

# **NATIONAL UNION OF RAIL, MARITIME AND TRANSPORT WORKERS**

## **RULES FEBRUARY 2022**

Head Office:  
Unity House, 39 Chalton Street, London NW1 1JD



*M. Lynch*

Michael Lynch  
General Secretary

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## RULE 1

### NAME, OBJECTIVES AND CONSTITUTION OF THE UNION

Name	1. The Union shall be called the “National Union of Rail, Maritime and Transport Workers” and is in these Rules referred to as “The Union”.
Composition	2. The Union shall be composed of members of the organisations formerly known as the National Union of Railwaymen, National Union of Seamen and the Offshore Industry Liaison Committee (O.I.L.C.). The Union’s Headquarters following the transfer from 39 Chalton Street, London NW1 1JD will be Unity House, Clapham Old Town, London SW4 0JW.
Amalgamations	3. At any future time the Union may amalgamate with, or admit into membership, any other trade union for workers employed in any section of the transport industry. Any resulting expenses shall be borne by the Union. Groups of workers with a specific common interest may be enrolled into sections of the Union under names identifiable with their employment, but shall in all other respects be regarded as members of the Union and be governed by these Rules as laid down in Rule 2, Clause 6.
Sections	
Objects	<p>The objects of the Union shall be:-</p> 4. (a) to secure the complete organisation of all workers employed by any board, company or authority in connection with rail, sea and other transport and ancillary undertakings and offshore energy;
	(b) to work for the supersession of the capitalist system by a socialistic order of society;
	(c) the promotion of equality for all including through
	(i) collective bargaining, publicity material and campaigning, representation, Union organisation and structures, education and training, organising and recruitment, the provision of all other services and benefits and all other activities;
	(ii) the Union’s own employment practices.
Harassment, Prejudice & Discrimination	(d) to oppose actively all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, gender transition or identity, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age or personal characteristic. To this end, all cases brought to the attention of the Union will be investigated, dealing with them in the most appropriate way.

All local representatives, Branch officers and full-time officials of the Union are expected to take members' grievances seriously and progress any case in the manner outlined in these Rules. Any member found to be responsible for discrimination against, or harassment of, another individual will be deemed to be acting contrary to Rule 2, Clause 24 of these Rules, and will be dealt with accordingly and could be expelled.

Improve Conditions

(e) to improve the conditions and protect the interests of its members;

(f) to obtain and maintain reasonable hours of duty, rates of remuneration, retirement pensions and other conditions of employment;

Health & Safety

(g) to secure the provision of measures which will best ensure the health and safety of Union members at work and the travelling public;

Disputes

(h) to settle disputes between its members and employers, regulate the relations between those parties by the collective withholding of labour or otherwise, and to provide funds for the relief of members during trade disputes connected with their employment subject to these Rules;

(i) to regulate the relations between the Union and its members, or between any member or members and any officials by way of appeal as provided by these Rules;

(j) to assist and protect all officials, employees, and members of the Union whose interests have been damaged by reason of their services to the Union;

Legal Assistance

(k) to provide funds for legal assistance, strike and provident benefits as provided by these Rules;

Donations

(l) to make donations to any institution from which members may benefit, and provide assistance to other trade unions and federations;

(m) to cater for the needs of members by providing funds to assist in the upkeep of rest homes, hospitals and education facilities;

Superannuation

(n) to establish independent associations for the purpose of:

(i) providing and administering one or more superannuation schemes for the benefit of all permanent employees;

(ii) making contributions to the associations in compliance with the associations' rules;

(iii) supporting the associations as their rules and the law may require.

Political Representation

(o) to provide funds for the political objects of the Union and the furtherance of political representation;

Property

(p) to acquire, hold, dispose or otherwise deal with property of any character whatsoever, whether real or personal, including therein the purchase, taking upon lease, selling, exchanging, mortgaging, or letting of land and other property.

Head Office

5. The Head Office and place of business of the Union shall be at Unity House, 39 Chalton Street London NW1 1JD, or such other place as the Annual General Meeting shall deem expedient.

Definitions

6. In these Rules the term "General" refers to:

(a) the members of the Union employed in the various categories of employment including those members who on the day before the effective date were members of the National Union of Railwaymen who were similarly employed;

(b) the persons who on the day before the effective date were employed by the National Union of Railwaymen;

(c) the representative bodies, and their officers, established or elected in accordance with these Rules for the governance and conduct of the affairs of these members.

The term "Shipping" refers to:

(a) the members of the Union employed on tugboats, deep sea, coastal and passenger shipping, including those members who on the day before the effective date were members of the National Union of Seamen who were similarly employed;

(b) the representative bodies, and their officers, established or elected in accordance with these Rules, for the governance and conduct of the affairs of these members.

The term "Offshore Energy" refers to:

(a) the members of the Union employed in the offshore energy industry, including offshore supply boats and installations and associated diving operations, including those who were formerly members of the Offshore Industry Liaison Committee who were similarly employed;

(b) the representative bodies, and their officers, established or elected in accordance with these Rules, for the governance and conduct of the affairs of the members.

The term "Maritime" refers to:

(a) Members of the Union employed in the Shipping and Offshore Energy categories as defined above, together with those employed in Docks, Ports and waterways.

## **RULE 2**

### **CONDITIONS OF MEMBERSHIP**

Definition of Member

**1.** In these Rules "Member" means:

(a) any worker employed in the Maritime industries or any transport undertaking or subsidiary thereof, or;

(b) any worker contracted to work in the Maritime industries or any transport undertaking or subsidiary thereof, or;

(c) any worker employed by, an undertaking or subsidiary thereof which has an association with the Maritime or transport industries;

(d) any person appointed and employed by the Union;

who has been admitted into membership in accordance with the provisions of this Rule and who thereafter is not at any time more than eight weeks in arrears with their contributions, unless otherwise exempted by these Rules. The period for which any member who, on the day before the effective date, was a member of either the National Union of Railwaymen, the National Union of Seamen or the Offshore Industry Liaison Committee, shall constitute an equivalent period of membership of the Union in respect of any benefits, entitlements or elections governed by these Rules.

(e) any member that has retired from employment and has received Retirement Benefit under Rule 18 will become a Retired member and will be allocated to the appropriate Retired Members' Branch. Retired Members shall be debarred from voting and participating in Union elections and shall be confined to matters relating to retirement and recruitment and retention of members.

Admission to Membership

**2.** An application for membership shall be made on a form provided, which shall stipulate that the applicant shall abide by the Rules of the Union. No persons shall be admitted a member unless they have signed such an undertaking. The membership of a new member shall date from the date recorded on the membership application form. An application for membership shall not be rejected because of the applicant's race, religion, sex or political beliefs.

Rejection

**3.** The General Secretary or the National Executive Committee shall have authority to reject applications for membership from any person. A rejected membership application shall cease as from the date the application to join the Union was made and any Union membership contributions paid by the rejected applicant shall be reimbursed. A person whose application to join the Union has been rejected, may appeal to the National Executive Committee, subject to any by-laws the National



Executive Committee may adopt for this purpose.

- Allocation
- 4.** For membership purposes, the National Executive Committee shall have power to allocate specific depots, ports, stations or areas to particular Branches of the Union and to ensure that any such allocation is duly implemented.
- Transfer
- 5.** Any member wishing to be a member of a Branch other than the one to which his or her workplace is allocated under Clause 4 above, shall apply to the Branch Secretary of that Branch and if the Branch agrees acceptance, shall apply to the Secretary of the leaving Branch for a transfer, which shall be forwarded within seven days of the application being received. In the event of any Branch refusing to accept a transfer the member shall have the right to appeal to the National Executive Committee.
- Rules Binding
- 6.** Every member of the Union shall accept and be bound by these Rules, as amended from time to time. The rights of members in connection with the Union, and the settlement of all disputes between the Union and its members or any person who has ceased to be a member thereof, shall be regulated exclusively by the provisions of these Rules, and in particular the provisions of Rule 4, Clause 13 and Rule 3, Clause 20, shall apply in each case.
- Contributions
- 7.** All members of the Union as defined by Rule 2, Clause 1 (a, b, c, d) shall pay a weekly membership at either the Full Rate or the Low Rate as set out in these rules.
- 8.** With effect from 1<sup>st</sup> October 2015 the Full Rate contribution shall be £4.64 per week and the Low Rate contribution shall be £2.00 per week.
- 9.** The Low Rate shall be calculated at 43% of the Full Rate to the nearest full pence.
- 10.** Each year the Full Rate contribution shall be varied, but not decreased, in the same proportion as the percentage change in the retail price index in the preceding September, calculated to the nearest full pence. When considered necessary, the General Secretary may request that the National Executive Committee review and determine the application of the resultant potential increase in the Full Rate contribution.
- 11.** From the weekly contribution of each member the amount of £0.08p shall be allocated to the Orphan Fund, £0.02p to the National Dispute Fund and £0.06p to the Legal Fund. This is to be revised following subsequent actuarial valuations.
- Contributions Levy
- 12.** Members shall also pay, as part of their contributions, any levy required to be paid by decision of the National Executive Committee or an Annual or Special General Meeting.

13. With effect from 1<sup>st</sup> October 2015, the Low Rate shall be applied to members whose basic salary or equivalent earnings are less than the Earnings Threshold. In each subsequent year the Earnings threshold shall increase by the percentage change in the retail price index in the 12 month period up to the preceding September, rounded to the nearest hundred pounds, or, by an amount decided by the National Executive Committee.
14. The Low Rate contribution shall be applied to members whose basic salary or equivalent earnings are less than the Earnings Threshold verified by collective agreements, or annual proof of earnings statement, such as a P60 certificate, or other appropriate document supplied by the member each year.
15. The National Executive Committee may, from time to time grant the Low Rate contribution to affected members when campaigning in area of low density of membership. These campaigns shall be reviewed by the National Executive twice yearly.
16. Where the situation arises when a member, or group of members, is required to move to the Full Rate contribution, a transition arrangement will be used whereby the movement to the Full Rate will take place in stages.
17. Any member who ceases to be employed as defined in Clause 1 of this Rule, but who is seeking to return to the transport industry, may retain entitlement to benefits in accordance with the provisions of Rules 17-20 and accrue years of continuous membership by the payment of the Low Rate Contribution. Members who retain continuity of membership on this basis are debarred from voting and standing for office within these rules while not employed as defined in Clause 1 of this Rule.

Employed outside of transport industry

This status of membership may apply for a maximum of twenty-four months after which membership will be terminated.

Exemption

18. A member who is absent from work due to either:
  - a) Injury;
  - b) Ill-health;
  - c) Maternity Leave;

may seek an exemption from the payment of contributions for the period of absence in which wages, company sick pay or company maternity pay is not received.

A member who is on an unpaid employability or work experience placement scheme within the Maritime industries, a transport undertaking, subsidiary or association as defined by Clause 1 of this Rule, shall be exempted from payment of membership contributions for the period of the placement.

A member who becomes unemployed may be exempted from

the payment of contributions for the period of unemployment.

All exemptions from contributions shall be limited to twenty-four months, during which time they will retain full entitlement to benefit.

For the purpose of Rule 15, members that have been terminated from employment, by reasons other than redundancy, shall be exempted from contributions while unemployed and not in receipt of wages until the conclusion of the case.

Appropriate evidence  
for exemption

- 19.** In order to qualify for exemption from the payment of membership contributions, as defined in Clause 18 of this Rule, a member shall provide appropriate evidence in a manner approved by the National Executive Committee at intervals not more than 26 weeks from the date of unemployment or incapacity for work commenced. In the absence of such evidence, Union membership contributions shall be due to be paid at the relevant rate specified in Clauses 7-17 of this Rule. All documentary evidence submitted in accordance with this Rule, which is received by Branch Secretaries shall be forwarded with returns of Branch income and expenditure to the Union's Head Office.

Redundancy

- 20.** Members with not less than 52 weeks' full membership who have been made redundant from employment as defined in Clause 1 of this Rule, and who pay the Low Rate of membership contribution, shall be given credit for full continuous membership in the event of returning to employment as defined in that Clause within a period of twenty-four months. Relief from payment of such part of the contributions as is allocated to the Political Fund shall be given to members entitled thereto in accordance with the provisions of Rule 23.

For the purpose of Rule 15, members that have been made redundant are required to pay the Low Rate contributions for the duration of the claim.

Members in other employment will not be considered for legal representation unless the incident arose while employed as defined in Clause 1 of this Rule and in benefit at the time of the incident.

Arrears

- 21.** Any member of the Union whose contributions are eight weeks or more in arrears whilst in employment shall cease to be a member, unless they can show good reason to the contrary, including negligence on the part of the employer or the Branch Officers. All fines, levies and monies not paid when due shall be considered arrears of contributions, part payment of which may or may not be taken, as the Branch may decide.

Any member whose membership is to be terminated under this Clause shall be given notice as provided in Clause 26 of this Rule.

Readmitted into  
Membership  
Benefit Limitation

- 22.** Any member who has fallen out of benefit, or has left the Union whilst continuing to be employed as defined in Clause 1 of this Rule, and is re-admitted into membership, will serve a qualifying period of six months and pay at least six months' contributions before having entitlement to benefits in accordance with the provisions of Rules 17-21, or being entitled to legal assistance in accordance with the provision of Rule 15.

Copy of Rule Book  
etc

- 23.** A member of the Union shall be provided with access to a copy of the Union's Rules, Annual Reports, the Minutes of Annual or Special General Meetings and those of National Executive Committee Meetings, at the request of and cost to the member and without charge to Regional Councils and Union Branches.

Expulsion

- 24.** The National Executive Committee may expel from the Union any member or members who in its opinion has or have:-

(a) conducted themselves in a manner deemed to be inconsistent with membership of the Union;

(b) injured or discredited the Union or otherwise acted contrary to the interest of the Union and its members;

(c) refused to undertake or to comply with the duties imposed by these Rules;

(d) refused to comply with, or acted contrary to any decision or instruction issued in pursuit of any movement or proceeding authorised by the provisions of Rule 22, or with any decision or instruction issued by any committee having jurisdiction under these Rules over the member or members concerned;

(e) knowingly participated in or been party to misrepresentation, misappropriation, misapplication or fraud in respect of any of the funds or benefits to which these Rules apply;

(f) attempted to bring about the dissolution of the Union other than in accordance with the provisions of Rule 25.

- 25.** Every expelled member shall cease to have any claim on the funds and benefits of the Union, and shall forfeit all right to participate in the privileges thereof.

- 26.** It shall be necessary to give notice to any member of the intention to proceed under this Rule and of the grounds or matters the National Executive Committee are proposing to consider. Every expelled member shall afterwards receive

notice of expulsion and the grounds thereof, and thereupon have the right to appeal to the Annual General Meeting. This appeal shall, as provided by Rule 4, Clause 7(h), be the sole method by which every or any decision given in purported exercise of the powers conferred by the Rule shall be questioned, controlled, reversed, or suspended.

TUC Disputes  
Committee Decision

**27.** Notwithstanding anything in these Rules, the General Secretary or the National Executive Committee may, by giving six weeks' notice in writing, terminate the membership of any member if necessary, in order to comply with a decision of a disputes committee of the Trades Union Congress.

Honorary Membership

**28.** In addition to the categories of membership described above, the Union shall also confer honorary membership upon distinguished individuals in recognition of their outstanding contribution to the international working class and labour movement. Honorary membership shall be conferred on an ad hoc basis by the National Executive Committee or the Annual General Meeting on the recommendation of Branches and Regional Councils and shall not carry with it any entitlement to membership benefits.

## **RULE 3**

### **GOVERNMENT OF THE UNION ANNUAL AND SPECIAL GENERAL MEETINGS**

- Constitution
1. For the supreme government of the Union there shall be an Annual General Meeting which shall have the powers described in Clause 10 of this Rule.
  2. The Annual General Meeting shall consist of delegates elected as defined in Rule 13, Clauses 16 and 60; the President, the General Secretary, the Assistant General Secretaries, and the National Secretary.
- Time & Place
3. The National Executive Committee, in conjunction with the General Secretary, will determine the date and venue of Annual General Meetings. Meetings will commence at 5pm on the Sunday to deal with the Standing Orders Committee's First Report, the President's Speech and ceremonial matters.
- Preliminary Agendas, Closing Date for Items
4. The matters for inclusion in the Preliminary Agenda for the Annual General Meeting, excluding appeals against decisions of the National Executive Committee and alterations to Rules proposed in accordance with the provisions of Rule 24, must reach Head Office on or before the second Thursday in March in every year.
- Agendas Date of Issue Amendments & Appeals
5. The Preliminary Agenda shall be issued not later than the 1st April in every year. Amendments to motions on the Preliminary Agenda, appeals against National Executive Committee decisions reached during the four preceding Statutory Meetings and Special Meetings held prior to the third Monday in March every year, items from the Industrial Organising Conferences submitted in accordance with Clause 6 of this Rule and appeals on matters ruled out by decisions of the President, must reach the Head Office on or before the 8th May in every year. Thereafter the final Agenda, excluding appeal on items which do not raise issues of general policy or do not relate to disciplinary action taken by that body, shall be issued as soon as convenient.
- Appeals against all National Executive Committee decisions reached during the period from the third Monday in March to the opening of the AGM every year and received up to the opening of the AGM business will be placed in front of the AGM for consideration.
- The AGM by majority vote will decide whether or not the resolution constitutes a bona fide appeal.
- Grade Specific Items
6. Items germane to a particular Industrial Organising Conference or National Advisory Conferences, shall only be eligible for inclusion on the final Agenda of the Annual General Meeting if they have first been carried and submitted by the

relevant Industrial Organising Conference or National Advisory Conference as one of the two eligible grade -specific items for the Annual General Meeting in accordance with Clause 5 of this Rule.

Resolutions &  
Amendments  
Signature of Chair –  
Person & Secretary

- 7.** Each letter from a Branch or Regional Council conveying to the General Secretary a matter for inclusion in the preliminary or final Agenda must be signed by the Chairperson and Secretary of the Branch or Regional Council or sent from the Branch or Regional Council's RMT email account; or, for Grades Conference items for the final Agenda, by the President and Secretary of the Industrial Organising Conference, or the General Secretary, in the case of a matter emanating from the Biennial Shipping or Offshore Industrial Organising Conferences.

Emergency  
Resolutions

Emergency resolutions may be forwarded up to the beginning of the A.G.M. The A.G.M. by majority vote will determine whether or not the resolution constitutes a bona fide emergency.

Annual Report

- 8.** The General Secretary, on behalf of the National Executive Committee shall provide elected delegates of the Annual General Meeting with an Annual Report summarising the principal activities of the National Executive Committee during the previous year and outlining the Union's principal future policy objectives.

President to Preside

- 9.** The Annual General Meeting shall be presided over by the President of the Union. In the event of the President's absence, the delegates present at the meeting shall elect a Chairperson (pro-tem) from among their number who shall retain the right to a vote but shall not have a casting vote.

Powers of AGM

- 10.** The Annual General Meeting shall have the power:
- (a) to inaugurate any movement, or decree any proceedings in the interests of the Union or its members and to do all such other things, whether of the kind specified herein or otherwise, as may be necessary or desirable in the interests of the Union or its members;
  - (b) to amend, rescind, or make rules to distribute for the members' benefit, the funds of the Union in accordance with these Rules; to make any levy on the Branches or members of the Union and to disband any Branch of the Union;
  - (c) to elect the Elected Trustee members, any officer, other than those defined in Rules 5 to 9, and members of special sub-committees, in accordance with the provisions of Rule 13, Clause 1; and to define the duties and to invest in them such powers as maybe deemed necessary or advisable;
  - (d) to govern the National Executive Committee; to exercise any or all powers and authorities vested in the National

Executive Committee under these Rules, or to direct the National Executive Committee to put such powers and authorities, or any part of them, into operation;

(e) to decide all appeals against decisions of the National Executive Committee which raise issues of general policy or relate to disciplinary action taken by that body; to remit for the further consideration of the National Executive Committee any decision of that body, and to give such directions in relation thereto as may be deemed expedient; to remove any officer from office, to expel any member from the Union;

(f) to elect an Appeals Court comprising three persons, employed as required by Rule 2, Clause 1(a) (b) and (c) and not being members of the National Executive Committee, who will convene as required to hear all appeals against decisions of the National Executive Committee which do not raise issues of general policy, and on which there will be no right of appeal to the Annual General Meeting other than against disciplinary action taken by the National Executive Committee.

Standing Orders  
Committee

**11.** The Annual General Meeting shall elect a Standing Orders Committee consisting of five delegates to the meeting. They shall be elected as defined in Rule 13, Clause 1. The Standing Orders Committee shall consider the Agenda prior to the meeting and their report and recommendations shall be the first Agenda item to be discussed following the opening of the meeting.

SGM's Convening

**12.** A Special General Meeting may be convened by the National Executive Committee should this be considered necessary, or if the same should be desired by one third of the Branches of the Union. Such meeting shall be held within 28 days from the date of application and at a time and place as may be determined by the National Executive Committee. An appeal for an S.G.M. from a branch or branches shall be circulated to all branches. Where the interests of the Union or its members are not compromised all matters to be considered by a Special General Meeting shall be submitted to the Branches beforehand in order to enable Branches to instruct their delegates. Where necessary, special Branch meetings shall be held for this purpose.

**13.** Special General Meetings shall consist of the delegates to the preceding Annual General Meeting; the President, the General Secretary, the Assistant General Secretaries, and the National Secretary. Such meetings shall be presided over by the President of the Union or as provided for in Clause 9 of this Rule.

**14.** A Special General Meeting shall only exercise those powers of an Annual General Meeting which are specified in the notice by which the Special General Meeting is convened.



- |                                    |  |
|------------------------------------|--|
| Voting                             | <b>15.</b> Save where otherwise provided by these Rules, resolutions at the Annual and Special General Meetings shall be carried by a simple majority of those present and entitled to vote. The President, the General Secretary and the Assistant General Secretaries shall have the right to speak on any matter before the meeting, but shall not be entitled to vote, except that the President shall have a casting vote, should one be necessary. The National Secretary shall have the right to speak on matters confined to Maritime issues, but shall not be entitled to vote. |
| President's Casting Vote           | <b>16.</b> The proceedings of the Annual and Special General Meetings shall not be invalidated by reason only of the existence of a vacancy caused by the death or absence, through illness or other valid reason, of one or more delegates or of the President, the General Secretary or the Assistant General Secretaries, provided that a quorum is present.  |
| Quorum                             | <b>17.</b> Two-thirds of the number of delegates shall constitute a quorum at Annual and Special General Meetings.   |
| Minutes of Proceedings             | <b>18.</b> The first item of business on each day that an Annual or Special General Meeting is in session shall be to confirm the Minutes of the previous day's proceedings. The Minutes of the last day's proceedings shall be confirmed immediately before the close of the meeting.   |
| Record of Proceedings              | <b>19.</b> The General Secretary shall cause a written record to be made of the proceedings of Annual and Special General Meetings, and of any committee appointed by any Annual or Special General Meeting.   |
| Decisions Final and Conclusive     | <b>20.</b> Every decision of every Annual or Special General Meeting shall be final, conclusive, and binding on all members and Branches of the Union, and shall be accepted by all members and Branches as the voice of all the Union's members, unless or until varied or rescinded by a subsequent General Meeting.   |
| Cost of AGM and Delegates Expenses | <b>21.</b> The costs of the Annual and Special General Meetings, including delegates' expenses paid in accordance with the provisions of Rule 14, Clauses 26, 27, 29 & 30 whichever apply, shall be met from the General Fund; but a separate account thereof shall be published for the information of members.   |

## RULE 4

### NATIONAL EXECUTIVE COMMITTEE

Constitution of  
National Executive  
Committee

1. For the general administration of the Union's business and for its government during the intervals between Annual General Meetings, there shall be a National Executive Committee (NEC) consisting of the President, the General Secretary, the Assistant General Secretaries, the National Secretary and 16 Representatives from the General and Shipping & Offshore Grades. The 16 Representatives being made up of 12 General Grades elected in accordance with the provisions of Rule 13, Clauses 29 to 39, and 4 Maritime Grades elected in accordance with the provisions of Rule 13, Clauses 60 to 77 as may be applicable.

President

2. The President of the Union shall preside over meetings of the National Executive Committee which shall be convened by the General Secretary. The President, the General Secretary, and the Assistant General Secretaries shall have the right to speak but not to vote at National Executive Committee meetings. The National Secretary shall have the right to speak on matters confined to Maritime issues, but shall not be entitled to vote.
3. In the absence of the President the meeting shall elect one of its members to chair the meeting. The member so elected shall retain the right to a vote but shall not have a casting vote.

Meetings  
Statutory NEC

Special NEC

4. The National Executive Committee shall meet in four statutory meetings per year. The President or General Secretary may summons a special meeting of the National Executive Committee should this be considered necessary. A special meeting of the National Executive Committee may also be convened at the request of at least two-thirds of the members of the National Executive Committee.

The National Executive Committee and all its committees will have the right to determine the dates of all its meetings by simple majority vote if the matter is contested.

Regular NEC

Regular meetings of the National Executive Committee shall be convened by the General Secretary to deal with the on-going governance and business of the Union.

The National Executive Committee and all its committees will at all times have the right to determine their own agendas, by simple majority vote of the meeting if the matter is contested, and the power to have placed before it all matters relating to such items.

Quorum

5. Any meeting of the National Executive Committee shall be inquorate unless at least one half plus one of the National Executive Committee members are present.

Minutes

6. The General Secretary shall be responsible for ensuring that the proceedings of each National Executive Committee Meeting are properly minuted and the minutes are submitted for confirmation to the National Executive Committee Meeting immediately following.

Powers of NEC

7. The National Executive Committee shall:
  - (a) in the intervals between Annual General Meetings decide on all Union matters, and shall have complete policy and decision making powers;
  - (b) interpret the Rules and determine all questions on which these Rules are silent;
  - (c) comply with the decisions and instructions of the Annual General Meeting or Appeals Court and strive to secure the attainment of the Union's objectives;
  - (d) administer the business and affairs of the Union; oversee the work of the General Secretary and the work of other officials and employees of the Union through the General Secretary;
  - (e) protect the Union's funds, and direct the actions of the Trustees, and have power to appoint special auditors to examine the books and accounts of the Union's funds, cause the General Secretary to present and send to Branches half-yearly and annual financial statements and to provide books and stationery to Branches;
  - (f) have powers to impose levies on Branches and members in the interests of the Union, and, if necessary, make payments as provided in Rule 22, Clauses 7-9;
  - (g) deal with all trade disputes and institute legal proceedings on behalf of members, or direct the Trustees to proceed against any officer or member acting out with these Rules;
  - (h) cause the General Secretary to place before it for consideration and decision, resolutions from Branches and Regional Councils, all appeals from members, Branches, and Regional Councils and the decisions of Industrial Organising Conferences and have power to suspend its decisions pending appeal;
  - (i) have power to take the opinion of the membership, to decide on allocation of membership and to enter into transfer agreements and arrangements with other unions, as defined in Rule 1, Clause 3;
  - (j) appoint sub-committees to deal with special classes of business, other than those matters to which Rule 22 applies; to define the duties of sub-committees and to invest in them such powers as deemed necessary;

(k) make arrangements for the holding of Annual General Meetings to which they shall submit a report as defined in Rule 3, Clause 8, and Special General Meetings. Have power to appoint delegates to attend Conferences and other meetings called to deal with matters of interest to or affecting the interests of the Union;

(l) suspend any member obtaining or receiving a Union benefit by misrepresentation and to suspend, fine or to recommend the dismissal of any incompetent Branch Officers or to expel, fine or suspend members acting contrary to Rule;

(m) suspend or dismiss any full-time official or employee of the Union for the misuse or misappropriation of Union funds, absence from duty or gross neglect of duty, or for gross incompetence. Any act of dismissal or suspension performed in accordance with this Rule shall be reported to the Annual General Meeting;

Report Following Attendance at Regional Council Meeting

**8.** Following the attendance at a meeting of the Regional Council, the elected National Executive Committee representative shall report back to the next available meeting of the National Executive Committee.

Attendance at AGM / SGM's

**9.** The National Executive Committee shall elect two of its members to attend the Annual General Meeting (one of whom will attend the Appeals Court) at which they shall have the right to speak but not vote on the National Executive Committee's behalf on any matter concerning or arising from National Executive Committee decisions.

Appointment of Auditors

**10.** The National Executive Committee shall have power to appoint one or more permanent auditors, who shall be attached to Head Office and work under the direction of the General Secretary. The Auditors shall examine the books of any Branch upon instructions from the General Secretary, and also render assistance to new Secretaries with a view to a uniform system of book-keeping being adopted throughout the Union. They shall be paid at a rate decided by the National Executive Committee.

Appointment of Assurer

**11.** The National Executive Committee shall have the power to appoint a qualified independent person to be an assurer in order to supply a Membership Audit Certificate to the Certification Officer each year in compliance with legislation.

Salary & Expenses

**12.** Elected members of the National Executive Committee shall be paid, from the General Fund, a salary as agreed from time to time, and travelling and lodging expenses in accordance with Rule 14 Clauses 26, 27, 29 & 30.

Decisions

**13.** Every decision and instruction issued by or on behalf of the National Executive Committee shall be binding on members, Branches, Regional Councils, Industrial Organising

Conferences, and any such decision or instruction shall be of full force and effect in respect of every present and future member. It shall form the essential basis of the contract between the Union and its members. National Executive Committee decisions or instructions shall be amended, rescinded or suspended only by way of appeal to an Annual General Meeting or Appeals Court as provided for in Rule 3, Clause 5 and Rule 3, Clauses 10(e) and 10(f).

## **RULE 5**

### **PRESIDENT**

- |             |   |
|-------------|---|
| Election of | <b>1.</b> The President shall be elected as defined in Rule 13, Clauses 1 and 2, and unless prevented by other circumstances shall attend and preside at Annual and Special General Meetings as well as meetings of the Appeals Court, the National Executive Committee and its Sub-Committees. The General Secretary will ensure that the President is released to conduct his/her duties on a full time basis for their term of office. |
| Duties of   | <b>2.</b> The President shall:<br><br>(a) have power to summon and convene a special meeting of the National Executive Committee or any of its Sub-Committees should this be considered necessary and have the power to instruct the administration accordingly;<br><br>(b) be a delegate to the annual Conference of the Trades Union Congress.  |
| Vacancy     | <b>3.</b> Should the President become a Member of Parliament or a full-time official or employee of the Union, the position of President shall be declared vacant.  |

## **RULE 6**

### **GENERAL SECRETARY**

General Secretary

1. The General Secretary shall obey the instructions of the National Executive Committee and devote the whole of the time to the Union but shall not;

- (a) become a Member of Parliament, or

- (b) accept a position on any commission or board of enquiry without previously obtaining the permission of the National Executive Committee.

Duties and Responsibilities

2. The General Secretary shall be responsible for all the functions of that office and in particular shall:

- (a) manage the work and activities of employees, organisers and national officers;

- (b) conduct the general correspondence of the Union;

- (c) sign all documents and statements pertaining to the office of General Secretary;

- (d) prepare any annual statements required by statute;

- (e) keep copies of all correspondence and ensure that it is filed or stored in a satisfactory manner;

- (f) keep a separate register of the members subscribing to each Branch and ensure that a register is kept in which shall be recorded each member's name, address, age, registered number, Branch, grade, place of employment, contribution rate and funds subscribed to as of the date of joining; any subsequent changes thereto, including inter-Branch membership transfers; the date of, and the reasons for, termination of membership;

- (g) in the case of an Annual or Special General Meeting and of Meetings of the Appeals Court and the National Executive Committee;

- (i) make arrangements as defined by Rule 4, Clauses 4 and 7 (k), for the convening and the conduct of such meetings and attend them with the right to speak but not vote;

- (ii) prepare and submit a Report on the Union's political activities, including the state of organisation in those constituencies in which the Union's sponsored candidates or Members of Parliament have an interest;

- (iii) submit any correspondence or documents which require the attention of those bodies.

(iv) comply with all decisions of the National Executive Committee and circulate the decisions as directed within.

(h) On behalf of the National Executive Committee submit a report of activities to the Biennial Maritime Industrial Organising Conference and the Biennial Offshore Industrial Organising Conference.

(i) prepare for each meeting of the National Executive Committee a record of the business transacted at each previous National Executive Committee meeting in respect of the text of all motions and amendments submitted, including any motion or amendment ruled out of order by the President; the names of each proposer and seconder and of each National Executive Committee member who voted for or against each motion and amendment, and ensure that this statement is issued to Branches as soon as possible after each National Executive Committee meeting;

(j) be a delegate to the annual conference of the Trades Union Congress;

(k) ensure that the register of members and the books of the Union are open for inspection at any reasonable time by any member having a legitimate interest in the Union's funds.

**3. The General Secretary shall:**

Salary and Expenses

(a) receive a salary as determined from time to time by the National Executive Committee 9/10ths of which shall be paid from the General Fund of the Union and 1/10th of which shall be paid from the Political Fund in respect of political work undertaken on the Union's behalf. Salary excludes expenses arising from travelling and absence from home whilst engaged on Union business. These expenses shall be charged as may be appropriate to the General or the Political Fund;

Retirement

(b) have the option of retiring on reaching the age of 60;

Suspension

(c) be subject to suspension by the National Executive Committee for being absent from duty, gross neglect or incompetency, but shall have the right of appeal to the Annual General Meeting;

Resignation and Dismissal

(d) on resigning or on being discharged shall give or receive three months written notice, or receive or forfeit three months' salary in lieu, but if declared by the National Executive Committee to be guilty of fraud be subject to instant dismissal.



## **RULE 7**

### **ASSISTANT GENERAL SECRETARIES**

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|---------------------------|--|
| Number                    | <p><b>1.</b> There shall be such number of Assistant General Secretaries for the General and Maritime Grades as may be decided by the Annual General Meeting, subject to any recommendations made by the National Executive Committee.</p> <p><b>2.</b> Assistant General Secretaries shall:</p>   |
| Duties and Responsibility | <p>(a) devote the whole of their time to the Union and, acting under the direction of the General Secretary and the National Executive Committee, assist in the general work and correspondence of the Union;</p> <p>(b) attend Annual and Special General Meetings, meetings of the National Executive Committee and meetings and committees appropriate to their spheres of responsibility;</p> <p>(c) not be Members of Parliament.</p>   |
| Senior AGS                | <p><b>3.</b> In the absence of the General Secretary, the Senior Assistant General Secretary, shall be responsible for and have sole charge of the Head Office and transact the business appertaining thereto.</p>   |
| Vacancies                 | <p><b>4.</b> In the event of a casual vacancy occurring in the number of Assistant General Secretaries, the National Executive Committee shall arrange for the performance of the duties by the other Officers.</p>  |
| Salaries and Expenses     | <p><b>5.</b> Assistant General Secretaries shall receive salaries as agreed by the National Executive Committee from time to time, payable from the General Fund of the Union, except in the case of the Senior Assistant General Secretary, 9/10ths of whose salary shall be paid from that Fund, the remaining 1/10th being paid from the Political Fund in respect of political work done on behalf of the Union. Their salaries shall include payment for all or any work performed on behalf of the Union or its members but shall exclude travelling and away from home expenses whilst engaged on Union business.</p> |
| Retirement Dismissal etc. | <p><b>6.</b> The provisions of Rule 6, Clauses 3(b), 3(c) and 3(d) shall apply to Assistant General Secretaries as if they were General Secretaries.</p>   |

## **RULE 8**

### **NATIONAL SECRETARY AND ASSISTANT NATIONAL SECRETARY**

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|-----------------------------|---|
| Number                      | <b>1.</b> There shall be one National Secretary and one Assistant National Secretary. This may be determined from time to time by the Annual General Meeting, subject to any recommendations submitted by the National Executive Committee.   |
| Election                    | <b>2.</b> Nomination and election to these positions shall be in accordance with the provisions of Rule 13, Clauses 50 to 54.   |
| Duties and Responsibilities | <b>3.</b> The National Secretary and the Assistant National Secretary shall work under the direction of the General Secretary and assist in representing and promoting the interests of Maritime Grades members as well as with the general administration of the grade's affairs.<br><br><b>4.</b> The National Secretary and the Assistant National Secretary shall not:<br><br>(a) be eligible for election as an Annual General Meeting Delegate or as a National Executive Committee Representative. The individual shall attend meetings of those bodies if required but shall have no right to vote or<br><br>(b) take part in trade movements or issue circulars without the express authority of the National Executive Committee or the General Secretary, or<br><br>(c) accept nomination as prospective parliamentary candidates, or be a Member of Parliament. |
| Salaries and Expenses       | <b>5.</b> The National Secretary and the Assistant National Secretary shall be paid a salary as agreed by the National Executive Committee from time to time. The salary shall exclude travelling or away from home expenses whilst on Union business.  |
| Retirement, Dismissal etc   | <b>6.</b> The provisions of Rule 6, Clauses 3(b), 3(c) and 3(d) shall also apply to the National Secretary and the Assistant National Secretary.  |

## **RULE 9**

### **REGIONAL ORGANISERS**

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|-----------------------------|--|
| Number                      | <b>1.</b> There shall be such numbers of Regional Organisers as may be determined from time to time by the Annual General Meeting, subject to any recommendations submitted by the National Executive Committee.   |
| Election                    | <b>2.</b> Nomination and election to these positions shall be in accordance with the provisions of Rule 13, Clauses 55 to 59.  |
| Duties and Responsibilities | <b>3.</b> Regional Organisers shall:<br><br>(a) act under the direction of the General Secretary and the National Executive Committee and, with the assistance of the respective Regional Councils, be responsible for organisation in their Regions;<br><br>(b) visit Branches and places as directed, including visiting ships berthed within the Region's area of responsibility or, as directed by the General Secretary, elsewhere in the United Kingdom or abroad, for the purpose of investigating complaints from members or for the general protection of their interests;<br><br>(c) represent members at company or industry level and at Employment Tribunals, in respect of disciplinary proceedings, unfair dismissal hearings and other matters, attend at Inquests and Inquiries;<br><br>(d) attend negotiations at local company level and representing the Union on welfare bodies;<br><br>(e) oversee the supply of labour to ships in their respective areas and ensure, as far as practicable, that members are up to date with their Union contributions before taking up employment;<br><br>(f) have power to examine the Branch books, and report to the General Secretary;<br><br>(g) render to the General Secretary on a form provided for that purpose, a statement of their travel and attendances during each month. |
|                             | <b>4.</b> Regional Organisers shall not:<br><br>(a) be eligible for election as Annual General Meeting delegates or as National Executive Committee representatives. They shall attend meetings of those bodies, if required, but shall have no right to vote, or<br><br>(b) take part in trade movements or issue circulars without the express authority of the National Executive Committee or the  |

General Secretary, or

(c) accept nomination as prospective parliamentary candidates, or be Members of Parliament.

Salaries and Expenses

- 5.** Regional Organisers shall be paid salaries as agreed by the National Executive Committee from time to time. Salaries shall exclude travelling or away from home expenses whilst on Union business.

Residence

- 6.** All Regional Organisers must reside within their own Region and be entitled to reasonable expenses for the removal of their homes and families. All expenses shall be paid from the General Fund.

Retirement, Dismissal etc

- 7.** The provisions of Rule 6, Clauses 3(b), 3(c) and 3(d) shall also apply to Regional Organisers.

## **RULE 10**

### **BRANCHES AND BRANCH OFFICIALS**

- |                         |  |
|-------------------------|--|
| Branches                | <b>1.</b> A Branch of the Union shall be established only by decision of the National Executive Committee. The National Executive Committee may disband a Branch should this be considered necessary or desirable or when the existence of a Branch is considered to be prejudicial to the interests of the Union or its members. The members of a disbanded Branch shall be transferred to one or more other Branches as may be determined by the National Executive Committee.   |
| Transfer of Members     | <b>2.</b> Should it be agreed that the members of a Branch be transferred to another Branch of the Union, then the former Branch shall be closed and its funds and other property remitted through the General Secretary to the Branch receiving the transferred members.  |
| Primary Role            | <b>3.</b> The primary role and objective of each branch shall be the recruitment, retention and organisation of transport workers within its delegated sphere of influence. To achieve this objective, each branch shall create and work to implement a branch plan which will be submitted to the Regional Council.   |
| Key Functions           | Additionally, each Branch shall ensure that it plans for, and implements, its key functions of organising regular branch meetings; sending delegates to the Regional Council; participating in Regional and National Union campaigns; participating in Union nominations and elections; ensuring that the Representative structure in its spheres of influence is populated; that Representatives, Branch Officers and activists receive appropriate education, training and resources.  |
| By-Laws                 | <b>4.</b> Each Branch may make by-laws for the government of its affairs, subject to the by-laws being approved by the General Secretary or the National Executive Committee and their being strictly consistent with the Rules of the Union.  |
| Branch Books            | <b>5.</b> All books for Branch use must be obtained from Head Office. All books and stationery supplied will be charged to the Branch.   |
| Officers and Committees | <b>6.</b> Each Branch of the Union, shall have for its management a Chairperson, a vice-Chairperson, Secretary, three Trustees, and a Committee of not less than seven members; in Branches with over 100 members there shall also be an Assistant Secretary. In addition, if considered necessary, a Treasurer, a Check Steward, Membership Secretary and Collectors may also be appointed. If considered necessary Stewards shall be appointed to assist the Secretary in important Branch business during the interval between Branch meetings. |

- Officers to be Contributing Members **7.** All Branch Officers must be contributing members to the General Fund of the Union and shall be elected at the Annual Meeting of the Branch. They shall retire at the succeeding Annual Meeting. Only members, as defined in Rule 2, Clause 1 who are not in arrears with their membership contributions as defined in Rule 2, Clause 21, shall be eligible to be elected or hold office.
- Election of Officials **8.** No member shall hold two offices, except for the post of Collector and the transaction of temporary business. Candidates for office must be proposed and seconded by two members present at the meeting. The candidate who has a majority of votes shall be declared elected. All officers on retiring from office shall be eligible for re-election except as already provided for in this Clause.
- Not Eligible to Hold Office **9.** Members who cease to be employed by an undertaking as defined in Rule 2, Clause 1, shall not thereafter be eligible for election to office, or appointment as a delegate.
- Incompetence **10.** Any Branch Officer who is incompetent, or who is held to be responsible for the maladministration of Union funds, or who fails to perform any duty arising from these Rules, or who acts contrary to the Rules and interests of the Union, shall be removed from office. A successor shall be elected by the Branch. A Branch Officer expelled from the Union shall cease to hold office; but should the expulsion be rescinded, the member would then be eligible for re-election.
- Removal **11.** Any Branch Officer who has been removed from office and who fails to abide by these Rules shall be liable to prosecution and, if still a member, shall be expelled and another Officer shall be appointed to the position.
- Chairperson and Vice-Chairperson **12.** The Chairperson shall preside at all meetings of the Branch and conduct the meetings with propriety and order. The Chairperson shall sign all Minutes of the Branch and all official documents and, through the Secretary, order Special Meetings of the Branch or of the Branch Committee, when necessary, or by request of twelve members. The Head Office shall advise the Chairperson when the dues, balance sheets, and other returns are not sent in at the proper time.
- 13.** The Vice-Chairperson shall assist the Chairperson in conducting the business of the Branch meetings, and preside in the Chairperson's absence.
- Branch Committee **14.** The Branch Committee shall, in conjunction with the Chairperson and Secretary, superintend the business of the Branch, and co-operate with the National Executive Committee in carrying out the Rules of the Union. The Secretary shall convene committee meetings as required. Five members, in addition to the Chairperson and Secretary, shall form a quorum. The Secretary shall have no vote, and the Chairperson shall only have a casting vote, but both shall have

the right to speak.

Branch Secretary,  
Duties and  
Responsibilities

**15.** The Branch Secretary shall perform all duties imposed by these Rules and shall:

(a) keep all Branch accounts, books and records held in a satisfactory manner;

(b) attend all meetings, record the minutes of those meetings and conduct Branch correspondence;

(c) forward to Head Office, within seven days after the payment of the first contribution, the application forms of accepted members, and immediately advise Head Office of all members accepted by transfer from or transferred to other Branches, as well as members paying contributions in accordance with the provisions of Rule 23, Clause 5, Schedule 1, Clause 3 and Schedule 2, Clauses 1 to 4;

(d) comply with every direction by, or requirement of, the General Secretary in relation to the finances of the Union, and at all times produce on demand and, if required, deliver up to any officer of the Union nominated by the General Secretary for that purpose, all monies, books, papers and documents of the Union or Branch;

(e) as early as practicable, but not later than 14 days after its receipt, bank, to the credit of the Branch, any money received as income to the Branch;

(f) supply Head Office with true and accurate Balance Sheets, showing the income and expenditure of the Branch, the amount of cash in hand which should not exceed £10 and the amount deposited with the Union's bankers for the year ending December and within 21 days of the close of each half year, transmit to the General Secretary on forms provided, a true and accurate account of the contributions collected by the Branch;

(g) in every Balance Sheet the Branch Secretary shall give the names and addresses of the Branch meeting place, the Chairperson, Treasurer, Assistant Secretary (if any), and the Branch Trustees, and notify any change within 14 days thereof to the Head Office. A copy of the Balance Sheet shall also be rendered to Branch members. All Balance Sheets and Returns shall be forwarded by the 1st February after the close of the year.

Branch Membership  
Secretary

(h) Under the direction of the Branch Secretary, the Branch Membership Secretary shall assist with the organisation, collation and amendment of changes to membership information, including Branch transfers.

Salary

**16.** A Branch Secretary shall be paid a salary equivalent to the amount allocated for Branch management purposes. On

resigning, a Branch Secretary shall give one month's notice or forfeit one month's salary.

- Management Fund      **17.** For each Branch there shall be established a Branch Management Fund. 1/28th of the weekly membership contributions paid to Head Office will be allocated, provided that the minimum payment to any Branch shall be in respect of 50 members.
- Branch Expenses      **18.** From this Fund every management expense shall be paid including remuneration of the Branch officials, Trades Councils fees, Regional Council fees, Industrial Organising Conference fees, Labour Research Department fees, propaganda work, and Branch members' out-of-pocket expenses whilst engaged on Union activities.
- Branch Trustees      **19.** The Branch Trustees shall be responsible for the safe keeping of any funds entrusted to their care. They shall hold such funds in accordance with the provisions of these Rules. The funds shall be deposited in a bank account opened in the name of the Union. Deposits shall always be made in the name of all the Trustees. Withdrawals from the account shall be made when sanctioned by a majority of the members present at a Branch meeting, and with the approval of the Chairperson and the Secretary, or by order of the National Executive Committee.
- 20.** The Trustees shall forthwith pay, transfer and convey to the General Secretary on behalf of the Union's Trustees all monies, funds, property securities and effects which by these Rules are directed to be paid or transferred to the Union Trustees.
- Bank Deposits      **21.** Each Branch shall, through its Trustees and in the name of the Union, deposit in the Union's bank for the time being, the funds of the Union which it has in its possession, excepting a sum sufficient to meet the current demands (but not exceeding £10), which shall be retained by the Branch Treasurer. No portion of the Union's funds shall be invested by any Branch in other than the Union's bank unless the sanction of the National Executive Committee has been obtained.
- Annual Balance Sheet      **22.** Branches shall send a copy of their Annual Balance Sheets by the 1st February following the close of the year to which it refers. Any Branch which fails or neglects to comply with these requirements shall take no part in the Union's business, and the members of the Branch shall be suspended from benefit until the dues, monies, balance sheets, or other returns are received at Head Office.
- 23.** Branches and members are jointly responsible as may be determined by the National Executive Committee for the submission of the payments and financial statements as required by these Rules.



- Financial Assistance      **24.** Any Branch unable to meet the claims made upon it may apply to the National Executive Committee for assistance and shall send, with the application, a correct, detailed statement of its income and expenditure. The National Executive Committee shall have power to assist that Branch from the General Fund to such an extent as considered necessary, providing the statement of the Branch is satisfactory.
- Auditors      **25.** The Branch Auditors shall carry out a complete audit of the Branch accounts at the year end. The audit shall be undertaken in time to allow the Secretary to forward the Annual Returns to Head Office by the 1st February. All relevant books and records shall be made available for the purposes of the audit, which shall include an accurate reconciliation of bank and cash balances. The audited accounts shall be laid before the next meeting of the Branch, at which the Auditors shall report to the members on their findings.
- 26.** The accounts of any Branch Officer leaving the Branch or the Union shall be audited as soon as possible, and all the Union's property held shall be returned to the Branch.
- Real Property      **27.** The legal title to all real property, whether freehold, leasehold, commonhold, or any other interest in land, belonging to or to be enjoyed by a Branch or any other Union body must be vested in the elected Union Trustees and not any other Trustee in the Union. No real property belonging to or to be enjoyed by a Branch or any other body, whether freehold, leasehold, commonhold or any other interest may be owned or otherwise enjoyed by the Branch or any other body, or by any other means.
- Common Property      **28.** The funds of the Branches are the common property of the Union and must only be applied for the purposes and in the manner prescribed in these Rules. Any Branch which has been disbanded shall forfeit every claim to the possession of, and its Trustees and Officers to the administration of, the funds of the Branch and, except as provided in Clause 2 of this Rule all monies, books and other property belonging to the Union held by any disbanded Branch, and all property of the Union or any Branch thereof in the possession of any member of the disbanded Branch shall be delivered to the General Secretary, together with a detailed account of all income and expenditure.
- Failure to Remit Funds      **29.** Should any Branch fail or refuse to remit to the Union's bank the proportion of its funds required by these Rules, or should it be known that there is any intention to apply the funds of the Branch otherwise than is provided in these Rules, then the National Executive Committee, through the General Secretary, shall take such proceedings either in a court of law or otherwise as may be necessary or deemed advisable in order to ensure that the monies deposited in the Union's bank for the time being, or elsewhere invested in the name of such Branch, are paid to the General Secretary on behalf of the Trustee Committee for the purposes named in these Rules.

- Branch Meetings **30.** A Branch meeting shall be convened by the Officers of the Branch. Each Branch shall have power to call Special Meetings when necessary for the consideration of urgent business, but no trade movement shall be entered upon without first receiving the sanction of the National Executive Committee. Such special meetings may be called by resolution of the Branch, or by the Chairperson, as provided for in Clause 12 of this Rule.
- Speaking and Voting **31.** Members shall have the right to speak or vote at any meetings of their own Branch but shall not have the right to vote on any business in which they are personally interested otherwise than as a member of the Union.
- Admission to Meetings **32.** Any member shall be able to claim admission to the meetings of any Branch or Regional Council of which not a member, on producing a membership card. Such member shall be entitled to speak, subject to Branch or Regional Council Standing Orders, but shall not vote, or propose or second motions.
- Confidentiality of Documents **33.** All documents received from Head Office or considered at a Branch meeting or Branch Committee shall be regarded as private and confidential, and shall not be published or otherwise disclosed without the consent of the General Secretary, or the National Executive Committee.
- Circulars and Addresses **34.** In the interests of democratic openness and debate within this Union, branches and members may freely issue, recognise and freely discuss any circular or address relating to the Union in general provided that:
- (a) it does not advocate fascist or racist views or in any way contravenes the Union's policies against discrimination on the grounds of sex, race, ethnic origin, religion or sexual orientation;
- (b) it is neither libellous nor impugns the good name of the Union and its members;
- (c) it is circulated solely within the Union for use of members only and is regarded as private and confidential and is not published or otherwise disclosed outside the Union.
- Complaints **35.** Any Branch having reason to complain of the conduct of the National Executive Committee shall instruct the General Secretary to bring the case before the Annual General Meeting. Any Branch having reason to complain of the neglect of the General or Assistant General Secretaries shall do so to the National Executive Committee.
- Dissatisfied Member **36.** Any member dissatisfied with a decision of their Branch can appeal to the National Executive Committee. Should the member be dissatisfied with the decisions of the National Executive Committee, there shall be an entitlement to an

appeal to the Appeals Court with the exception of the disciplinary action by the National Executive Committee, whose decision shall be final. Any member lodging an appeal shall send notice thereof through the Branch to Head Office.

Appeals from  
Branches

**37.** The General Secretary shall take the necessary steps to place any appeal received on the Agenda for the National Executive Committee, Appeals Court or Annual General Meeting, whichever is appropriate. The National Executive Committee may suspend the implementation of any such decision pending the hearing of such appeal, should application be made to them for that purpose.

Branch Resolutions to  
the AGM

**38.** Branches shall have the power to place matters before the Annual General Meeting via a resolution of the branch and submitting the matter as per Rule 3.

Branch Resolutions to  
the National Executive  
Committee

**39.** Branches shall have the right to place matters before the National Executive Committee as long as the matter does not affect the whole Union.

## **RULE 11**

### **REGIONAL COUNCILS**

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| Constitution   | <b>1.</b> With a view to furthering the interests of the Union and its members, the Branches of the Union shall be grouped by the National Executive Committee into Regions. For each such Region there shall be formed a Regional Council to which each Branch within the area shall be affiliated except that any Branch with members employed in London Transport shall also affiliate to the London Transport Regional Council in respect of those members. |
| By-Laws  | <b>2.</b> Each Regional Council may make by-laws for the government of its affairs, subject to the by-laws being approved by the General Secretary or the National Executive Committee, and their being strictly consistent with the Rules of the Union.  |
| Political Fund   | <b>3.</b> Each Regional Council shall establish a Political Fund, which shall be operated in accordance with Rule 23, Clauses 19 and 20. Such Political Fund shall be governed and controlled by delegates from Branches and only persons who are not exempt from political fund contributions under Rule 23 may act as such a delegate.  |
| Dissolution  | <b>4.</b> The National Executive Committee may dissolve any Regional Council considered to be unnecessary or undesirable, and may amalgamate, sub-divide, or re-arrange the Regions into which the Branches are grouped.  |
| Organisation and Retention of members                          | <b>5.</b> The Regional Councils shall work in co-operation with the Regional Organiser and assist Branches in the organisation and retention of members, holding meetings and undertaking such other work as may be delegated to them by the Annual or Special General Meetings, or the National Executive Committee.   |
| Primary role   | <b>6.</b> The primary role of Regional Councils, in co-operation with the Regional Organisers, shall be recruitment and organisation of members in their sphere and campaigning in support of the Union's objectives. The work of the Regional Councils shall be ordered and prioritised so that this primary role is implemented.  |
| Recruitment, Branch Plans and Reports to the General Secretary | <b>7.</b> The Regional Council shall ensure that each Branch in the region submits a branch plan on the recruitment, retention and organisation of members for each company within its sphere of influence and will report to the General Secretary any branch that fails to submit such a plan.  |
| Resolutions and Appeals  | <b>8.</b> A Regional Council may submit appeals and resolutions to the Industrial Organising Conferences, the National Executive Committee, the Appeals Court or the Annual General Meeting, but shall have no governing or controlling power over any member, Branch or Official.  |

Resolutions from the Regional Council will be placed before the National Executive Committee within twenty-eight days from acknowledgement of receipt at Head Office.

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|-------------------------|--|
| Management Fund         | <b>9.</b> Regional Council expenses shall be defrayed by affiliated Branches paying a proportionate contribution from the Branch Management Fund and one-fifth of the weekly contribution as defined in Rule 2, Clauses 7-11, per annum per member allocated from the General Fund.  |
| Political Fund          | <b>10.</b> Branches shall contribute to the Political Fund of the Regional Council in accordance with Rule 23, Clause 19.  |
| Financial Assistance    | <b>11.</b> The National Executive Committee may supplement the income of Regional Councils as circumstances warrant.   |
| Branch Representation   | <b>12.</b> Each Branch within the area shall be entitled to send representatives to the Regional Council meetings.   |
| Meetings                | <b>13.</b> Each Regional Council shall fix the frequency and time of holding the meetings of the Council.  |
| Election of Officers    | <b>14.</b> Each Regional Council shall annually elect a Chairperson, Secretary and such other members as the Council may determine. Only members contributing to the General Fund of the Union shall be eligible to hold office in a Regional Council or serve as delegates to Regional Council meetings. Members who cease to be employed by an undertaking as defined in Rule 2, Clause 1, shall no longer be eligible for election to office or appointment as delegates. |
| Balance Sheet           | <b>15.</b> The Secretary shall by the 1st February in every year, render to every Branch affiliated to the Regional Council and to the General Secretary for the 12 months ended the previous 31st December:   |
| Annual Report           | <p>(i) a true and accurate account of the receipts and expenditure of the Regional Council for the twelve months;</p> <p>(ii) an annual report on Branch organisation and performance, including branch plans.</p>   |
| Bank Account and Monies | <b>16.</b> Every Regional Council shall open an account with the Union's bankers in the name of the Regional Council. Payments shall be made by means of cheques signed by the Chairperson and Secretary. The Secretary shall, within five days from receipt, pay into the bank account every sum received on behalf of the Regional Council and shall not retain any sum in excess of £10 for current expenditure.  |
|                         | <b>17.</b> The Secretary shall at all times on demand produce and, if required, deliver up to any Officer of the Union nominated for the purpose by the General Secretary, all monies, books, papers and documents of the Regional Council or the Union held.  |

Officers  
Remuneration

**18.** The Officers of the Regional Council shall receive such remuneration for their services as may be determined by the Regional Council.

Non-Interference

**19.** A Regional Council shall not interfere in the affairs of the Annual General Meeting or other governing body of the Union or prejudice the right of Branches to nominate candidates or otherwise interfere in any Union election. Neither shall it interfere in the affairs of the Annual Meetings of the Trades Union Congress or the Scottish Trade Union Congress.

Real Property,  
Common Property,  
Confidentiality  
Circulars and  
Addresses

**20.** The provisions of Rule 10, Clauses 27, 28, 33 and 34 shall apply to every Regional Council and, for the purposes of such application, a Regional Council shall be a Branch within these Rules.

## **RULE 12**

### **INDUSTRIAL ORGANISING CONFERENCES**

Number and Titles  
(General Grades)

**1.** There shall be established Industrial Organising Conferences to which Branches and Regional Councils with members in the grades referred to below shall affiliate as follows:-

(a) National Freight and Logistics Industrial Organising Conference, covering all grades within the Freight and Logistics Industry;

(b) National Bus Workers Industrial Organising Conference, covering all grades within the Road Passenger Transport Industry;

(c) National Industrial Organising Conference of Catering Grades covering all grades within those departments;

(d) National Industrial Organising Conference of Engineering Grades;

(e) National Industrial Organising Conference of Signalling and Operations Grades;

(f) National Industrial Organising Conference of Train Crews and Shunting Grades;

(g) National Industrial Organising Conference of Station and Associated Grades;

(h) National Industrial Organising Conference of Supervisory, Clerical and other Salaried Grades (including professional and technical and management ranges and all salaried members not catered for in the other Conferences);

(i) National Industrial Organising Conference of Transport Cleaning Workers covering all cleaning grades within all transport sectors;

and such other Conferences as the National Executive Committee may from time to time determine.

Dissolution

**2.** The National Executive Committee may dissolve any Industrial Organising Conference, considered to be unnecessary or undesirable and may amalgamate or re-arrange Industrial Organising Conferences.

Items Germane

**3.** An Industrial Organising Conference shall be confined to matters germane to the grades concerned. An Industrial Organising Conference must conform to national policy as determined by the decisions of the Annual General Meeting or the National Executive Committee.

Primary role	<p><b>4.</b> The primary role of the Industrial Organising Conferences for their delegated sectors is to develop strategies for the better Union organisation of workers in their sectors; develop strategies for learning, education and training of Representatives and activists; develop networking and communication between Representatives and activists; to report on these, and other relevant matters, to the National Executive Committee as proposals in support of the Union's national organising strategy.</p>
Powers	<p><b>5.</b> An Industrial Organising Conference shall not have executive authority and shall not conduct negotiations with any employer or group of employers. Subject to the other provisions of these Rules, the matters to be dealt with by each Conference will be determined by the affiliated Branches and Regional Councils and the Conference itself.</p>
By-Laws	<p><b>6.</b> Each Industrial Organising Conference may make by-laws for the government of its affairs, subject to the by-laws being approved by the General Secretary or the National Executive Committee and be strictly consistent with these Rules.</p>
Resolutions to AGM	<p><b>7.</b> An Industrial Organising Conference shall be eligible to submit two items germane to Conference and carried by that Conference for the agenda of the Annual General Meeting, subject to the provisions of Rule 3, Clause 6, if it so desires. Other decisions of Industrial Organising Conferences shall be placed before the National Executive Committee for consideration, but the Conferences shall have no governing or controlling power over any member, Branch, Regional Council or Official.</p>
Expenses	<p><b>8.</b> Except in the case of the Biennial Maritime and Biennial Offshore Industrial Organising Conferences, the expenses of each Conference shall be defrayed by affiliation fees collected from Branches and distributed to each Conference by Head Office. The cost of printing and distribution to Branches and Regional Councils of the circulars convening the Conference, the agendas and the decisions of the Conference shall be borne by the General Fund.</p>
Financial Assistance	<p><b>9.</b> The National Executive Committee may supplement the income of Industrial Organising Conferences as circumstances warrant.</p>
Delegates	<p><b>10.</b> Each Branch and Regional Council shall be entitled to send representatives to each Industrial Organising Conference covering the grades which the Branch or Regional Council has in membership. Each Industrial Organising Conference shall fix the venue and date of its meetings.</p>
Balance Sheet	<p><b>11.</b> The Secretary shall, by a date to be determined every year, render to every Branch and Regional Council affiliated to the Industrial Organising Conference, and to the General Secretary, a true and accurate account of the receipts and</p>



expenditure of the Industrial Organising Conference for the twelve months ended the previous 31st December.

Bank Account  
and Monies

**12.** Each Industrial Organising Conference shall open an account with the Union's bankers in its own name which shall be operated by means of cheques signed by the President and Secretary. The Secretary shall, within five days from receipt, pay into the bank account every sum received on behalf of the Industrial Organising Conference and shall not retain any sum in excess of £10 for current expenditure.

**13.** The Secretary shall at all times on demand produce and, if required, deliver up to any Officer of the Union nominated by the General Secretary, all monies, books, papers and documents of the Industrial Organising Conference and the Union held by the Secretary.

Officers  
Remuneration

**14.** The Officers of the Industrial Organising Conference shall receive such remuneration for their services as may be determined by the Industrial Organising Conference.

Common Property etc

**15.** The provisions of Rule 10, Clauses 28, 33 and, 34 shall apply to every Industrial Organising Conference and, for the purpose of such application, an Industrial Organising Grades Conference shall be deemed to be a Branch within the meaning of the Rule.

Non Interference

**16.** An Industrial Organising Conference shall not interfere in the affairs of the Annual General Meeting or other governing body of the Union or prejudice the right of Branches to nominate candidates or otherwise interfere in any Union election. Neither shall it interfere in the affairs of the annual meetings of the Trades Union Congress or the Scottish Trade Union Congress.

Liaison Committees

**17.** Each Industrial Organising Conference shall appoint a Liaison Committee of not more than six members representative of all the grades within the Conference to meet once during the year following Conference or at such other time as the National Executive Committee may decide with the appropriate representatives of the National Executive Committee and National Officers: the cost of any such meeting will be paid from the General Fund. Members of the Liaison Committee shall be paid expenses for authorised meetings in accordance with Rule 14, Clauses 26, 27, 29 & 30.

Biennial Maritime  
Industrial Organising  
Conference

**18.** There shall be a Maritime Industrial Organising Conference which shall be held biennially. The Biennial Conference shall be held at such place and time as may be determined by the National Executive Committee, and shall not exceed more than five days.

Delegates

**19.** The number of delegates which shall represent a Branch at the Biennial Conference or a Special Conference shall be determined by the National Executive Committee, in accordance with the number of members whose names are

entered in the Branch Electoral Register. General Grades Docks and Shipping members representation at the Conference shall be determined by the National Executive Committee.

- Election of Delegates **20.** The delegates to the Biennial Conference shall be elected in accordance with Rule 13, Clauses 1 and 2 and 60 to 76. Each delegate shall have only one vote on any issue before the meeting.
- Chairperson **21.** The delegates elected to the Biennial Conference shall elect one of their number as Chairperson of the Biennial Conference.
- Attendance of General Secretary **22.** The General Secretary shall attend and have the right to speak but not to vote at a Biennial or Special Conference.
- Resolutions **23.** No Branch shall submit more than three motions to a Biennial or Special Conference.
- Powers **24.** The Biennial Conference shall:
- (a) receive and discuss the report of activities submitted by the General Secretary on behalf of the National Executive Committee;
  - (b) discuss and decide upon the motions received from Shipping Grade Branches;
  - (c) refer its decisions to the Annual or Special General Meeting, the National Executive Committee or the General Secretary as may be appropriate
  - (d) appoint sub-committees when considered necessary.
- Decisions **25.** The decisions of the Biennial Conference shall not require the National Executive Committee, or any Official to act contrary to Union policy as determined or approved by its governing bodies.
- Costs and Expenses **26.** The cost of the Biennial Conference shall be a charge on the General Fund of the Union and the delegates attending shall be reimbursed in accordance with the provisions of Rule 14, Clauses 26, 27, 29 & 30.
- Special Conference **27.** A Special Maritime Industrial Organising Conference, delegates to which shall be elected in accordance with the Rules governing the election of delegates to the Biennial Grade Conference may, if absolutely necessary, be convened by the National Executive Committee. A Special Shipping Grade Conference shall only conduct the business stated on the notice convening the meeting.
- By-Laws, Dissolution etc **28.** Clauses 2 to 7 and 17 of this Rule shall also apply to the Biennial Maritime Industrial Organising Conference.

Biennial Offshore  
Industrial Organising  
Conference

- 29.** There shall be an Offshore Industrial Organising Conference which shall be held biennially. The Biennial Conference shall be held at such place and time as may be determined by the National Executive Committee, and shall not exceed five days.

## **RULE 12A**

### **NATIONAL EQUAL RIGHTS ADVISORY COMMITTEES/CONFERENCES**

Formation  
and Meetings

1. There shall be a National Women’s Advisory Committee, a National Black and Ethnic Minority Members Advisory Committee, a Lesbian, Gay, Bisexual and Transgender + Advisory Committee and a Disabled Members’ Advisory Committee. Each Committee will meet three times per year. Each Committee will advise the National Executive Committee and organise activities, which are in line with Union policy, on matters germane to that Committee.

Items Germane

2. The National Women’s Advisory Committee shall deal with items relating to women members, submitted by Branches and Regional Councils. The Committee must conform to Union policy and its reports shall be submitted via the General Secretary to the Equal Rights Sub-Committee.
3. The National Black and Ethnic Minority Members Advisory Committee shall deal with items relating to Black and Ethnic Minority members, submitted by Branches and Regional Councils. The Committee must conform to Union policy and its reports shall be submitted via the General Secretary to the Equal Rights Sub-Committee.
4. The Lesbian, Gay, Bisexual and Transgender + Advisory Committee shall deal with items relating to sexual orientation, submitted by Branches and Regional Councils. The Committee must conform to Union policy and its reports shall be submitted via the General Secretary to the Equal Rights Sub-Committee.
5. The Disabled Members’ Advisory Committee shall deal with items relating to disabled members, submitted by Branches and Regional Councils. The Committee must conform to Union policy and its reports shall be submitted via the General Secretary to the Equal Rights Sub-Committee.

Constitution,  
Secretarial Services  
etc

6. The General Secretary shall provide administrative services to each Committee. Each Committee shall adopt standing orders and a constitution, subject to these being approved by the General Secretary or the National Executive Committee and being strictly consistent with these rules.

Annual Conference

7. Each Committee shall also have an annual conference, which will deal with items germane to that group. The Conferences must conform to national policy as determined by the decisions of the Annual General Meeting or the National Executive Committee.

Powers

8. These Conferences shall not have any executive authority and shall not conduct negotiations with any employer or group of employers. Subject to the other provisions of these Rules, the

matters to be dealt with by each Conference will be determined by Branches and Regional Councils, who will be invited to submit resolutions for consideration.

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|--|---|
| Liaison Committees                           | <b>9.</b> Each Conference shall have a Liaison Committee elected at the Conference each year, comprising three members of the relevant advisory committee. Arrangements will also be made for one member of each Liaison Committee to Chair the respective Conference and Advisory Committee.   |
| Secretarial Services and Expenses            | <b>10.</b> The General Secretary shall provide secretarial services to each Conference and the expenses of the four Conferences will be met by Head Office.   |
| Delegates, Date & Venue of Annual Conference | <b>11.</b> Each Branch and Regional Council will be entitled to send women, black and ethnic minority, lesbian, gay, bisexual and transgender + and disabled members to each Conference respectively. The number of delegates to each Conference shall be determined by the National Executive Committee. The date and venue of each Conference will be fixed by Head Office following consultation with the Committee. |
| Dissolution etc                              | <b>12.</b> The provisions of Rule 12, Clauses 2, 7, 9, 15 and 16 shall apply to these Conferences, and for the purposes of such application, the Conferences shall be deemed to be Industrial Organising Conferences within the meaning of the Rule.  |

## **RULE 12B**

### **NATIONAL HEALTH & SAFETY ADVISORY CONFERENCE**

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|---|---|
| Formation and Meetings                  | <b>1.</b> There shall be a National Health & Safety Advisory Conference to meet annually and be organised by the General Secretary in liaison with the National Executive Committee.  |
| Funding                                 | <b>2.</b> The Conference will be funded by the Branch Management Fund and by Regional Councils with the exception of the cost of the venue, which will be met by Head Office.   |
| Delegates                               | <b>3.</b> Each Branch and Regional Council will be entitled to send delegates and also submit resolutions to the Conference.  |
| Resolutions                             | <b>4.</b> The Conference shall be eligible to submit two items germane to Conference and carried by the Conference for the agenda of the Annual General Meeting, subject to the provisions of Rule 3, Clause 6, if it so desires. Other decisions of the Conference shall be placed before the National Executive Committee for consideration, but the Conference shall have no governing or controlling power over any member, Branch, Regional Council or Official. |
| Advisory Committee Formation & Meetings | <b>5.</b> There shall also be a National Health & Safety Advisory Committee to meet three times per year to advise the National Executive Committee on matters germane to the Committee.  |
| Liaison Committee                       | <b>6.</b> The Conference shall have a Liaison Committee elected at the Conference, comprising three members of the Advisory Committee. Arrangements will also be made for one member of the Liaison Committee to chair the Conference.  |

## **RULE 12C**

### **NATIONAL RETIRED MEMBERS' ADVISORY CONFERENCE**

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|---------------------|---|
| Formation           | <b>1.</b> Retired Members' Branches can be set up where necessary and must be automatically affiliated to the appropriate Regional Council, without charge.   |
| Funding             | <b>2.</b> An amount of money, to be determined from time to time by the National Executive Committee, shall be given to each Retired Members' Branch by the appropriate Regional Council each year.   |
| Items Germane       | <b>3.</b> Retired Members' Branches can only discuss issues that directly affect pensioners and assist with recruitment and retention.  |
| Advisory Conference | <b>4.</b> There will be an annual National Retired Members' Advisory Conference consisting of a maximum of four delegates per Region. There will be a National Advisory Conference Committee consisting of two delegates per Region, which will meet twice a year. Head Office will meet delegates' legitimate travel and subsistence expenses. |
| Resolutions to AGM  | <b>5.</b> The National Retired Members' Advisory Conference is entitled to submit two resolutions to the Annual General Meetings. These resolutions must deal with issues that directly affect pensioners. Two representatives of the Advisory Conference may attend the Annual General Meeting to move the resolutions.                        |
| Dissolution etc.    | <b>6.</b> The provisions of Rule 12, Clauses 2, 7, 9, 15 and 16 shall apply to this Advisory Conference and, for the purposes of such application, the Advisory Conference shall be deemed to be an Industrial Organising Conference within the meaning of the Rule.  |

## **RULE 12D**

### **YOUNG MEMBERS' ADVISORY & NATIONAL CONFERENCE**

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|---------------------------------|-----------|---|
| Formation and Meetings          | <b>1.</b> | There shall be a Young Members' Advisory Committee. The Committee shall meet three times a year to advise the National Executive Committee on matters germane to this Committee. The upper age limit for the Committee shall be 30 years at the start date of the annual RMT Young Members' National Conference.                                    |
| Items Germane                   | <b>2.</b> | The Young Members' Advisory Committee shall deal with items relating to young members, submitted by Branches and Regional Councils. The Committee will not seek to determine Union policy and its reports shall be submitted via the General Secretary to the Organisation, Training & Education Sub-Committee.                                     |
| Constitution, Secretarial       | <b>3.</b> | The General Secretary shall provide secretarial services to the Committee. The Committee shall have their Standing Orders, Constitution and basis of representation determined by the National Executive Committee.   |
| Annual Conference               | <b>4.</b> | The Committee shall have an annual Advisory Conference, which will deal with items germane to young members. The Conference shall conform to national policy as determined by the decisions of the Annual General Meeting or the National Executive Committee.  |
| Powers                          | <b>5.</b> | The Conference shall not have any executive authority and shall not conduct negotiations with any employer or group of employers. Subject to the other provisions of these Rules, the matters to be dealt with by the Conference will be determined by Branches and Regional Councils, who will be invited to submit resolutions for consideration. |
| Liaison Committee               | <b>6.</b> | The Conference shall have a Liaison Committee, elected at the Conference each year. A member of the Liaison Committee shall chair the Conference.   |
| Secretarial Services & Expenses | <b>7.</b> | The General Secretary shall provide secretarial services for the Conference and Head Office will meet the expenses of Conference.   |
| Dissolution etc.                | <b>8.</b> | The provisions of Rule 12, Clauses 2, 7, 9, 15 and 16 shall apply to this Conference, and for the purposes of such application, the Conference shall be deemed to be an Industrial Organising Conference within the meaning of the Rule.  |



## **RULE 12E**

### **NATIONAL UNION EDUCATION ADVISORY CONFERENCE**

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|---|---|
| Formation and Meetings                    | <b>1.</b> There shall be a National Union Education Advisory Conference to meet annually and be organised by the General Secretary in liaison with the National Executive Committee.  |
| Funding                                   | <b>2.</b> The Conference will be funded by the Branch Management Fund and by Regional Councils with the exception of the cost of the venue, which will be met by Head Office.   |
| Delegates                                 | <b>3.</b> Each Branch and Regional Council will be entitled to send delegates and also submit resolutions to the Conference.  |
| Resolutions                               | <b>4.</b> The Conference shall be eligible to submit two items germane to Conference and carried by the Conference for the agenda of the Annual General Meeting, subject to the provisions of Rule 3, Clause 6, if it so desires. Other decisions of the Conference shall be placed before the National Executive Committee for consideration, but the Conference shall have no governing or controlling power over any member, Branch, Regional Council or Official. |
| Advisory Committee Formation and Meetings | <b>5.</b> There shall also be a National Union Education Advisory Committee to meet twice per year to advise the National Executive Committee on matters germane to the Committee.  |
| Liaison Committee                         | <b>6.</b> The Conference shall have a Liaison Committee elected at the Conference, comprising three members of the Advisory Committee. Arrangements will also be made for one member of the Liaison Committee to chair the Conference.  |

## **RULE 13**

### **BALLOT AND ELECTION PROCEDURES**

Voting System

**1.** In these Rules the single transferable vote system means:

(a) when the names of two or more candidates are printed on a ballot paper each voter shall be entitled to vote for all of the candidates in the order of preference. That is to say by placing the figure 1 against the first choice of candidate then voting for the remaining candidates in descending order (2, 3, 4, etc.);

(b) when the returned votes are first counted by the appointed returning officer, the candidate receiving more than half the valid votes, i.e. an absolute majority, shall be declared elected;

(c) if no candidate receives an absolute majority, the appointed returning officer shall eliminate the candidate receiving the lowest number of votes and shall distribute those votes among the remaining candidates according to the preferences marked on the ballot papers credited to the eliminated candidate;

(d) The process of eliminating the lowest candidates in succession and transferring their votes as described shall continue until either:

(i) one of the candidates receives an absolute majority of all the valid votes received, or

(ii) one candidate is credited with receiving more than the combined votes of all the other candidates.

Tied Vote

(e) If at the final stage of the count the remaining candidates have the same number of votes, there shall be a re-run of the election between the tied candidates.

Independent Scrutineer

**2.** In this Rule an election conducted as described in Clause 1 of this Rule is an election in which the votes cast may be counted by an independent scrutineer.

Eligibility to Vote

**3.** All members of the Union are eligible to vote in any of the elections to which the provisions of this Rule refer except:

(i) persons who are not employed as defined in Rule 2, Clause 1;

(ii) persons who are in arrears with contributions as defined in Rule 2, Clause 21, and

(iii) persons who are retired members as defined by Rule 2, 1(e).

- Eligibility for Nomination
4. A person cannot be nominated for any office in the Union unless they are in Membership as defined by Rule 2 Clause 1.
- Election Circulars
5. A Branch may issue election circulars on behalf of any candidate nominated by the Branch. Any such circular must bear the signatures of the candidate and at least two Branch Officers. It must also bear the date on which it was signed.
6. Election circulars will be issued from Head Office in the following elections for the President, the General Secretary, the Assistant General Secretaries, National Secretary, Assistant National Secretary, the National Executive Committee and the Regional Organisers. Two draft copies of any election circular must be received by the General Secretary within 30 days from the date of the Head Office circular inviting Branches to nominate candidates.
- Authorisation
7. Two draft copies of election circulars for all other elections shall only be authorised by the General Secretary or the National Executive Committee 14 days after the date of the Head Office circular inviting Branches to nominate.
8. Should a candidate's nomination be received at Head Office after the period set for Branches to submit circulars has expired, then any election circular received on behalf of that candidate shall not be issued.
- Composition
9. A member, candidate or Branch responsible for the composition of any election circulars shall ensure that, while it may raise debate on policy for the Union, this being wholly correct in the conduct of free and democratic elections:
- (a) it does not advocate fascist or racist views or in any way contravenes this Union's policies against discrimination on the grounds of sex, race, ethnic origin, religion or sexual orientation;
- (b) it is neither libellous nor impugns the good name of the Union or its members;
- (c) it is circulated solely within the Union for use of members only and is regarded as private and confidential and is not published or otherwise disclosed outside the Union.
- Decline to Authorise
10. Should the General Secretary decline, on behalf of the Union, to authorise the publication of any circular, or any part thereof, on the basis of the criteria set out in Clause 9, the decision shall be conveyed to the Branch, or member concerned. The Branch or member shall have the right to amend the circular. In the event that the Branch or member remains dissatisfied with the General Secretary's decision they shall have the right of complaint to the National Executive Committee. In the event that the National Executive Committee upholds the complaint then the full rights of the Branch or member in the election process will be fully upheld whether by extending the timetable

of the election or by it being re-run. Should the National Executive Committee uphold the General Secretary's decision, a full written explanation for the refusal shall be given to the Branch or the member concerned.

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|----------------------------------|---|
| Election Addresses               | <b>11.</b> Candidates in any election for the President, the General Secretary, the Assistant General Secretaries, National Secretary, Assistant National Secretary, Regional Organiser or membership of the National Executive Committee may prepare an election address in their own words containing not more than 300 words for distribution to those entitled to vote in the election concerned. An election address must reach Head Office not later than 8 weeks after the despatch of the circular inviting Branches to submit nominations to be included with the ballot paper sent to voters in the election, otherwise it will not be distributed. |
| Issue and Content                | <b>12.</b> An election address or an election circular will not be issued unless the nomination of the candidate to which it refers has been received at Head Office and found to comply with the Union's Rules.  |
| No Photographs                   | <b>13.</b> Photographs of candidates will not be permitted on election circulars or addresses.  |
| Ballot Papers - Issue            | <b>14.</b> The General Secretary shall ensure that a ballot paper containing the names of all eligible candidates and the method of voting as defined in Clause 1 of this Rule, together with any election address on behalf of any of the candidates, and the address to which the ballot paper must be returned together with the closing date, is distributed to those members entitled to vote in any given election, the cost of which will be borne by the General Fund.  |
| Nomination Period                | <b>15.</b> A period of eight weeks, from the date of despatch at Head Office of the circular inviting nominations, shall be given in order that Branches may nominate candidates in any election held to elect the President, members of the National Executive Committee or a full-time elected official of the Union.   |
| Election of Delegates to the AGM | <b>16.</b> Delegates to the Annual General Meeting shall be elected annually by ballot, as described in Clauses 1 and 2 of the Rule. Branches shall be grouped together in Areas (General Grades) as per Regional Council Areas and Regions (Shipping Grades plus a Shipping & Offshore Grades Region consisting of all Members working in the offshore energy sector). Each Area/Region's delegate entitlement shall be one delegate per 1,300 members or part thereof. This calculation shall be made annually at the time nominations are sought, and shall be on the basis of the number of members per Area/Region on 31st December the previous year.   |
| Eligibility                      | <b>17.</b> Delegates shall be eligible for re-election but shall not attend more than three successive Annual General Meetings. Delegates who have attended three successive Annual   |

General Meetings shall not be eligible for re-election for a period of three years. Each Branch shall have the right to nominate one candidate for election by the electoral area to which it belongs. Only one member of a Branch can attend an Annual or Special General Meeting as a delegate.

- 18.** (a) No member shall be eligible for election, or to serve as a delegate to the Annual General Meeting, unless the member has not less than three consecutive years' membership of the Union by the 31st December in the year such delegate is elected, and shall be and continue to be employed as defined in Rule 2, Clause 1(a) (b) and (c).

(b) If there is a vacancy no more than 21 days before an AGM/SGM, then the position will remain vacant.

- 19.** Should a delegate cease to be employed (as defined in Rule 2, Clause 1(a) (b) and (c)) that member shall be ineligible to continue as a delegate unless the member's employment was terminated as a result of redundancy and the member had no alternative but to be dealt with under resettlement arrangements. In the latter circumstances a member shall be eligible to continue as a delegate for a period of twelve weeks after employment is terminated.

Unable to Perform Duties

- 20.** If for any reason a delegate is unable to perform their duties as a delegate, their place shall be filled by the member who received the largest number of votes in a re-count of the ballot papers in the group in which the vacancy occurs.

National Executive Committee Members

- 21.** A member of the National Executive Committee shall not be eligible to be elected to serve as a delegate to the Annual General Meeting unless a minimum period of 12 months has elapsed from the last day of being a member of the National Executive Committee.

Appeals Court Period of Office

- 22.** Members of the Appeals Court shall be elected to serve for a three year term of office, one member each year.

Method of Election

- 23.** Members of the Appeals Court shall be elected by ballot of the A.G.M. Delegates as defined in Clauses 1 and 2 of this Rule following nomination of candidates by the Union's Branches. Any Branch of the Union may nominate one eligible candidate for election to the Appeals Court.

Eligibility

- 24.** Any candidate in such an election shall:
- (a) be and continue to be employed as required by Rule 2, Clause 1(a), (b) and (c);
- (b) have been a member of the Union for a period of five consecutive years by 31st December in the year such member is elected;
- (c) if a member of the Shipping Grades, have three

consecutive years' membership of the Union, have five years' Sea Service, have been employed as defined within Rule 1, Clause 6 (a) and (b) for "Shipping" members for at least six weeks during the twelve months preceding the closing date for the receipt of nominations and be paid up to date with membership contributions.

(d) not be a member of the National Executive Committee.

- 25.** Retiring members shall not be eligible for nomination to the Appeals Court for a period of one year from the date of retirement.
- 26.** A member of the National Executive Committee shall not be eligible to be elected as an Appeals Court member unless a minimum of 12 months has elapsed from the last day of being a member of the National Executive Committee.
- 27.** Should an Appeals Court member cease to be employed as defined in Rule 2, Clause 1(a), (b) and (c), that member shall be ineligible to continue as an Appeals Court member.
- 28.** If for any reason an Appeals Court member is unable to perform their duties as an Appeals Court member, their place shall be filled by the member who received the largest number of votes in a re-count of the ballot papers in the seat in which the vacancy occurs.
- 29.** For the purpose of electing members of the General Grades of the National Executive Committee, there shall be twelve Electoral Regions. The twelve seats to be elected from all General Grades members within the Electoral Regions are as follows.
- 1 Scotland
  - 2 Manchester & North West of England
  - 3 North West & North Wales
  - 4 North East
  - 5 Yorkshire & Lincolnshire
  - 6 Midlands
  - 7 South Wales & West
  - 8 South West
  - 9 South East
  - 10 London & Anglia
  - 11 London Transport
  - 12 Wessex
- For the purpose of electing members of the Maritime Grades of the National Executive Committee there shall be four Electoral Regions. The four seats to be elected from all Maritime Grades with the Electoral Regions as follows:
- M1 South
  - M2 Central
  - M3 North

M4 Offshore

Election Rotation **30.** Candidates will be chosen triennially from the Electoral Regions. The system of rotation shall be:

**Rotation Cycle 1**

Electoral Region 1 Scotland  
Electoral Region 2 Manchester & North West of England  
Electoral Region 3 North Wales & North West  
Electoral Region 9 South East  
Electoral Region 10 London & Anglia  
Electoral Region M2 Central

**Rotation Cycle 2**

Electoral Region 4 North East  
Electoral Region 5 Yorkshire & Lincolnshire  
Electoral Region 7 South Wales & West  
Electoral Region 8 South West  
Electoral Region M1 South

**Rotation Cycle 3**

Electoral Region 6 Midlands  
Electoral Region 11 London Transport  
Electoral Region 12 Wessex  
Electoral Region M3 North  
Electoral Region M4 Offshore

Method of Election **31.** The election of a member to the National Executive Committee shall be conducted as described in Clauses 1 and 2 of this Rule.

Nomination **32.** A candidate must have been a member of the Union for five consecutive years by the 31st December in the year in which the election takes place, and shall continue to be employed as defined in Rule 2, Clause 1 (a) (b) and (c).

**33.** In order to be nominated as a candidate for election to the National Executive Committee a member must receive at least one valid nomination. For a nomination to be valid it must be agreed to at a meeting of:

(a) the Branch of which the candidate is a member, or

(b) another Branch in the same Electoral Region.

The nominated candidate shall countersign one nomination form due to be completed on behalf of the Branch submitting the nomination provided in each case that a majority of members present at the Branch meeting vote in favour of the nominee.

- 34.** Subject to Clause 35 of this Rule, if a Branch has nominated a successful candidate for the National Executive Committee, that Branch, and the candidate's Branch, shall not be entitled to nominate a member, neither shall the candidate be eligible for re-election for a period of three years from the end of the first candidate's period of office. Nothing shall prevent a Branch from submitting a supporting nomination for a candidate of another Branch as long as the candidate is a member of the same Electoral Region. Other than as a result of a National Executive Committee decision to change a member's Branch, should a member transfer from the Branch of the current National Executive Committee member to another Branch in the same constituency, within the three year period prior to the commencement date of the period of office of the National Executive Committee, they will not be eligible to stand for office.
- Casual Vacancy **35.** However, where a member of the National Executive Committee serves as a representative for less than two years whether elected in the original election or by reason of being elected to fill a casual vacancy, the representative's Branch shall be entitled to nominate a candidate for the next election.
- Non-Eligibility **36.** A delegate to the Annual General Meeting, or a member of the Appeals Court, or an Elected Trustee, or the holder of a position within any recognised Machinery of Negotiation to which the Union is party, shall not be eligible to be a member of the National Executive Committee unless the member concerned resigns from that latter position when elected to the National Executive Committee.
- Period of Office **37.** The candidate receiving the largest number of votes in each Electoral Region shall be declared elected. They shall hold office for the ensuing three years and subject to Clause 35 of this Rule, they shall not be eligible to be nominated for re-election to the National Executive Committee for a further three years.
- Dissatisfaction with Member Should 2/3rds of the Branches in an Electoral Region be dissatisfied with a representative they shall have the right to demand a vote of the members represented by that representative at the end of each year.
- Cease to be Employed **38.** Should a member cease to be employed for a period of three calendar months, as required by Rule 2, Clause 1(a), (b) and (c), that member shall be ineligible to continue as a member of the National Executive Committee.
- Vacancy **39.** An election, conducted in accordance with the provision of this Rule, shall be held should a member of the National Executive Committee, for whatever reason, retire from office before the period of office has expired.
- President Method of Election **40.** The Election of the President of the Union shall be conducted as described in Clauses 1 and 2 of this Rule.



- Nomination **41.** Each Branch of the Union shall have the right to nominate a candidate for the office of President. A candidate must, on the closing date for the nominations in accordance with Clause 15 of this Rule, be employed as defined in Rule 2, Clause 1(a) (b) and (c), be a member of the Union with a minimum of five consecutive years' membership and continue to remain a member of the Union.
- Triennial Election **42.** The President shall be elected for a three year term and shall take office from the 1st January in the year following election.
- Outgoing President **43.** An outgoing President who has been in office for three years in succession shall not be eligible for re-election to that position or to that of an elected member of the National Executive Committee unless a period of at least three years has elapsed from the last day of office.
- Vacancy **44.** Should the office of President become vacant before the expiration of the office holder's term of office, the National Executive Committee shall determine the procedure to be followed for the election of a successor who shall serve for the remainder of the period of office.
- General Secretary  
Method of Election **45.** The election of the General Secretary shall be conducted as described in Clauses 1 and 2 of this Rule. Each Branch of the Union shall have the right to nominate a candidate for the office of General Secretary.
- Nominations **46.** Each candidate must be and remain a member of the Union and have at least ten consecutive years' membership by the closing date for nominations in accordance with Clause 15 of this Rule. A candidate must be nominated by at least ten Branches.
- Ability to Perform  
Duties **47.** A candidate in this election must have a thorough knowledge of the Union and all aspects of transport work, and shall be competent to discharge all duties assigned under these Rules by the Union's governing bodies.
- Period of Office **48.** The candidate who is declared elected shall hold office for five years commencing from the date of election, and subject to the provisions of these Rules shall be eligible for re-election.
- Assistant General  
Secretaries Method of  
Election **49.** An election for the position of Assistant General Secretary shall be conducted in accordance with the Rules governing the election of a General Secretary.
- National Secretary  
and Assistant National  
Secretary Method of  
Election **50.** Elections for the positions of National Secretary and Assistant National Secretary shall be conducted as described in Clauses 1 and 2 of this Rule but be confined to the individual vote of the Shipping & Offshore members within the Maritime Grades subject to fulfilling Sub-Clauses 3(i), 3(ii) and 3(iii) of this Rule.

- Nomination **51.** Each Shipping & Offshore Grades Branch of the Union shall have the right to nominate a candidate for the office of National Secretary and Assistant National Secretary.
- Eligibility **52.** At the time of nomination a candidate must have been a member of the Union and have been so for at least seven consecutive years as of the closing date determined in accordance with Clause 15 of this Rule. The candidate who is elected to office shall remain a member of the Union.
- 53.** Candidates shall be a Shipping or Offshore member of the Maritime Grades and must be nominated by at least two Branches from the Shipping & Offshore Grades.
- Period of Office **54.** The period of office shall be for five years. Subject to the provisions of the Rules, the office holders shall be eligible for re-election.
- Regional Organiser Method of Election **55.** Elections for the positions of Regional Organiser and Relief Regional Organiser shall be conducted as described in Clauses 1 and 2 of this Rule by the individual vote of members.
- Nominations **56.** Each Branch of the Union shall have the right to nominate a candidate for the office of Regional Organiser and Relief Regional Organiser. Candidates may only stand in one of these elections at a time.
- 57.** At the time of nomination a candidate must be a member of the Union and have been so for at least seven consecutive years as of the closing date determined in accordance with Clause 15 of this Rule. The candidate who is elected to office shall remain a member of the Union.
- 58.** Candidates must be nominated by at least two Branches.
- Period of Office **59.** The period of office shall be for five years. Subject to the provisions of the Rules, the office holders shall be eligible for re-election.
- Maritime Grades Elections **60.** The elections to which Clauses 61 to 77 of this Rule apply shall be those held to elect members of the Maritime Grades as:
- (a) Branch delegates to Annual or Special General Meetings elected on the basis of 1 per 1,300 or part thereof based on the Regions, elected as described in Clauses 1 and 2 of this Rule;
- (b) Representatives of Maritime Branches to the Biennial Maritime Shipping and Biennial Offshore Industrial Organising Conferences, elected as described in Clause 1 of this Rule;
- (c) and to such other Elections or Ballots as may be approved by the National Executive Committee.

- Grouping of Branches **61.** The National Executive Committee shall have power to group Maritime Grades Branches into such number of Electoral Regions as may from time to time be deemed appropriate. The National Executive Committee shall also have power to determine if an election within an Electoral Region is to be conducted on the basis of a general vote of all the members in the Region or alternately that separate elections shall be conducted in respect of members in that Region who are also members of either the Deck, Engine Room or Catering Departments as defined in Clause 66 of this rule.
- Election and Balloting Arrangements **62.** The National Executive Committee shall have power to determine the arrangements and procedures by which any ballot or election authorised by these Rules is conducted. Any decisions taken by the National Executive Committee by virtue of Clauses 60 and 61 of this Rule shall be communicated to members by the General Secretary in a circular and other appropriate means.
- Registration of Members **63.** In order that Shipping & Offshore members of the Maritime Grades may participate in any of the Elections referred to in Clause 60 of this Rule they shall be registered for voting purposes at a Branch of their choice on their being enrolled into the Union.
- 64.** Should it be the case that a member has not so registered, the General Secretary shall ensure that registration at the Branch at which the member was originally enrolled as a member of the Union, subject to the member's right to request that registration be transferred to another Branch.
- 65.** A member shall, when becoming entitled to vote, nominate a Branch for voting purposes on local questions, and such nomination shall be notified to the General Secretary for registration.
- Electoral Department **66.** At the time of registration for voting purposes a member shall be considered to be employed on board ships or in the offshore energy industry. The name of the relevant Department shall also be recorded.

In this Rule "Department" means:

(a) members of the Deck Department shall comprise those members of the Union employed as divers, seamen grade 1A and related grades in the Deck Department in ships, tugs and/or in offshore oil and gas units;

(b) members of the Engine Department shall comprise those members of the Union employed as Motor Men Grade 1 and related Grades employed in the Engine Room Department in ships, tugs and/or in offshore oil or gas units;

(c) members of the Catering Department shall comprise those members of the Union employed as stewards, cooks or

passenger service personnel and related grades employed in the catering department in ships, tugs and/or in offshore oil or gas units;

(d) members employed as port or dock workers or as general purpose ratings other than those graded as general purpose stewards/catering ratings shall be deemed to be members of the Deck Department.

**67.** In the event of a dispute arising as to the Department to which a member or group of members belong, this dispute shall be referred to the National Executive Committee, whose decision shall be final.

**68.** A member shall not be registered at more than one Branch in pursuance of this Rule.

**69.** A member may transfer registration to another Maritime Grades Branch by giving four weeks' notice, in writing, to the General Secretary.

Eligibility as a Candidate

**70.** A member shall be eligible to be nominated as a candidate in any of the elections referred to in Clause 60 of this Rule provided the member has three continuous years' membership of the Union, and has five years' sea service, has been employed as defined within Rule 1, Clause 6 (a) and (b) for "Shipping" members for at least six weeks during the twelve months preceding nomination and is paid up to date with membership contributions

Nomination

**71.** A member who is a candidate in any ballot held to elect a Maritime member in any election authorised by the Union's Rules shall either:

(a) be moved and seconded at a Maritime Branch meeting by two members who are registered members of the Branch, or

(b) be the subject of a written nomination to a Maritime Branch in which case the written nomination shall confirm that the candidate has been moved and seconded by two members who are registered at the Maritime Branch to which the nomination is addressed.

**72.** No member shall be party to more than one nomination, as a mover or seconder. All candidates, their movers and their seconders, shall be members whose names are included on the electoral registers of the Maritime Branches within the Electoral Region concerned.

**73.** A written nomination shall supply the following information with respect to each candidate; the proposer and seconder; full name, address and joining date, Union number, clearance date, details of sea service. Each nomination shall be delivered to the Branch Secretary no later than five working days before the date fixed for the final acceptance of the nomination.

**74.** When the time for nominations has expired, the Branch Secretary shall forward names of the nominees to the General Secretary, who shall ensure that the names of the candidates nominated are printed on ballot papers for each separate Electoral Region, and that the ballot papers are sent to members entitled to vote in the election.

Vacancy

**75.** The General Secretary shall arrange for an Election to be held if notified that a Maritime Grade member of the National Executive Committee has ceased to hold office before the three years term of office has ended, provided that the General Secretary is so notified not less than twelve months before the term of office was due to conclude.

**76.** Any such by-election shall be conducted by a ballot of the members in the department or departments concerned and who are registered for voting purposes at Branches in the Electoral Region which elected the member whose retirement from the National Executive Committee resulted in the vacancy being created.

Election of Offshore  
Grade Member

**77.** The member elected to represent Offshore Grade Members on the National Executive Committee, shall be elected by a Branch or Branches established by the National Executive Committee principally in respect of Offshore Energy Members.

## **RULE 14**

### **THE UNION FUNDS**

- |                                       |   |
|---------------------------------------|---|
| Trustee Committee Composition         | <b>1.</b> There shall be a Trustee Committee consisting of three Elected Trustees, and the Senior Assistant General Secretary. The Committee shall act under the direction of the National Executive Committee.   |
| Duties                                | <b>2.</b> The Trustee Committee shall:-<br><br>(a) give effect to any decision or instruction issued by the Annual General Meeting, or the National Executive Committee, with regard to the Union's investments or the disbursement of monies, and<br><br>(b) supervise the Union's income and expenditure and otherwise ensure that the funds are applied and administered in accordance with the Union's Rules. |
| Electoral Trustees Method of Election | <b>3.</b> The Elected members shall be elected by the Annual General Meeting delegates by ballot as defined in Rule 13, Clause 1. Where practicable, the ballot will take place at the Annual General Meeting. Any candidate in such an election shall:   |
| Eligibility                           | (a) be, and continue to be, employed as required by Rule 2, Clause 1(a) (b) and (c);<br><br>(b) have been a member of the Union for at least ten consecutive years by the closing date for nominations;<br><br>(c) not be a member of the National Executive Committee or a delegate to the Annual General Meeting.   |
| Nominations                           | <b>4.</b> Any Branch of the Union may nominate a candidate for the position of Elected Trustee. Nominations must reach Head Office by the closing date stipulated in the circular inviting nominations. In instances where a ballot will take place at the Annual General Meeting, a list of the candidates shall be published in the Agenda for the Annual General Meeting.                                      |
| Attendance at AGM or SGM              | <b>5.</b> The Elected Trustees shall nominate one of their number, who shall not have the right to vote, to attend Annual and Special General Meetings on their behalf.   |
| Period of Office                      | <b>6.</b> An Elected Trustee shall cease to hold office on ceasing to be a member of the Union, or when so decided by an Annual General Meeting.  |
| Honorarium                            | <b>7.</b> In consideration of their services the Elected members shall each be paid an honorarium of £50 annually and such expenses as they may be entitled to claim in accordance with Clauses 26, 27, 29 & 30 of this Rule.   |

8. Notwithstanding anything to the contrary contained within this Rule, the three Elected members of the former Trustee Company elected in accordance with the Rules of the National Union of Railwaymen shall be deemed to be Trustees appointed in accordance with the provisions of this Rule until such time as any of their offices is vacated at which time it shall be filled in accordance with the provisions of this Rule.
- Income and Expenditure
9. Each Branch shall, within 21 days after the close of each half year, remit to Head Office the balance of contributions received from each member, less any deductions authorised by Rule 10, Clauses 17 and 21 which monies shall be allocated as follows:
- (a) with the exception of Political Fund contributions, all of the sum remitted shall be credited to the General Fund or other appropriate Fund;
- (b) in the case of members who contribute to the Political Fund all such monies contributed shall be credited to the Political Fund.
- General Fund
10. The General Fund shall be utilised for the payment of the Union's expenses (other than expenses chargeable to the Political Fund), including contributions, payments, transfers of money or funds authorised by the Rules and the provision of benefits (and, if necessary, in the opinion of the National Executive Committee, Orphan Fund Benefit).
- Authorised Expenditure
11. Every expenditure authorised under the Union's Rules or by resolution of the Annual General Meeting, or the National Executive Committee, shall be a sufficient warrant to the Trustees to issue cheques, but the Trustee Committee shall ensure that all such expenditure has been properly applied and shall from time to time examine the securities and invested funds to ensure their safe deposit.
- Investment Expenditure
- Regards any movement of investment expenditure or sale of property, the signatures of the General Secretary (or, in his absence, the Senior Assistant General Secretary), the President and a member of the Trustee Committee are required to validate any sale.
- Bank Withdrawals
12. All withdrawals from the bank shall be made by cheque, signed in such manner as the Trustee Committee shall from time to time, by resolution, determine in accordance with the directions received from the National Executive Committee.
- Investments
13. The Trustee Committee shall have power to authorise investment of any Union monies in their custody in:
- (i) any stock, share, bond, mortgage or other security quoted on a recognised stock exchange, or in

(ii) any freehold, leasehold or other interest in land and buildings, or in

(iii) any stock, fund or security upon which trust monies may be legally invested.

**14.** The Trustee Committee may enter into any stipulations, upon or after taking any security, to the effect that the principal monies secured, or part thereof, or such principal monies and the interest thereon shall be paid by installments extending over any period which the Trustee Committee thinks fit or shall not be called in during any such period, subject to such conditions as may be determined by the Trustee Committee.

**15.** On taking a security upon any hereditaments the Trustee Committee may, and notwithstanding any rule or statute limiting the amount to be advanced by the Trustee Committee, advance to an employee of the Union any sum not exceeding 95% of the value of the hereditaments at the time of making such advance, such value to be ascertained by the valuation of a surveyor. There shall be a ceiling figure for the sum which may be advanced to an individual, which amount shall be fixed by the Trustee Committee from time to time.

**16.** The Trustee Committee may vary or transfer any investments held by them into, or for, any other or others of the nature authorised, and may also, if necessary, obtain a temporary loan from the Union's bankers on the security of the Union's investment.

**17.** The several powers of these Clauses shall be exercised subject to such regulations as may from time to time be made in relation thereto by the Annual General Meeting or the National Executive Committee.

Financial Statement

**18.** The General Secretary shall ensure that an annual Financial Statement is prepared in which is given a detailed account of all the Union's investments, including income from dividends and interest earned.

Other Funds

**19.** In addition to the General Fund there shall be the following funds:

Orphan

(a) the Orphan Fund, supported as provided for in Rule 21;

Political

(b) the Political Fund, supported as provided for in Rule 23.

Superannuation Funds

**20.** The Union's Superannuation Funds shall be supported by contributions made from Union Funds in such manner and such amount as may be determined by any relevant agreements entered into by the Union. Such contributions and any supplementary payments shall be made from such Fund as may be determined by the National Executive Committee.



- Deficiency in Funds      **21.** If at any time there should be a deficiency in the Funds of any one or more of the Special Funds in these Rules referred to (other than the Political Fund), having regard to the claims upon that Fund, the National Executive Committee may resort to the General Fund or any other Special Fund to meet such deficiency, and may direct any portion of such other fund or funds to be transferred to such deficient fund for the purpose.
- Statement and Audits      **22.** A statement shall be presented regularly to the Trustee Committee showing the amount received into the Union's Funds since the preceding meeting, the amounts deposited or withdrawn from the bank, the balance at the bankers and at Head Office, and a list of all claims awaiting payment. These statements shall be filed and recorded.
- Officers Cash Books      **23.** The Trustee Committee is empowered to examine the cash books kept by the General Secretary and the Assistant General Secretaries who shall render an account of all monies entrusted to them.
- Yearly Audit Report to AGM      **24.** The accounts of the Union shall be audited each year by a firm of Chartered Accountants to whom the General Secretary shall produce all relevant books and documents required or requested in order to ensure a complete examination of the Union's accounts. The Accountant shall prepare an annual report for submission to the Annual General Meeting.
- Legal Proceedings      **25.** All monies received from the members of the Union, whether for contributions or otherwise, shall be applied only in the manner prescribed in these Rules. The General Secretary shall have power to institute legal proceedings for the recovery of the Union's funds and to secure the punishment of any person or persons who received Union funds by imposition or who, contrary to these Rules, misapplied or withheld such funds.
- Delegates and Committee Members Expenses      **26.** Delegates and Committee members appointed to attend Conferences sanctioned by the National Executive Committee shall receive expenses on the basis of a daily attendance rate plus a subsistence allowance for travelling and lodging allowance when required to lodge or, at the discretion of the General Secretary, at rates agreed from time to time by the National Executive Committee.
- Travel Expenses      **27.** Where free travel is not provided, representatives shall be reimbursed for their actual expenditure on fares. When circumstances necessitate, travel by air or sea may be authorised by the General Secretary. Under special circumstances and, only when authorised by the General Secretary beforehand, payment for standard class sleeping accommodation may be allowed, but special circumstances shall not include ordinary weekend travel to and from home.

Representatives  
Within Recognised  
Machinery

**28.** Representatives of bodies in recognised Machineries of Negotiation shall receive reimbursement of any lost earnings plus a subsistence allowance for travelling, and lodging allowance when required to lodge. Secretaries of bodies in recognised Machineries of Negotiation shall receive payment as agreed by the National Executive Committee from time to time for each days work performed in their homes. The number of days allowed for such work shall be determined at the discretion of the General Secretary.

Deduction of Payment  
by Employer

**29.** If an employer makes payment when travelling or lodging, the amount so paid shall be deducted from the claim.

Meeting Times

**30.** The actual times of the commencement and the termination of the meeting must be shown when claims are submitted. Payment will not be made unless full and correct details of the claim are given on the claim application form.

Exceptional Cases

**31.** The General Secretary shall delegate to the Senior Assistant General Secretary the responsibility for dealing with all exceptional cases involving hardship (including fog, breakdown, etc., resulting in delay), in accordance with the circumstances arising. The Senior Assistant General Secretary shall also be responsible for checking and signing vouchers, and for all questions of interpretation arising there from, including definition of "suitable trains" or other means of transport.

## **RULE 15**

### **LEGAL ASSISTANCE**

Institution of Legal Proceedings

- 1.** Legal proceedings may be instituted at the discretion of the National Executive Committee should any member:
  - (a) be prosecuted or be taken into custody for an offence or offences alleged to have been committed in the execution of duty;
  - (b) be unjustly dismissed from employment with or without forfeiture of wages;
  - (c) be in any way illegally dealt with by the employer or their agents in connection with the execution of duty;
  - (d) have withheld any monies to which entitled, or to obtaining any just claim from the employer;
  - (e) need protection, or to establish a defence of reputation or character, in matters relating to employment;
  - (f) need to obtain damages or compensation for personal injuries sustained at work.

Road or Rail Accidents

- 2.** Should any member be injured when proceeding to or from home or abode to work or in any road or rail accident, there shall be entitlement to legal assistance and legal proceedings may be instituted on such member's behalf, or in the event of the death of a member, in the interests of any dependents, for the obtaining of damages or compensation for personal injuries, damage or loss sustained by the member or dependents.

Legal Assistance

- 3.** A member desirous of obtaining the benefit of legal assistance shall communicate with the Branch Secretary, who will make application to Head Office for the grant of benefit, and supply all such particulars and information as may be required by the Head Office.

Employment of a Solicitor

- 4.** The National Executive Committee or, in the intervals between meetings of that body, the General Secretary, may authorise the employment of a solicitor or place the case in the hands of the Union's solicitors to act on behalf of the member concerned. The National Executive Committee or the General Secretary may, before giving authority for proceedings, take legal opinion upon the case, and act upon such opinion. The member must also accept the legal advice, subject to the rules. The Union will withdraw legal assistance where external legal advice is being given or used.

Agreement to Engage Legal Representation

- 5.** Agreement must be sought from Head Office to engage legal

representation to attend an inquest in which a member is concerned, or to defend a member against proceedings being taken, if the case is connected with employment and is covered by Clause 1 of this Rule.

Report to HO

A full report shall be forwarded to Head Office immediately before further action or expense is considered.

Assistance Not  
Granted

**6.** Should it be found that the necessity for legal assistance has been caused by drunkenness, wilful neglect of duty, or by any criminal act on the part of a member, this assistance shall not be granted and should a case be taken up and lost in consequence of the member's own false statements and the court orders the member to bear the costs of the other side, the Union shall not pay same.

Cost of Proceedings

**7.** The cost of legal proceedings authorised by or on behalf of the Union, or in which the Union is concerned, shall be paid from the General Fund except that members successful in personal injury cases not covered by a collective conditional fee agreement shall contribute to the General Fund, five per cent of net settlements in excess of £1,000 up to a maximum of £100,000, and one per cent of that part of any settlement in excess of £100,000 with a £5,000 ceiling in respect of any settlement reached.

**8.** The National Executive Committee shall have the power to institute or defend any legal proceedings if this is deemed to be in the interests of the members; but no claim for legal assistance for any accident or disablement which happened prior to a member being admitted to the Union, or whilst out of benefit, under the provisions of Rule 2, Clause 21, shall be entertained otherwise than in exceptional circumstances.

Members Declaration

**9.** No claim for damages or compensation for injuries to members will be taken up by the Union unless a declaration authorising the proceedings be made by the member injured or (in the event of death) by the dependents, and that in the event of the matter being withdrawn or otherwise settled by the person or persons concerned without the knowledge of the Union, such person or persons shall undertake the liability of any legal costs incurred. Branch Secretaries shall be kept informed of the particulars of any case in which they may be interested.

Medical Report

**10.** Should it be necessary to sustain an application for damages or compensation by the submission of a medical report, the expenses of such shall be paid by the Union.

## **RULE 16 Deleted**

### **PROVIDENT BENEFITS FUND GENERAL PROVISIONS (Deleted)**

Deletion of Rule

Rule 16 was deleted under 1992 A.G.M. Item No. 100C. Provident Benefits were absorbed into the General Fund with effect from 1st July 1992.

## **RULE 17**

### **ACCIDENT BENEFIT**

- |   |   |
|---|---|
| Benefit Payable   | <b>1.</b> Any member who meets with an accident following employment, or when proceeding to or from work, shall be entitled to claim benefit for the first 26 weeks of disability at a rate per week calculated at ten times the weekly union contribution, as defined in Rule 2, Clauses 7 - 11, payable at the conclusion of the incapacity or at the expiration of 26 weeks, whichever is the sooner. The maximum amount of benefit payable shall not exceed 26 weeks for any one accident.                  |
| Definition of Accident  | <b>2.</b> The term "accident" shall mean an unforeseen event but shall not mean any unusual event or misfortune arising from the member's bodily or mental condition, or from the natural result of disease.  |
| Reporting Accident  | <b>3.</b> Details of the accident shall be reported as soon as possible to the Branch Secretary by the member who shall complete the form provided by the Union for that purpose. If it is the Branch Secretary who has met with an accident causing disablement, it may be reported to the Branch Chairperson by the Branch Secretary or any other member. Should a member be too seriously injured to report the accident it may be reported by another person to the Branch Secretary or Branch Chairperson. |
| Accident Prior to Membership<br><br>Not Payable for Days Worked | <b>4.</b> A member shall not be entitled to receive accident benefit for any accident which happened prior to membership, or in respect of any day worked or employed, or for any period of incapacity of less than three days.   |
| Resuming Work etc.  | <b>5.</b> Upon recovering sufficiently to resume work the member must immediately notify the Branch Secretary who will then submit the claim for accident benefit to Head Office. If after 26 weeks' incapacity, the member is still not fit to resume work, the Secretary shall automatically submit a claim for benefit.  |
| No Claim Entitlement  | <b>6.</b> No claim for accident benefit shall be entertained unless a report of the circumstances of the case is received by the Branch Secretary within six months from the date of the accident. All reports received by the Branch Secretary from members in respect of their accidents shall be forwarded immediately to the General Secretary.   |
| Appeal  | <b>7.</b> In the event of the General Secretary refusing a member's application for accident benefit, the member's Branch shall be advised of the reason. The Branch may, on behalf of the member, appeal to the National Executive Committee.  |

## **RULE 18**

### **RETIREMENT BENEFIT**

- Eligibility
1. Any member who is retired from employment at or after the normal retiring age, or who is retired in accordance with redundancy and re-settlement arrangements after the age of 55 years, or who is rendered permanently incapable by reason of infirmity from following employment as defined in Rule 2, Clause 1, shall be entitled to claim and be paid Retirement Benefit at the rate of £3 for each completed year's membership after the 1st January 1965, and £5 from 1st September 2003.
- Disablement
2. Members of the Disablement Fund as at the 31st December 1964 will be entitled to additional Retirement Benefit at the rate of £3 per year for each completed year's membership of that fund prior to the 1st January 1965.
- Application
3. Any member of the Union claiming Retirement Benefit shall make application to the Union on the form provided for that purpose, stating thereon to whom the benefit shall be paid in the event of the member's death before the claim has been granted. In the event of death occurring after retirement but before the member has made application, the entitlement to Retirement Benefit shall not be affected, and the grant shall be paid to the next of kin or legal representative.
- Method of Payment
4. The payment of Retirement Benefit shall be made through the Branch to which the member belongs, from and by Head Office.
- Non-Entitlement to Other Benefits
5. Any member having received Retirement Benefit shall not be entitled to any further monetary benefits as provided by virtue of Rules 17, 19, 20 or 22.
- Shipping Grade Members  
Old Age Grant
6. This Rule shall apply to Shipping members except those who, on the effective date, having been members of the National Union of Seamen for 20 years or more, shall be entitled to claim an old age grant in the form of a lump sum payment in accordance with the following scale:
- after 25 years' membership £250
  - after 30 years' membership £300
  - after 35 years' membership £350
- Subject to clauses 7 to 9 of this Rule.
7. A claim for this benefit must be made within six months of the claimant attaining the qualifying age and/or qualifying period of membership. Claims must be submitted to a Branch or to the General Secretary.

**8.** The benefits of this Rule shall be given only to those who have been members of the Union during the 25 years preceding the date on which they retired, and to members who are certified as totally incapacitated as a result of blindness, industrial injury or chronic ill-health.

**9.** The benefits of this rule shall not be given to members whilst in employment which brings them into competition with their fellow members. Any member who, having received the Old Age Grant thereafter taking up seagoing employment, shall thereby forfeit any right thereafter to receive the Old Age Grant unless the National Executive Committee, upon application in writing by the member, shall be satisfied with the explanation and allow thereafter receipt of each grant.

Weekly Grant

**10.** The payment of a weekly grant of £1 until death to those members of the National Union of Seamen who, on the effective date, were entitled to receive it, shall continue to be made.

Appeal

**11.** In the event of the General Secretary refusing a member's application for retirement benefit, the member's Branch shall be advised of the reason. The Branch may on behalf of the member, appeal to the National Executive Committee.



## **RULE 19**

### **DEATH BENEFIT**

- Benefit Payable      **1.**    On the death of a member who had joined the Union before reaching the age of 65 and who had not previously qualified to receive Retirement Benefit specified in Rule 18, a Death grant of £600 shall be paid, subject to the requirements of this Rule being complied with. This Clause does not apply to members of the Shipping Grades referred to in Clause 2 or, in the circumstances referred to in Clause 2A, to Offshore Energy Members.
- Entitlement to Benefit      **2.**    On the death of:
- Shipping Grades              (a) a member of the Shipping Grades who on the effective date had been a member of the National Union of Seamen and was five years or less from the relevant age of retirement specified in Clause 1 of this Rule, or
- (b) a member of the National Union of Seamen who had already retired on or before the effective date
- the sum of £200 shall be paid to the person or persons nominated to receive it or, if no nomination has been made, to the nearest relative. The sum of £70 shall be paid in respect of the death of such a member's spouse, provided in both cases the death occurred after the member's retirement.
- Offshore and Shipping Grades      **2A.**    On the death in service of a member of the Offshore and Shipping Grades, who was immediately prior to the effective date of the transfer of engagements from the Offshore Industry Liaison Committee to the Union a member of that Committee within five years of that effective date, the sum of £3,300 will be paid in accordance with Clause 4.
- Application                  **3.**    Application for benefit shall be made on the form provided by the Union for that purpose, and must be accompanied by a certificate of death, or other legally acceptable document.
- Nomination of Person      **4.**    Unless a member has nominated a person to receive the benefit as provided by statute, it shall be payable as follows:-
- (a) If the deceased member leaves a Will naming an executor, the benefit shall be paid to that executor whose receipt shall be a complete discharge for same;
- (b) If the deceased member leaves a Will in which no executor is named or if the executor predeceases the member, the benefit shall be paid to the person nominated in that respect in the Will, and for this purpose a residuary or universal legatee shall be deemed to be the person so nominated;

(c) If no person is nominated and there is no executor the benefit shall be payable to the member's surviving spouse. If the surviving spouse dies before receiving payment, or is under legal disability, or if the General Secretary has not been able to communicate with the party concerned, the benefit shall be paid or applied to or for the benefit of the surviving spouse or her or his representatives or family or paid to a relative of the deceased member in such manner as may in any particular case be determined by the General Secretary;

(d) If the deceased member dies intestate as to the benefit and there is no surviving spouse, the benefit shall be paid to the person whom the General Secretary determines is the nearest relative. If there is more than one person in the same class of nearest relationship, the benefit shall be paid to one of those persons as the General Secretary may determine.

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| No Known Relatives     | <b>5.</b> In the event of a member dying without known relations, the Branch Officials shall instruct an undertaker to make interment arrangements, so far as the amount stated shall cover, and the benefit shall be applied towards payment of the expenses of the funeral.                     |
| Benefit Paid Only Once | <b>6.</b> When the benefit has been paid once to any person whomsoever, no claim by any person on any account whatever to receive or participate in the benefit shall be capable of being entertained and under no circumstances shall the benefit be payable twice upon the death of one member. |
| Appeal                 | <b>7.</b> In the event of the General Secretary refusing an application for the death grant the deceased member's Branch shall be advised of the reason. The Branch may, on behalf of the member, appeal to the National Executive Committee.   |

## **RULE 20**

### **DEMOTION COMPENSATION**

#### **DEMOTION THROUGH INJURY OR ILL HEALTH**

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| Benefit Payable | <b>1.</b> A member who is permanently demoted or downgraded as a result of illness or injury shall be entitled to claim a compensation grant of £300 from the Union provided that:  |
| Conditions      | (a) the illness, injury or physical defect occurred or was sustained after the claimant had become a Union member and that the illness, injury or physical defect occurred after these Rules take effect;<br><br>(b) the demotion or downgrading and the circumstances and nature of the illness, injury or physical defect were reported to the Branch Secretary concerned within 12 weeks of the demotion or downgrading decision being made. |
| Appeal          | <b>2.</b> In the event of the General Secretary refusing an application for compensation, the member's Branch shall be advised of the reason. The Branch may, on behalf of the member, appeal to the National Executive Committee.  |

## **RULE 21**

### **ORPHAN BENEFIT**

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| Administration        | <b>1.</b> There shall be a fund to be known as the Orphan Fund (the Fund) which shall be controlled and administered by the National Executive Committee in accordance with the provisions of this Rule. The Fund shall be used exclusively for the benefit of the children of members as defined in Clauses 5, 6 and 7 of this Rule. A member of the General Fund shall also be deemed to be a member of the Orphan Fund.   |
| Members of Fund       |  |
| Funding               | <b>2.</b> The Fund shall be supported by:<br><br>(a) a sum equivalent to eight pence per week per member transferred annually from the General Fund;<br><br>(b) investment income, donations or any fund-raising activities authorised by the National Executive Committee;<br><br>(c) collections undertaken by Union Branches and members in accordance with such conditions as the National Executive Committee may decide upon.  |
| Money Remitted        | <b>3.</b> Money obtained for the Fund shall be immediately remitted to the Union's Bank, and be deposited in the name of the Orphan Fund or invested in similar securities to those which the Rules prescribe for the other monies of the Union.   |
| Special Funds         | <b>4.</b> The National Executive Committee and the Union's Branches may, at their discretion, establish a special fund in order to supplement allowances paid from the Fund.   |
| Beneficiaries         | <b>5.</b> The beneficiaries of the Fund shall be any child of a member when the member or the member's spouse dies before the member has qualified to receive a retirement benefit as provided by Rule 18 or who had already qualified to receive Retirement Benefit and had not been subsequently employed prior to death.  |
| Definition of a Child | <b>6.</b> For the purposes of this Rule "child" means a member's own child, step-child or an adopted child, provided always that such a child is under the age of sixteen or, if receiving full-time education, under the age of twenty-two.<br><br><b>7.</b> Should a child have mental or physical disabilities and be unable to take up employment or to benefit from normal education the National Executive Committee may, at its discretion, authorise the payment of benefit until the child reaches the age of eighteen. |
| Benefit Payable       | <b>8.</b> The sum of £12.00 per week shall be paid for each orphan up to sixteen years of age, and the sum of £12.75 per week shall  |

Benefit of Both Parents	<p>be paid for each orphan over sixteen years of age, but under twenty-two years of age and continuing in full-time education or training at an establishment accepted by the National Executive Committee. Should any Orphans under sixteen years of age become bereft of both parents and have no relatives to care for them, the enhanced benefit shall be paid up to 16 years of age.</p>
Application	<p><b>9.</b> Application for this benefit must be made on a form approved for this purpose, through the Branch of which the child's mother or father was last a member. Certificates of marriage and of registration of birth (and, in the case of an adopted child, satisfactory proof of adoption by the member) must accompany each application.</p>
Payment Quarterly	<p><b>10.</b> Payment in respect of each qualifying child shall be made quarterly via the Union's bank system direct to the recipient, or through the Branch to which the deceased parent or guardian was a member, or through the Branch nearest to where the child resides always providing that it be used for the child's exclusive benefit.</p>
Cessation of Benefit	<p><b>11.</b> The benefit shall cease to be paid when a child, who otherwise qualifies for benefit in accordance with this Rule, is legally adopted or when the surviving parent re-marries. Should the surviving parent's partner then die, a child, as defined, shall again become eligible for benefit from the Fund.</p>
Benefit not Devoted to Child	<p><b>12.</b> Should the National Executive Committee have reason to believe that the benefits paid from this Fund are not devoted exclusively for the benefit of the child, or that the child is suffering wilful neglect, it shall have power to withdraw payment and to make such arrangements as seen appropriate in order that the child's entitlement to financial assistance from the Fund is not jeopardised.</p>
Records	<p><b>13.</b> The General Secretary shall record the name and occupation of the child's deceased parent, date and cause of death, the name, age and sex of each qualifying child. The General Secretary shall cause to be recorded in an Annual Report, which shall also include a statement of accounts, the names of contributors of £5.00 or more to the Fund. Copies of the Report shall be sent to Branch Secretaries in good time before each Annual General Meeting.</p>
Appeal	<p><b>14.</b> A Branch, dissatisfied with any decision of the National Executive Committee in respect of the application of this Rule, shall have the right of appeal to the Annual General Meeting or Appeals Court as appropriate.</p>

## RULE 22

### TRADE DISPUTES

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| National Executive Committee Powers | <b>1.</b> The National Executive Committee shall have power to inaugurate and conduct all trade movements between members of the Union and their employers and such other movements as, in the opinion of the National Executive Committee, affect the interests of the members of the Union. The method of conducting such movements shall be determined by the National Executive Committee as circumstances warrant.   |
| Declaration of a Strike             | <b>2.</b> The National Executive Committee shall have power to declare strikes, to order and direct the members of the Union to withdraw their labour and to fix the date of such withdrawal following a ballot of its members. It shall be the paramount duty of every member of the Union to conform to such order and direction.   |
| Power to Sanction                   | <b>3.</b> The National Executive Committee, in addition and without prejudice to its powers as described in Clause 1 of this Rule shall have power to sanction and endorse retrospectively such trade movements, including strikes of members of the Union as may be submitted for their approval by any Branch or Branches of the Union. Such movements may be for all or any of the following purposes:<br><br>(a) to secure wage increases and to oppose wage reductions;<br><br>(b) to secure a reduction in the number of hours worked and to prevent the hours of work being increased;<br><br>(c) to remove unjust and oppressive conditions of employment and to secure a safe working environment for the Union's members. |
| Protection of Interests             | <b>4.</b> The National Executive Committee may take such steps as may be considered necessary for protecting the interests of the Union members. It may represent the views of members within any agreed Machinery of Negotiation or representation to which the Union is party. The National Executive Committee may also advocate the views and the interests of Union members in any arbitration proceedings in which they have a pertinent interest.  |
| Sanctioning of by General Secretary | <b>5.</b> In the case of trade disputes involving Maritime Grades members, the General Secretary shall, in the absence of the National Executive Committee, have authority to sanction the withdrawal of labour by the members concerned. In the furtherance of any such trade dispute the National Executive Committee or the General Secretary may employ alternatives to strike action as may be deemed appropriate.   |

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| Settling Disputes                        | <b>6.</b> The National Executive Committee shall have power to settle disputes which may arise between members and their employers.  |
| Conduct of Disputes                      | <b>7.</b> The conduct of any of these trade movements shall be in accordance with guidelines issued by the Annual General Meeting or the National Executive Committee. Members employed as defined in Rule 2, Clause 1, when unemployed in consequence of taking part in any dispute or movement coming within the provisions of these Rules shall, at the discretion of the National Executive Committee, receive strike benefit paid from the General Fund, being an allowance of £1.00 per weekday with a maximum of five days' payment per week. |
| Allowance Payable                        |  |
| Report to Branch                         | <b>8.</b> Each member in receipt of strike benefit shall report to the Branch every week. Any member unable to attend in person to receive and sign for the benefit shall state the reason and, if this is considered to be satisfactory, the benefit shall be sent.   |
| Loss of Wages for being Sent Home        | <b>9.</b> A member suffering loss of wages as a result of being sent home by an employer as a consequence of loyally carrying out a decision of the National Executive Committee or General Meeting shall, at the National Executive Committee's discretion, be granted an allowance which shall be determined having regard to the circumstances surrounding suspension from duty.  |
| Decision of National Executive Committee | <b>10.</b> None of the discretions, powers or authorities vested in the National Executive Committee under the provisions of these Rules shall be capable of being controlled, nor shall any order made or decision arrived at by the National Executive Committee in connection with any of the matters provided for in this section of the Rule be controlled, reversed, or suspended otherwise than by an appeal to the Annual General Meeting, or by the exercise of the powers of a Special General Meeting as hereinbefore provided.           |
| Contract of Membership                   | <b>11.</b> This Rule shall constitute an integral part of the contract of membership between the Union and each of its members as well as the contract of membership between member and member.  |
| Failure to Comply                        | <b>12.</b> Failure on the part of any member of the Union to comply with any order or direction of the National Executive Committee issued in accordance with these Rules may be dealt with as laid down in Rule 2, Clauses 24 to 27.  |

## **RULE 23**

### **POLITICAL FUND**

Objects

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

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



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

“electors” means electors at any election to a political office;

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

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

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

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| Funding                         | <b>2.</b> Any payments in the furtherance of such political objects shall be made out of a separate fund of the Union (hereinafter called the Political Fund).  |
| Schedule 1                      | <b>3.</b> The particular rules which apply to those people that joined the Union before 1 March 2018 and to political funds set up before 1 March 2018 are set out in Schedule 1 to these rules other than those in Northern Ireland who are covered by Rules 12-18.  |
| Schedule 2                      | <b>4.</b> The particular rules which apply to those people that joined the Union on or after 1 March 2018 and to political funds set up on or after 1 March 2018 are set out in Schedule 2 to these rules other than those in Northern Ireland who are covered by Rules 12-18.  |
| Contribution Payable            | <b>5.</b> For the purpose of enabling each member of the union who may pay a political contribution to know in respect of any such contribution, what portion, if any, of the sum payable by him is a contribution to the political fund of the union, it is hereby provided that £3.12 of the first contribution in each calendar year is a contribution to the political fund, and that any member who is exempt shall be relieved from the payment of the sum of £3.12, and shall pay the remainder of such contribution only. |
| Exempt Member<br>Other Benefits | <b>6.</b> A member who is exempt from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of his being so exempt.   |
| Aggrieved Member                | <b>7.</b> If any member alleges that he is aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to section 82 of the 1992 Act, he may complain to the Certification Officer, and the Certification Officer, after making   |

such enquiries as he thinks fit and after giving the complainant and the union an opportunity of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the 1992 Act, be enforced in the manner provided for in section 82(4) of the 1992 Act.

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| Not Membership Condition    | <b>8.</b> Contribution to the political fund of the Union shall not be made a condition for admission to the Union.   |
| Section 32ZB                | <b>9.</b> The union shall include in the annual return that is submitted to the Certification Officer details of political expenditure as required by section 32ZB of the 1992 Act.   |
| Allocation to Branches      | <b>10.</b> Of the amounts contributed to the Political Fund under this Rule, one-tenth shall be allocated to Branches for local purposes in Municipal or Parliamentary elections, including affiliation fees to the Political Fund of the Regional Council. A full statement of income and expenditure shall be submitted to Head Office within the annual Balance Sheet. |
| Local Government Candidates | <b>11.</b> A member contributing to the Political Fund and contesting as a candidate in any local government election outside the area of the member's Branch, may be assisted from the Political Fund of that branch. The amount shall be decided by Branch members of the Political Fund.   |

### Northern Ireland

#### Exemption from Contributions Members in Northern Ireland

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| Political Fund (Northern Ireland)                        | <b>12.</b> The Rules for the Political Fund of the Union contained in Rule 23 shall have effect in Northern Ireland subject to the following modifications; namely Clause 7 shall be omitted therefrom and Clauses 13-18 set out below shall replace the provisions set out in Schedule 1 and Schedule 2.  |
| Exemption from Contributions Members in Northern Ireland | <b>13.</b> Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, no member of the Union in Northern Ireland shall be required to make any contribution to the Political Fund of the Union in accordance with Clause 5 unless he has delivered, as provided in Clause 15, at the Head Office or some Branch Office of the Union, notice in writing, in the form set out in Clause 14 of his willingness to contribute to that Fund, and has not withdrawn the notice in manner provided in Clause 15. Every member of the Union who has not delivered such a notice or who, having delivered such a notice, has withdrawn it in a manner provided in Clause 15, is to be deemed for the purpose of these Rules to be a member who is exempt from the obligation to contribute to the Political Fund of the Union. |

- 14.** The form of notice of willingness to contribute to the Political Fund of the Union is as follows:

Form of Political Contribution Notice:

Name.....

Name of trade union.....

Name of member's branch (if any).....

Political Fund (Contribution Notice) .....

I HEREBY give notice that I am willing and agree to contribute to the Political Fund of the National Union of Rail, Maritime and Transport Workers, and I understand that I shall, in consequence, be liable to contribute to that Fund and shall continue to be so liable unless I deliver at the Head Office of the Union, or some Branch Office, a written notice of withdrawal: I also understand that after delivering such a notice of withdrawal I shall still continue to be liable to contribute to the Political Fund until the next following first day of January.

Name .....

Address .....

Membership Number (if any) .....

Date ..... day of..... 20.....

- 15.** If at any time a member of the Union, who has delivered such a notice as is provided for in Clauses 13 and 14, gives notice of withdrawal thereof, delivered, as provided in Clause 16, at the Head Office or at any Branch Office of the Union, he/she shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.
- 16.** The notices referred to in Clauses 13, 14 and 15 may be delivered personally by the member, and any notice shall be deemed to have been delivered at the Head Office or a Branch of the Union if it has been sent by post properly addressed to that office.
- 17.** The National Union of Rail, Maritime and Transport Workers shall give effect to the exemption of members to contribute to the Political Fund of the Union by making a separate levy of contributions to that Fund from the members of the Union who are not exempt. No monies of the Union other than the amount raised by such separate levy shall be carried to the Political Fund of the Union.
- 18.** If any Northern Ireland member alleges that he/she is

aggrieved by a breach of any of the Rules of the Political Fund, being a Rule or Rules made pursuant to Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, he/she may complain to the Northern Ireland Certification Officer, 10-16 Gordon Street, Belfast, BT1 2LG, under Article 57(2) to (4) of that Order. If, after giving the complainant and a representative of the union an opportunity to be heard, the Certification Officer considers that a breach has been committed, the Certification Officer may make an order for remedying it as the Certification Officer thinks just in the circumstances. Under Article 69 of the 1995 Order an appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law. Additionally, if any Northern Ireland member alleges that he/she is aggrieved by a breach of the Political Fund rules made pursuant to Section 82 of the Trade Union and Labour Relations (Consolidation) Act 1995 he/she may complain to the GB Certification Officer, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX. If, after giving the complainant and a representative of the union an opportunity of being heard, the GB Certification Officer considers that a breach has been committed, he/she may make an order for remedying it as he/she thinks just in the circumstances. Any such order of the GB Certification Officer is subject to the right of appeal provided for by Section 95 of the 1992 Act.

Political Funds  
Regional Councils

19. Each Regional Council shall receive out of the Political Fund monies allocated to each of its Branches an annual contribution of 2p for each member of the Branch who is not exempt from Political Fund contributions under this Rule. All such annual contributions shall be paid into the Political Fund of the Regional Council.
20. The Political Fund of each Regional Council shall be kept separate from all other funds of the Regional Council. For the purposes of Clause 2 above, payments out of the Political Fund of any Regional Council shall be regarded as having been paid out of the Political Fund of the Union.

Parliamentary  
Campaign Groups

21. That the Union creates Parliamentary campaign groups at Westminster, the Scottish Parliament, Welsh Assembly and the European Parliament, as determined by the National Executive Committee, funded by the Political Fund and to keep the campaign groups under review. All members of the said groups to be members of the Union.

Support for  
Organisations or  
Campaigns

22. The National Executive Committee may be, from time to time, requested by Branches or Regional Councils to explicitly authorise support for organisations or campaigns in pursuance of the Union's policy objectives, subject to not breaching the provisions of these Rules. Any such request should be placed in front of the National Executive Committee within fourteen days of its receipt at Head Office.

- 23.** The National Executive Committee shall cause to be printed a number of copies of these Rules relating to the Political Fund of the Union, having at the end copies of the certificate of approval, sufficient for the members of the Union, and a further number of new members, and shall send to the Secretary of each Branch a number of copies sufficient for the members of the Branch. The Secretary of the Branch shall take steps to secure that every member of the Branch, so far as is practicable, receives a copy of these Rules, and shall supply a copy to any member on request free of charge. A copy thereof shall also be supplied forthwith to every new member on admission to the Union. The provisions of this Rule shall apply to any subsequent alterations of the Rules for the Political Fund of the Union.

### **Schedule 1**

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

#### **Notice to members**

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

#### **Notice to Members**

**Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the union.**

**Every member of the union has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from, the Head Office or any Branch Office of the union or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX. This form, when filled in, or a written request to the like effect, should be sent to the Secretary of the Branch to which the member belongs and, on receiving it, the Secretary shall send an acknowledgement of its receipt to the member at the address upon the notice, and shall inform the General Secretary of the name and address of the member.**

This rule does not apply to members who are "overseas members" for the purpose of Section 94 (3) of the Trade Union

and Labour Relations (Consolidation) Act 1992.

2. This notice shall be published to members by such methods as are used by the union to publish notices of importance to members. It is the union's current practice to publish the notice in the union's journal RMT News.

### **Request for exemption**

Exemption from Contributions

3. Any member of the union may at any time give notice a) on the form of exemption notice specified in rule 4 of schedule 1, or b) written request in a form to the like effect, that he objects to contribute to the political fund. A form of Exemption Notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the head office or any branch office of the union, or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

Form of Exemption Notice

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

### **National Union of Rail, Maritime and Transport Workers Political Fund (Exemption Notice)**

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

**Print Name:** .....

**Signature:** .....

**Name of Branch:** .....

**Address:** .....

**Date:** .....

5. Any member may obtain exemption from contributing to the political fund by sending a Notice of Exemption to the Secretary of the Branch to which the member belongs and, on receiving it, the Secretary shall send an acknowledgement of its receipt to the member at the address in the notice, inform the General Secretary of the name and address of the member and process the exemption as soon as reasonably practicable.

### **Manner of giving effect to exemption**

6. On giving such notice, a member shall be exempt, so long as the notice is not withdrawn, from contributing to the union's Political Fund as from the first day of January next after the notice is given, or, in the case of a notice given within one month after the date on which a new member admitted to the

Union is supplied with a copy of these Rules under Clause 23 hereof, as from the date on which the member's notice is given.

Relief from Contributions

7. The National Executive Committee shall give effect to the exemption of members to contribute to the Political Fund of the Union by relieving any members who are exempt from the payment of part of any periodical contributions required from members of the Union towards the expenses of the Union and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment.
8. Any member may withdraw their notice of exemption on notifying the Branch Secretary who shall thereupon send such member an acknowledgement of receipt of the notification and inform the General Secretary of the name and address of the member so withdrawing.

## **Schedule 2**

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

### **Opting in by union members to contribute to political funds**

Opt-in Notice

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

Withdrawal Notice

2. A member of a trade union who has given an opt-in notice may withdraw that notice by giving notice to the union (a "withdrawal notice").
3. A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given. It can be withdrawn by the member at any stage up until the point in time it takes effect.

Method of Delivery

4. A member of a trade union may give an opt-in notice or a withdrawal notice:-
  - (a) by delivering the notice (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
  - (b) by sending it by e-mail to the following email info@rmt.org
  - (c) by completing an electronic form provided by the union which sets out the notice and sending it to the union by electronic means with instructions by the union.
  - (d) by any other electronic means prescribed under the 1992 Act (as inserted by the 2016 Act)

### **Information to members about opting in to the political fund**

5. The union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the union is sent to the Certification Officer, all the members of the union are notified of their right to give a withdrawal notice.

6. Such notification may be given:-

(a) by sending individual copies of it to members; or

(b) by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its members needs to be provided to them such as the union journal.

This rule does not apply to "overseas members" for the purposes of section 94 (3) of the Trade Union and Labour Relations (Consolidation) Act 1992.

7. The notification may be included with the statement required to be given by section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992. Overseas members of the union will not be sent the notification.

8. The Union shall send to the Certification Officer a copy of the notification which is provided to its members in pursuance of this section as soon as is reasonably practicable after it is so provided. Where the same form of notification is not provided to all the members of the union, the union shall send to the Certification Officer a copy of each form of notification provided to any of them.

Aggrieved Member

9. If any member alleges that he is aggrieved by a breach of any of these rules for giving information to members about opting into the political fund, being a rule or rules made pursuant to section 84A of the 1992 Act, he may complain to the Certification Officer. Where the Certification Officer is satisfied that the union has failed to comply with a requirement of section 84A of the 1992 Act the Officer may make such order for remedying the failure as he thinks just under the circumstances. Before deciding the matter the Certification Officer:-

(a) may make such enquiries as the Officer thinks fit;

(b) must give the union, and any member of the union who made a complaint to the Officer regarding the matter, an opportunity to make written representations; and

(c) may give the union, and any such member as is mentioned



in clause (b), an opportunity to make oral representations.

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

Relief from  
Contributions

10. The National Executive Committee shall give effect to the members decision not to contribute to the Political Fund of the Union by relieving any members who are not contributors from the payment of part of any periodical contributions required from members of the Union towards the expenses of the Union and such relief shall be given as far as possible to all members who are not contributors on the occasion of the same periodical payment.
11. Any form (including an electronic form) that a person has to complete in order to become a member of the union shall include:-
  - (a) a statement to the effect that the person may opt to be a contributor to the fund; and
  - (b) a statement setting to the effect that a person who chooses not to contribute to the political fund shall not, by reason of not contributing, be excluded from any benefits of the union or be placed in any respect either directly or indirectly under a disability or at a disadvantage as compared with other members of the union (except in relation to control of the political fund).

## **RULE 24**

### **ALTERATION TO RULES**

- |                         |    |  |
|-------------------------|----|--|
| New Rules               | 1. | No new Rule shall be made, nor shall any of the Rules herein contained be amended, altered, or rescinded, except by the Annual General Meeting every third year, unless, in the interim, a proposal to alter the Rules has been recommended by the National Executive Committee to an Annual or Special General Meeting.                 |
| Three Year Period       |    |  |
| Alterations             | 2. | All proposed alterations to Rules must either be recommended or agreed to by the National Executive Committee, or by eight Branches of the Union, and in the case of Branches, must reach Head Office on or before the 3rd February. All proposed alterations recommended as aforesaid shall be issued to Branches by the 18th February. |
| Supporting Branches     |    |  |
| Amendments              | 3. | All amendments to alterations proposed in accordance with Clause 2 must be recommended or agreed to by eight Branches of the Union, and in the case of Branches, received on or before the first Thursday in May. They shall be included in the A.G.M Final Agenda.  |
|                         |    |  |
|                         | 4. | Such amendments must not raise any new proposals.  |
| Proposals to SGM        | 5. | Any proposals to alter, amend or rescind the Union's Rules at a Special General Meeting must reach Head Office on the dates determined by the National Executive Committee.  |
| Mandate to AGM Delegate | 6. | A Branch represented by a member of another Branch may forward to that representative, in writing, and signed by the Branch Chairperson and Secretary its views regarding the proposed alteration. The representative shall submit the opinion to the General Meeting.   |
| Correction of Errors    | 7. | The National Executive Committee or the General Secretary shall have power to correct errors of whatever character in any Rule or in any proposed amendment to Rule, provided always that the sense and purpose of the original text is fully maintained, the registered Rules to be made to agree thereto.                              |

## **RULE 25**

### **DISSOLUTION OF THE UNION**

Consent of Members

- 1.** The Union may at any time be dissolved by the consent of five-sixths of the votes of the members, testified by their signatures to an instrument of dissolution and by the written consent of every person for the time being receiving or entitled to receive any relief, annuity or other benefits from the funds, unless the claim of that person is duly satisfied or adequate provision made for satisfying such claims. The funds of the Union shall be distributed in accordance with the terms set out in the instrument of dissolution.



**Trade Union and Labour Relations (Consolidation) Act 1992**

Certificate of Approval of Political Fund Rules.

I hereby approve the political fund rules of

**National Union of**

**Rail, Maritime and Transport Workers**

to which this certificate is affixed for the purposes of  
Section 71 & 82 of the Trade Union and Labour Relations  
(Consolidation) Act 1992

Gerard Walker,  
Assistant Certification Officer  
Date: 30th April 2018

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

**The Trade Union and Labour Relations  
(Northern Ireland) Order 1995 (as amended)**

Certificate of Formal Approval of  
Amended Political Fund Rules

I hereby give formal approval the amended rules for the  
political fund of the

**Rail, Maritime and Transport Workers' Union**

for the purposes of Article 71(2) of the Trade Union and Labour  
Relations (Northern Ireland) Order 1995 (as amended)

Sarah Havlin,  
The Northern Ireland Certification Officer  
Date: 12<sup>th</sup> January 2018

**The Northern Ireland  
Certification Officer for Trade Unions  
and Employers' Associations,  
10 - 16 Gordon Street,  
Belfast  
BT1 2LG**

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