of winding up, the deficiency shall be contributed equally by the Members whose names are on the Roll of Members at the date of the passing of the resolution to wind up.