



**National Union  
of Mineworkers**

(SOUTH WALES AREA)



**Rules**

1987

they shall not be entitled to vote on any matters affecting employed members only. If a majority of the members of the Lodge decide for special reasons to elect an unemployed member as an official of the Lodge, they may so decide subject to the approval of the AEC.

**Signed :**

**DES DUTFIELD, President.**

**TERRY THOMAS, Vice-President.**

**GEORGE REES, General Secretary.**

# National Union of Mineworkers

(SOUTH WALES AREA)



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# RULES

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any official of the Union until he has paid his arrears of contributions.

(5) The Lodge officials shall include in their return to the Area Central Office every 13 weeks the number of members contributing under these regulations and shall forward to the Area Fund the total contributions collected.

(6) Where employment outside the Mining Industry is undertaken by a member who is partially disabled from an accident or certifiable disease sustained whilst in the Mining Industry, he can retain the right to the services of the Union in respect of such accident or disease by the payment of 20p. per week.

(7) In cases where ex-miners who have secured work in another industry, suspect that they are suffering from silicosis, pneumoconiosis or other industrial disease contracted in the Mining Industry as being the employment in which they were last engaged in the "process" notwithstanding that they are not in membership of the Union, they can secure the services of the Union provided:

- (a) That they are paid up members of the appropriate trade union organisation covering the work they performed or did perform after leaving the Mining Industry and that proof of such membership shall be submitted to the Lodge Secretary with his application for a Board and also that they were full financial members of the Miners' Union on the date they left the Mining Industry.
- (b) If upon examination such a man is certified to be totally or partially incapacitated, he can recover his membership within the Union by a payment of 10p per week thereafter.

#### **Representation on Sub-Committee**

The Lodge may elect not more than 25 per cent of the Lodge Committee from among the unemployed members but

## SCHEDULE

### Regulations governing Unemployed members

The regulations are intended to cover services to those members:-

- (a) Who are unemployed.
- (b) Those who have been compelled to leave their employment through sickness or age.
- (c) Those who are in receipt of payments under the Workmen's Compensation Acts and Industrial Injuries Acts or who may have a claim under such Acts.
- (d) Those who are in receipt of weekly payments under the Redundancy Scheme Payments Order 1968.

The regulations shall apply only to members who were in full membership at the time they left their employment in the Mining Industry under any of the above categories.

### Contributions

(1) Members of the Union under categories (a) and (b) above, must continue their membership of the Union by payment of 10p per week to their respective Lodges, or in such a manner and place as may be decided by the Area Conference.

(2) A member of the Union under category (c) who may have found work in another industry must become a member of the appropriate trade union of the industry in which he is employed; he can retain his membership for compensation services only by paying to the Union 20p per week whilst he is so employed.

(3) Members under category (d) can retain Limited Membership by paying 20p per week contributions to the Union whilst in receipt of Redundancy Scheme payments.

(4) An unemployed member who is eight weeks in arrears of contributions shall no longer be entitled to the services of

## ALL PREVIOUS RULES RESCINDED.

# National Union of Mineworkers

(SOUTH WALES AREA).

## RULES

### Name

1. The Union shall be called the "NATIONAL UNION OF MINEWORKERS (SOUTH WALES AREA)" and in these Rules be referred to as "the Union", and its registered office shall be at Sardis Road, Pontypridd, Mid Glamorgan.

The Union shall be a constituent part of the National Union of Mineworkers (hereinafter in these Rules referred to as "the National Union").

### Constitution

2. The Union shall be composed of persons employed or formerly employed in and about the mining industry and undertakings ancillary thereto situate in South Wales, Forest of Dean, the Bristol and Somerset coalfields, and in such other industries and undertakings as the Area Conference shall determine.

### Objects and Powers

3. The objects and powers of the Union shall be:-

- (a) To secure the complete organisation in the Union of all workers employed in or connected with the Mining Industry of Great Britain and all the industries and undertakings in which the Union has members.

- (b) To advance and protect the interests of members in relation to questions of wages, hours, holidays, conditions of employment, safety, compensation, and all other questions arising out of and/or in connection with the members' employment or occupation.
- (c) To negotiate and settle either nationally or locally (as may be necessary or expedient) all disputes arising between members and employers.
- (d) To provide for members victimisation benefit, trade dispute benefit, legal assistance, including the payment of fines, costs and expenses and any other benefits or payments as may be determined in accordance with the rules and policy of the Union.
- (e) To promote legislation in the interests of members and oppose legislation contrary to the interests of members.
- (f) To act as an association, organisation or intermediary for the purposes of any Conciliation Schemes for the coal mining industry of Great Britain and ancillary undertakings, and other industries or undertakings where the union has members.
- (g) To employ and organise the appointment of persons on the workers' behalf to make inspection under the provisions of the Mines and Quarries Act, 1954 (and any other enactments which may be for the time being in force) or in pursuance of any agreement or arrangement with mine-owners or association of mine-owners.
- (h) To represent members of the Union and the interests of those industries and undertakings in which members are employed before and present evidence and information to Government, Parliamentary, Municipal, Local Government Of-

who are not involved in the ballot, shall supervise the counting of the papers at the count.

(13) Clear instructions shall be duplicated to the Lodge Secretaries relative to the date of the return of the ballot papers to the appropriate destination.

(14) No Lodge shall receive payment for the conduct of the ballot if it fails to post the ballot papers in time to ensure their arrival at the Returning Officer's office in accordance with the date fixed for their return and if it fails to carry out the ballot according to these Rules.

#### Lodge Funds

42. When a Lodge ceased to function on account of a closure or for any other reason, the AEC shall have the right to collect at the date of closure all its assets including surplus Lodge funds and shall, where necessary be responsible for the payment of any financial liabilities set against the Lodge at the time of closure.

#### Dissolution

43. The Union shall not be dissolved except by a vote of three-fourths of the whole of the members.

single vacancy occurs), they shall be sent out for a Lodge vote to reduce the number to not less than 9 or 6 candidates (as the case may be) receiving 50 per cent of the total votes cast.

(7) The counting of ballot papers in accordance with the card vote, shall be undertaken at the Area office.

(8) The report shall be presented to a specially convened Zone meeting at which the delegates may check on the voting papers and the result of the ballot.

(9) Two representatives of the AEC who may include members of staff employed at the Area Central Office who are not involved in the ballot shall attend on the printer to check on the number of ballot papers to be sent to each Lodge. They shall also keep a record of the number of ballot papers and the usual guidance as to the method of voting.

(10) The Lodges shall interchange scrutineers whose responsibilities shall be: the supervision of the ballot at the colliery, the counting of the used and unused ballot papers, filling in the usual form sent from the printer in respect to ballot papers; and the scrutineer together with the Lodge Secretary, the same day, shall pack the ballot papers in a parcel, safely secure same by seal, and by registered post forward same to the Returning Officer at the address to which the Lodge Secretary is instructed to send the parcel of papers.

(11) The election shall take place on the single transferable vote system, and members should place the figure 1 opposite the name of the candidate of their first choice, the figure 2 opposite the name of their second choice, and the figure 3 opposite their third choice, and so on in the order of their preferences. Members should use all their preferences, as plumping does not benefit any candidate. Crosses must not be used. If more than one figure of the same denomination appears on the ballot paper the vote is spoilt.

(12) Two representatives of the AEC who may include members of staff employed at the Area Central Office

icial and other Commissions, Committees and bodies of enquiry or investigation or Authorities.

- (i) To assist members and their dependants in obtaining compensation for injury, ill-health disabilities or death arising out of or connected with the members' employment and to contest or support financially or otherwise the contest of any legal question affecting the interest of members or their dependants in the industries or undertakings in which members are employed.
- (j) To raise funds by contributions, levies, donations or otherwise.
- (k) To establish and maintain a political fund in accordance with the Trade Union Act, 1913, and any amendment thereof, and to apply such fund (and any other funds that may be legally applied thereto under the Statutes for the time being in force) for the furtherance of the interests of the members or the industry of any lawful political object within the meaning of the Trade Union Act, 1913.
- (l) To federate with and assist associations that have the same or similar objects in view.
- (m) To engage in any educational work whether by furnishing financial support or otherwise as determined by the Area Executive Committee and/or an Area Conference.
- (n) To enter into, or participate in, the business of the publishing of a journal or other publications, the main purpose whereof is to further or promote the interests of the Union and the members thereof whether solely or as part of the interests of workers generally.
- (o) To contribute from the funds of the Union to any International Trade Union Movement.

- (p) To establish superannuation and pensions funds for the benefit of officials and employees of the Union or their dependants and to make grants and/or loans from the funds to or for the benefit of officials or employees of the union or their dependants.
- (q) To raise levies on behalf of and to make grants to any charitable or other purpose.
- (r) To secure the continuation of public ownership and to seek control of the mining industry.
- (s) To promote and secure the passing of legislation for improving the condition of the members and ensuring them a guaranteed week's wage when cessation of work is due to causes beyond the immediate control of the members.
- (t) To seek and secure the establishment of common ownership and control by the workers of their industries and of the means of production, distribution and exchange generally, with a view to the complete abolition of capitalism.
- (u) To negotiate a National Wages Agreement covering the whole of the British Coalfield.
- (v) To oppose the working of overtime except where absolutely necessary for the purpose of ventilation, health and safety.

#### 4. (A) Holding of Area Conferences

(1) Subject to the authority of the National Executive Committee, (hereinafter called "the NEC") the general management of the affairs of the Union shall be vested in the Area Conference which shall be constituted in manner hereinafter mentioned.

rescinded unless three months' notice be given to the Lodges of the proposed amendment, alteration or rescission and then only with the consent of the Area Annual Conference or of a Special Area Conference by a decision of not less than a two-thirds majority in a card vote.

#### Conduct of Ballots

41. (1) Lodges shall be canvassed for nominations and be given two week-ends in which to decide on their nominations and forward same to the General Secretary.
- (2) The AEC shall decide the date of the ballot, allowing not less than two weeks between the date of the ballot and the date of confirmation of nominations.
- (3) The ballot shall be held on a Friday at each colliery or other workplace in the coalfield and must where practicable be taken at the pit head. Where the ballot cannot be conducted at one point at a colliery, the supervisor, along with the Lodge representative responsible for the conduct of the ballot, shall distribute the ballot papers to the representatives conducting the ballot at the respective points and also for the receipt of the completed papers after the ballot. The supervisor shall also attend during the shift to conduct the ballot at washeries and screens where such extraordinary arrangements are necessary.
- (4) Candidates shall be allowed to issue leaflets or literature in support of their candidature, subject to the literature receiving the approval of the General Secretary prior to its printing and distribution.
- (5) The order of the names on the ballot paper shall be determined by drawing of lots at an AEC meeting.
- (6) The AEC may determine that in order to reduce the number of candidates to a reasonable number where nominations exceed 9 (where 2 vacancies occur) or 6 (where a

parties to the appeal put before it, or as a National Appeal Committee itself considers relevant. It may consider any record of the Disciplinary Committee proceedings, and may call on the person who presides at the Disciplinary Committee hearing to inform the National Appeals Committee in the presence of the parties, of any relevant matters transacted at the hearing. It may hear or call for fresh evidence if in its discretion it considers it appropriate to do so. The National Appeals Committee may uphold a decision of the Disciplinary Committee or may allow an appeal in part or in whole, and may, if it thinks right, substitute for any penalty or combination of penalties imposed by the Disciplinary Committee such penalty or combination of penalties that the National Appeals Committee considers appropriate in all the circumstances of the case at the date of appeal.

T. There shall be no right of appeal against a decision of the National Appeals Committee which shall be final and binding on all parties.

U. Members of the National Appeals Committee and the Disciplinary Committee and members required to attend any hearing shall be paid in accordance with Rule.

#### **Relationship of Area Rules to Rules of National Union**

39. On any question as to which these Rules or the National Rules (including the Model Rules) do not provide, or on any conflict between the National Rules (including the Model Rules) and these Rules, or on any question of interpretation of these Rules the matter shall be referred to the National President who shall make a ruling which shall be final and binding subject to an appeal to the NEC and thence to the Conference of the National Union.

#### **Amendment of Rules**

40. No new Rules shall be made, nor shall any Rules herein contained or hereinafter made be amended, altered or

(2) There shall be held regular bi-monthly conferences of one day's duration and such extra conferences including Special Area conferences as the Area Executive Committee (hereinafter called "the AEC") shall from time to time deem necessary, or which in the case of Special Area Conferences are necessary for any purpose pursuant to these Rules.

(3) The Area Conference shall consist of the Area Officials and representatives appointed by the Lodges to represent such Lodges at meetings of the Area Conference.

(4) Members of the AEC shall be entitled to attend meetings of the Area Conference, but shall not have voting power at such meetings.

(5) The members of the Union who act as its representatives as members of the NEC shall be entitled to attend at all meetings of the AEC or Area Conference.

#### **Appointment of Delegates**

(B) (1) Each Lodge (consisting of more than forty-nine members) shall from time to time appoint one of its members to be its representative and to act as its official delegate at meetings of the Area Conference.

(2) No Lodge shall be represented by more than one delegate unless for special reasons the AEC shall decide otherwise.

(3) Lodges shall be permitted to appoint an additional person to attend Area Conferences to gain experience in the work of the Union and the expense and loss of time incurred by such a delegate in attending such Conferences shall be borne out of Lodge funds.

(4) Where necessary the AEC shall arrange for the grouping of Lodges where membership of such Lodges is under 50.

For the purpose of this part of this Rule half-members shall be considered equal to full members.



### **Holding of Area Annual Conference**

(C) (1) The Conference held in May of each year shall be the Area Annual Conference. The length of the period shall be determined by the AEC having regard to the amount of Union business necessary to place before the Annual Conference.

(2) Not less than eight clear weeks' notice of the date on which such Conference is to be held shall be given to each Lodge of the Union. By not later than the last day of February in any year, each Lodge may submit a maximum of 4 resolutions to the General Secretary at least one of which shall relate to a Social Insurance question, which the Lodge may decide to be placed on the Conference Agenda. A draft Agenda of all business proposed to be transacted at the Conference shall be sent to the Lodges within 14 days from the end of February in any year.

(3) The business set out in the final Agenda shall be dealt with and disposed of at the Conference in accordance with these Rules.

(4) The President of the Union or, in his absence, the Vice President, shall preside at the Conference and shall control the proceedings thereat, and in the case of an equality of votes shall have a casting vote.

### **Voting**

(D) Any vote taken at the Conference shall, in the first instance, be determined by a show of hands, but in the event of a roll-call being demanded the vote of each delegate present shall be calculated on the basis that a delegate shall have 1 vote for each 50 members, or fractional part of 50 members, of the Lodge or group of Lodges he represents.

### **Special Area Conferences**

(E) On receipt of a resolution demanding a Special Area Conference from at least 6 Lodges, if the AEC so determine

member of the National Appeals Committee who becomes a member of the NEC of the National Union shall cease to be a member of the National Appeals Committee. No member shall be eligible for membership of the National Appeals Committee if he or she is a full-time Official or officer of the National Union. The NEC of the National Union shall arrange as soon as practicable for an election to fill any such vacancy or any vacancy caused by the death, cessation of Union membership or resignation of any member of the National Appeals Committee.

Q. Subject to paragraph H above, the National President shall preside over meetings of the National Appeals Committee and to the extent provided in this rule shall be a member of it. In the absence of the National President the National Appeals Committee shall appoint a chairman or chairwoman from among its members. A quorum of the National Appeals Committee shall be five members including the person presiding and shall be selected on a rotating basis.

R. An appeal to the National Appeals Committee shall be notified to the Chief Executive Officer of the National Union within fourteen days from the notification of the decision of the Disciplinary Committee. The Chief Executive Officer of the National Union in person or by a deputy shall act as secretary to the National Appeals Committee. The notice of the appeal shall be in writing and shall set out the full grounds of the appeal. Paragraphs H/I/J/K and L above, shall apply to the National Appeals Committee as they apply to the Disciplinary Committee. In addition no member of the National Appeals Committee shall hear an appeal relating to the Area on which he is a member of the Union or if he was a member of the National or Area Disciplinary Committee which decided the matter which is subject to appeal.

S. The National Appeals Committee shall not be obliged to conduct a re-hearing but shall review as much of the material considered by the Disciplinary Committee as the

make, may require the complainant or complainants to pay in whole or in part the cost of the disciplinary hearing.

M. The Disciplinary Committee shall not exercise jurisdiction over a member under this rule where that member has already been tried under an equivalent National Rule.

N. Any party to a disciplinary complaint who is dissatisfied with the decision of the Disciplinary Committee shall have a right to appeal to the National Appeals Committee.

O. There shall be a National Appeals Committee of the Union consisting of nine members of the Union who each have at least five years unbroken membership at the date of nomination. Members shall be elected by a Lodge or Branch vote of the Union in each of the Areas named in the Schedule to the National Rules. No Area shall have more than one member of the National Appeals Committee. Voting shall take place on the basis of Area Votes, one vote for every thousand members, or fraction or part thereof. The membership for the purpose of this vote shall be the number for which contributions have been paid to the Union over the twelve months on the preceding 31st December, or the last available audit figures for such a twelve month period. The NEC of the National Union shall make such arrangements as it considers appropriate for the conduct of such elections. The first such election shall take place within six weeks of this rule coming into effect, and the National Appeals Committee shall be dissolved and subject to re-election at dates to be fixed by the NEC of the National Union being not less than three years nor more than three and one quarter years after each preceding election. A member shall be eligible for re-election to the National Appeals Committee.

P. No member of the NEC of the National Union shall be eligible for membership of the National Appeals Committee except as provided in paragraph Q below. Any

or if such a Conference is required for any purpose pursuant to these Rules it shall be the duty of the General Secretary to convene such Conference at the earliest possible date.

#### **Zone Meetings**

(F) The appropriate Miners' Agent in each Zone shall be responsible for holding a Zone meeting of representatives from each Lodge within the Zone at least once every two months for reporting purposes only.

#### **Area Officials and Area Agents**

5. (1) The Union shall elect a President, Vice-President and General Secretary of the Union in accordance with Rules 6, 7, and 8. The appointment of an Area Official shall be terminated by three months notice given on either side, but such notice shall only be given by the Union pursuant to paragraphs (4) and/or (5) below.

(2) Election of an Area Official shall be by ballot vote of members of the Union and election of an Area Agent shall be by ballot vote of the members of the relevant Zones of the Union which shall be taken on the principle of "the transferable vote" as defined in Section 41 of the Representation of the People Act 1918. The AEC may determine that in order to reduce the number of candidates to a reasonable number where nominations exceed six, they shall be sent out for a Lodge vote to reduce the number to not less than six candidates receiving 50 per cent of the total votes cast. The AEC may prescribe regulations for the conduct of such elections.

(3) Full-time Area Officials elected on or after the 1st August, 1983, shall hold their office for five years from the date on which they take office. They shall be eligible for re-election unless they have attained the age of 55 on or before the last day of the five-year period, in which case they shall remain in office subject to Rule until they retire in accordance

with these Rules. Full-time Area Officials elected on or before the 1st August, 1983 shall continue to hold office in accordance with the Rules in force at the time of their election until they retire in accordance with these Rules.

(4) Subject to (5) below an Area Official/Agent shall only be removed or suspended from office if:

- (i) A resolution to that effect shall be passed by a majority of 2/3rds of the votes taken at an AEC meeting; and
- (ii) A resolution to that effect must be passed by a majority of at least 2/3rds of the total vote taken by a card vote at a Special Area Conference
- (iii) Such resolution must be confirmed by a majority of at least 2/3rds of the members as ascertained by a ballot vote in the Area/Zone he or she represents.

(5) If an Area Official/Agent is expelled or suspended from membership of the Union or is removed from office by the National Disciplinary Committee he/she will cease to hold the office of Area Official/Agent.

(6) An Area Official/Agent shall cease to hold the office of Area Official/Agent on becoming or continuing to be a Member of Parliament or a Member of the European Parliament or a paid Official of Government.

#### President

6. (1) The position of President shall be a full-time appointment. He shall not be allowed to hold any other full-time office during his tenure of office. Upon any vacancy occurring in the office of President, the same shall, if more than one person is nominated for the office, be filled by a ballot vote of the members of the Union. If only one person is nominated for the office, he shall be declared elected unopposed by the AEC.

present throughout the hearing. The presiding member shall not vote unless those members voting are evenly divided. If a complaint is found proved, the member, members or Lodge concerned shall be given an opportunity to make any representation they wish as to what penalty, if any, should be imposed.

K. The Disciplinary Committee at the conclusion of the above proceedings may impose such of the following penalties as it considers appropriate to the complaint which has been proved:

- (i) Expulsion from the Union
- (ii) Suspension from membership of the Union
- (iii) Suspension of a Lodge
- (iv) Dissolution of a Lodge
- (v) Removal from any office held in the Union
- (vi) Disqualification from holding office, or any specified office or offices in the Union
- (vii) Caution

Any appropriate combination of the foregoing penalties may be imposed. Suspension from membership of the Union means disentitlement to hold office, to attend any Union or Union Committee meetings, and to receive any Union benefits, but without being relieved of the duty to pay contributions to the Union. Any penalty of suspension, removal from office or disqualification from office shall be for a period specified by the Disciplinary Committee, which shall have the power to reduce such period if the member concerned subsequently applies through the General Secretary showing any new factor not present when the penalty was imposed.

L. If, on hearing a complaint it appears to the Disciplinary Committee that the complaint is not only unfounded but has been brought maliciously or frivolously it shall put the matter to the complainant or complainants, and after considering any representations which they may wish to

prejudice to the duty of the Area Officials of the Union to ensure an expeditious hearing of any complaint which they consider requires an urgent hearing. Such Area Officials of the Union shall convene a meeting of the Disciplinary Committee to adjudicate on every complaint at such date and place as, having regard to any reasonable request made by the complainant or complainants or member, Lodge, or Lodge Committee concerned, appears to them to be suitable.

H. No member of the Union shall sit as a member of the Disciplinary Committee or preside at one of its meetings if that member is or has been personally involved in any matter giving rise to the complaint. If the application of this Rule makes it impossible to secure a quorum of the Disciplinary Committee, the AEC shall have power to nominate as many members of the Union being eligible under paragraphs A and B of this Rule, as will create a quorum, to be temporary members of the Disciplinary Committee to adjudicate on every complaint at such date and place as, having regard to any reasonable request made by the complainant or complainants or member, Lodge, or Lodge Committee concerned, appears to them to be suitable.

I. The Disciplinary Committee shall also have power:

- (i) To call any witness or introduce any evidence not advanced by either party, if the Disciplinary Committee considers such witness or evidence may be material
- (ii) To take any procedural steps, including adjournment, which it considers necessary or advisable in the interests of fairness to either party or of the Union.

J. When it has heard the evidence and arguments of each party, the Disciplinary Committee shall consider in private whether it finds the complaint proved. No complaint shall be found proved except by a vote of a majority of those

(2) Any candidate for the position of President must first be duly nominated for the office by at least one Lodge forming part of the Union and such nominations must be in the hands of the General Secretary 28 days before the date on which the ballot for the position is to be held. The election shall take place in accordance with the Rules for the conduct of ballots hereinafter contained.

(3) The President shall, under the direction of the AEC, on behalf of the NEC, be responsible for the conduct of all negotiations in connection with coalfield general agreements governing wages and other conditions of employment, and all the work preparatory for such negotiations. He shall direct and assist Area Agents and/or AEC members in the settlement of disputes at the collieries. He shall, as far as practicable preside at all meetings of the AEC and Area Conferences and shall see that all business is brought before the meeting in a proper manner and in accordance with the Rules; and that in the conduct of the affairs of the Union the Rules are duly observed and carried out.

#### Vice President

7. (1) The Vice-President shall be elected every three years by the delegates attending the Area Annual Conference. He must, prior to the holding of such Conference, be duly nominated for the office by at least one of the Lodges forming part of the Union and such nominations must be in the hands of the General Secretary not less than 28 days before the date fixed for the Area Annual Conference.

(2) The names of the persons nominated for the office of Vice-President shall be printed upon the final Agenda of business to be transacted at the Conference.

(3) The Vice-President shall, as may be required, assist the President. In the absence of the President he shall take his place and preside at meetings, and when he shall be presiding shall have the same powers and rights as the President.

### **General Secretary**

8. (1) The position of General Secretary shall be a full-time appointment and he shall not be allowed to hold any other full-time office during his tenure of office.

(2) Upon any vacancy occurring in the office of General Secretary, the same shall, if more than one person is nominated for the office, be filled by a ballot vote of the members of the Union. If only one person is nominated for the office, he shall be declared elected unopposed by the AEC.

(3) Any candidate for the office of General Secretary must first be duly nominated for the position by at least one of the Lodges forming part of the Union and such nomination must be in the hands of the President of the Union not less than 28 days before the ballot is taken.

(4) The election shall take place in accordance with the Rules for the conduct of ballots hereinafter contained.

(5) The General Secretary shall be the Administrative Officer in charge of the Area Office and District staff.

### **Duties of General Secretary**

9. The duties of the General Secretary shall be as follows:

(1) As far as is practicable, to attend all meetings of the AEC and all Area Conferences, and to keep a correct record of the proceedings thereat.

(2) To conduct the correspondence for and on behalf of the Union and the AEC; to prepare a balance sheet showing the financial position of the Union for each year ending on the 31st December which balance sheet shall also contain a summarised statement of the number of members of the Union and the amount of Lodge funds; also to prepare the Annual Returns and transmit them to the Registrar of Friendly Societies and, in this respect to comply with statutory provisions for the time being in force.

(iii) has disclosed any Union or National Union document to any outside body or person without authorisation from the Officials of the National Union or Area Officials of the Union as the case may be;

(iv) has done any act (which includes any omission) which may be detrimental to the interests of the Union and which is not specifically provided for in this Rule.

F. A complaint may be put before the Disciplinary Committee by any individual member or members, or by a Lodge Committee, an Area Conference or AEC. Any such member, group of members or Union body may appoint a member or Official of the Union (including in the case of a group of members or a Union body, one of themselves) to present their complaint.

G. The General Secretary in person or by a deputy shall act as Secretary to the Disciplinary Committee. Any complaint, together with a statement of the facts to be relied on in support of the complaint, shall first be sent to the General Secretary. The General Secretary shall consult the President and if either of them considers the complaint or statements out of order, the General Secretary shall refer it back to the complainant or complainants. The Area Conference shall resolve any such dispute if called on by the President or General Secretary or by the complainant or complainants to do so. The General Secretary shall convey each valid complaint in writing to each member, Lodge or Lodge Committee against whom the complaint is made, setting out the complaint in full and either setting out all the facts relied on by the complainant or complainants or, if appropriate, summarising them so as to enable each member Lodge, or Lodge Committee that they may reply in writing to the complaint in advance of the hearing but this provision is without

D. The Disciplinary Committee shall have power to consider a complaint that a member

- (i) has been found guilty by a court of law or a tribunal of any act or omission contrary to Union policy or involving Union funds or property;
- (ii) has ceased to be a member of any branch of the Union;
- (iii) is in arrears with his contributions to the Union by eight weeks' contributions or more;
- (iv) has been found guilty by a court of law of any offence involving fraud or dishonesty in circumstances which may affect his fitness to hold office in or be a member of the Union;
- (v) has admitted involvement in any dishonest practice in relation to funds of any description entrusted to him;
- (vi) has disclosed any Union or National Union document to any outside body or person without authorisation from the Officials of the National Union or Area Officials of the Union as the case may be;
- (vii) has done any act (which includes any omission) which may be detrimental to the interests of the Union or the National Union and which is not specifically provided for in this Rule.

E. The Disciplinary Committee shall also have power to consider a complaint that a Lodge or Lodge Committee:

- (i) has been found guilty by a court of law or a tribunal of any act or omission contrary to Union policy or involving Union funds or property;
- (ii) has admitted involvement in any dishonest practice in relation to funds of any description entrusted to them.

(3) To receive all monies payable to the Union, other than monies which under these Rules are receivable by Lodge treasurers, and when so received to see that these monies are duly allocated in accordance with the Rules of the National Union and banked forthwith. He shall at no time hold in his own hands any sum of money not immediately required for the purposes of the Union, and from time to time shall pay, or cause to be paid, such monies as shall be required to be paid for the purpose of carrying out any decisions of the AEC in accordance with these Rules.

(4) To be the medium for communication between the AEC and the Lodges and members of the Union and to prepare all agendas, reports and other documents which may from time to time be required in connection with the holding of any Area Annual Conference or Special Area Conference or for the conducting of the affairs of the Union.

#### Area Agents

10. (1) The Area Agents to be employed shall be such as may be deemed necessary in the opinion of the AEC subject to the approval of the NEC, to carry out the work of the Union.

(2) When a vacancy occurs in the position of Area Agent such vacancy shall be filled, when necessary, by a ballot vote of the members within the Lodges affected as provided in Rule 5 (2) in accordance with the rules for the conduct of ballots hereinafter contained.

#### Area Executive Committee

11. (1) The Union shall elect an Area Executive Committee ("AEC") which in addition to being responsible for the administration of the business and affairs of the Union between meetings of the Area Conference, shall be responsible to the NEC for: (i) the detailed organisation, membership and contributions as covered by the Union; (ii) establishment

and maintenance of the Lodges within the Union; (iii) all negotiations for price lists, wages, compensation and other matters which purely relate in character to a colliery, Zone or the Area; (iv) the submission of reports to the NEC of work done and proceedings taken at least once every month.

(2) There shall be elected by ballot vote six industrial members to the AEC. For nomination and ballot purposes the Area shall be divided into Zones which shall be determined by the AEC having regard to the efficient working of the Area and approximate equality of representation. Nominations in each of the Zones shall only be made by Lodges comprising the Zone. The ballot in each Zone shall be confined to members within that Zone.

(3) The AEC shall be elected by ballot vote of the members within the Zones for a period of three years and members of the Committee shall be eligible for re-election. Full time officials of the Union or the National Union shall not be eligible for election to the AEC but the President, Vice-President and General Secretary of the Union shall be ex officio members. Area Agents shall attend the meetings for consultation and report.

(4) There shall be one additional member of the AEC to represent Craftsmen. He shall be elected for a period of three years and shall be eligible for re-election. These elections shall be by individual ballot vote of members in the industry.

(5) If, for any reason, a vacancy occurs upon the AEC it shall be filled as soon as may be convenient by holding a by-election.

#### **Powers and Duties of Area Executive Committee**

12. The powers and duties of the AEC shall be:-

(1) To supervise and co-ordinate the action of all the Lodges in accordance with the Rules and policy of the Union and of the National Union and to act for the National Union in all matters of a purely Area character. Provided always

nomination. Members shall be elected by a Lodge vote of the Union and the AEC shall make such arrangements as it considers appropriate for the conduct of such elections. The membership for the purpose of this vote shall be the number for which the contributions have been paid to the Union over the last twelve months on the preceding 31st December, or the last available audit figure for such a twelve month period. The first such election shall take place within six weeks of this rule coming into effect and the Disciplinary Committee shall be dissolved and subject to re-election at dates to be fixed by the Area Conference being not less than three years nor more than three and one quarter years after each preceding election. A member shall be eligible for re-election to the Disciplinary Committee.

B. No members of the Area Conference shall be eligible for membership of the Disciplinary Committee except as provided in paragraph C below. Any member of the Disciplinary Committee who becomes a member of the AEC or a delegate to the Area Conference shall cease to be a member of the Disciplinary Committee. No member shall be eligible for membership of the Disciplinary Committee if he or she is a full-time Official or officer of the National Union. The AEC shall arrange as soon as practicable for an election to fill any such vacancy or any vacancy caused by the death, cessation of Union membership or resignation of any member of the Disciplinary Committee.

C. Subject to paragraph G below the President shall preside over meetings of the Disciplinary Committee and to the extent provided in this Rule shall be a member of it. In the absence of the President and in the absence of the Vice-President also the Disciplinary Committee shall appoint the Chairman or Chairwoman from among its members. A quorum of the Disciplinary Committee shall be three members including the person presiding and shall be selected on a rotating basis.

### Remuneration

36. No member of the Union acting for the Union shall be twice paid for one day's work out of the funds of the Union and no official shall hold, or receive payment for more than one office.

### Grievance Procedure

37. No member or person claiming under these Rules shall make any application to any Court until the procedure established by these Rules is exhausted. Any grievance of any member or person claiming under these Rules or group of members or of such persons shall proceed as quickly as is reasonably practicable in the following manner unless settled at any stage. The matter of the grievance shall be raised with the following and in the following order if not settled at any stage:

- (i) The Lodge
- (ii) The Area Officials
- (iii) The AEC
- (iv) The Area Conference
- (v) The National Officials
- (vi) The NEC
- (vii) The Conference whose decision shall be final and binding except on a point of law
- (viii) which point of law only may be appealed to Arbitrators appointed by agreement or in default of an agreement by the General Secretary of the Trades Union Congress.

### Disciplinary Rule

38. Disqualification of members, Branches and removal of Officers.

A. There shall be a Disciplinary Committee of the Union consisting of seven members of the Union who each have at least five years unbroken membership at the date of

that in the case of negotiations in connection with arranging an Area or Zone Agreement the AEC shall not have power to complete any such negotiations and enter into an agreement thereon without the previous approval of or under power delegated to it by the NEC. The NEC if it thinks advisable, may withhold its approval of any proposed Agreement with a view to any outstanding points of difference being reconsidered or otherwise.

(2) To prepare the Agenda for and the report to be presented to the Area Annual Conference.

(3) To make grants from the Central Fund to assist Lodges in abnormal difficulties.

(4) To provide grants to supplement the Superannuation Fund for the full-time employees of the Union under the control of the Area Office, and for full-time Safety Inspectors.

(5) To make such Standing Orders and By-Laws for the government of the Union as it may from time to time think necessary, but such Standing Orders and By-Laws, before becoming operative, must first be approved by the NEC, to the extent that they differ from Standing Orders annexed to the Model Rules.

(6) To merge contiguous Zones either wholly or in part if for reasons of efficiency and economy it thinks it necessary, subject to the Lodges in the Zones affected having the right to appeal to the Area Conference. If the Lodges affected object to the change proposed, the change shall not be put into operation until a decision has been made by an Area Conference.

(7) Where necessary to determine the size and number of Lodges, forming each Zone and/or to transfer Lodges from one Zone to another.

(8) To appoint the requisite number of members from the AEC including Area Agents, to complete the delegation to all National Conferences after each of the Zones has appointed one representative.



(9) To recommend various forms of industrial action in the pursuit of the objects of the Union.

(10) To perform all such other duties as are imposed upon it by these Rules and the Rules of the National Union

#### **Removal of Area Executive Committee**

13. The removal of the AEC shall be subject to the following conditions:-

- (a) A resolution to that effect must be passed by a majority of at least two-thirds of the delegates present at a Special Area Conference; and
- (b) such resolution must be confirmed by a majority of at least two-thirds of the members ascertained by ballot vote.

#### **Employment of Staff**

14. (1) The AEC may, subject to the Rules of the National Union, employ at the Area Central office such staff as may be necessary to administer efficiently the business of the Union; and to set up and/or maintain such departments as may be necessary for dealing with matters within the objects of the Union.

(2) The officials of such departments shall, from time to time, meet representatives and officials of Lodges with a view to securing and maintaining the efficiency of the administration of the organisation of the business of the Union.

#### **Audit of Union Accounts**

15. (1) The AEC shall appoint a reputable firm of qualified accountants who shall examine and audit all the books, vouchers, bank books, documents and accounts relating thereto, and report thereon once every six months, also the annual balance sheet which shall be made up to 31st December in each year.

of December in each year, and shall show the number of members in the Lodge, the income and expenditure of the Lodge, the assets of the Lodge and its general financial position.

#### **Contributions from Lodges to Central Fund**

31. The contributions specified under Rule 18 and the contributions from full-time officers of the Lodge and Union, shall be forwarded to the General Secretary every eight weeks.

#### **Payment of Lodge Officers**

32. The Lodge President, Secretary, Treasurer and Committeemen shall be paid such remuneration as the members of the Lodge present in a general meeting may from time to time determine.

### **GENERAL PROVISIONS**

#### **Inspection**

33. Any full financial member shall be entitled to inspect the latest audited accounts of the Union at the Registered Office of the Union. This shall not entitle any person other than a member (whether acting for or on behalf of a member or not) to so inspect.

#### **Qualification of Office**

34. No person shall be eligible or shall be capable of holding any office in the Union unless he is, and shall continue to be, a member of the Union.

#### **Officers not to Vote**

35. No officer of the Union shall be allowed to vote on any question which may arise at any meeting at which such officer shall be acting in an official capacity. Provided nevertheless, that Presidents (including Lodge Presidents) and Vice-Presidents (including Lodge Vice-Presidents) when acting as Presidents, shall have power to give a casting vote when the votes are equal on any question.

shall be laid before the members present for their approval or otherwise. Lodge General Meetings shall also be convened when necessary by decision of the Lodge Committee.

#### **Lodge Committee**

29. (1) There shall be a Committee for each Lodge consisting of such number as the members of the Lodge at a general meeting called for the purpose of appointing such Committee shall determine, but there shall be one representative of the Craftsmen and one representative to represent the interests of Youth on the Lodge Committee.

(2) The persons appointed to the Committee shall hold office for twelve months and the Committee must meet at least once every two weeks.

(3) The Committee members shall be paid such remuneration for attending the Committee and other meetings as the Lodge shall, from time to time determine.

(4) It shall be the duty of the Committee to transact all the business of the Lodge and in particular to consider all matters and complaints submitted to it by members of the Lodge.

(5) It shall have power to raise money by a levy or levies on the members of the Lodge to further the objects of the Union as defined in these Rules.

(6) The bankers for each Lodge shall provide to the Area Office of the Union, before the 31st January in each year, a bank statement showing the bank balances in the name of each Lodge at 31st December in the previous year.

#### **Local Lodge Audit**

30. At the end of each year, two competent persons shall be appointed by each Lodge to act as auditors. They shall examine and audit all books, vouchers, bank books, documents and accounts relating to the funds of the Lodge and also the Annual Balance Sheet which shall be made up to the 31st day

(2) The Auditors shall hold office until the Area Conference in each year.

#### **Trustees**

16. (1) There shall be three Trustees in whom all the funds and property of the Union shall be vested, who shall be appointed by the Area Annual Conference, and shall continue in office during the pleasure of the Union. An Area Conference may remove a Trustee from office and appoint another member of the Union in his place. A Trustee may resign his office by notice in writing to the Union.

(2) When any vacancy shall arise in the office of Trustee, a new Trustee shall be appointed by a majority of the delegates at an Area Conference but any Trustee so appointed must first be duly nominated by at least one Lodge and the nomination must be in the hands of the General Secretary at least 21 days before the names of the persons nominated shall appear on the Agenda of business to be transacted at such Conference. The Trustees shall be, and must remain, members of the Union, and on their ceasing to be members of the Union they shall cease to hold office as Trustee.

(3) Every Trustee shall be entitled to be indemnified by the Union in respect of any act done as such a Trustee whether in accordance with these Rules or otherwise so long as such act was done with the prior or subsequent consent of the Area Conference or of the AEC. For the purpose of this rule the word "act" shall include the not doing or failing to do something as well as the doing of anything. For the avoidance of doubt this Rule shall apply whenever the act defined occurred whether it occurred before the passing of this Rule or later.

### **New Entrants**

17. (1) Members of a trade union (affiliated to the TUC) who became employed in or connected with the coalmining industry and ancillary undertakings or such other industries and undertakings as the Conference of the National Union shall from time to time determine, shall be admitted to membership of the Union upon production of a Clearance Card or Transfer Certificate without being called upon to pay an entrance fee. The Clearance Card or Transfer Certificate must be handed to the Secretary of the appropriate Lodge within twenty-eight days immediately following the date upon which he commences work in or connected with the above industries or undertakings. The above provision shall apply to a member transferring his membership from one Constituent Association to another within the National Union.

(2) Youths under 18 years of age who apply for membership on their entering industry for the first time shall be admitted to membership and shall pay all contributions and levies in accordance with the Rules.

(3) No benefit shall be payable to any member for a period of 13 weeks immediately following the date upon which he becomes a Union member.

### **Contributions**

18. (1) All members of the union shall be obliged to pay or otherwise cause to be paid (by deduction from wages or otherwise) such contributions, fines and special levies as may from time to time be determined by the Union. A member shall be deemed to be a "financial member" of the Union entitled to all the rights and benefits provided for his or her category of membership under the Rules, whilst that member is in membership and not in arrears of payment.

(2) Full members shall pay a weekly contribution of a sum equal to 1.50p for each £1 of the adult surface minimum weekly wage in the coal mining industry or, in the case of a

### **Lodge Treasurer**

26. The Lodge Treasurer shall receive all monies receivable by the Lodge and he shall forthwith deposit all such monies in a bank in the name of the Lodge. He shall pay all accounts due from the Lodge by cheque and shall give and obtain proper receipts. In cases where exemption from this provision is claimed, permission must be secured from the General Secretary.

### **Lodge Secretary**

27. (1) The Lodge Secretary shall keep a correct account of all contributions and other monies paid by members and of all monies forwarded to the Area fund. He shall, as far as practicable, attend all Lodge and Committee meetings and take minutes of same, have charge of all books and correspondence relating to the Lodge, keep all the books in proper order and shall submit to the Lodge Committee each month a statement showing the financial position of the Lodge.

(2) After the 31st December in each year he shall forthwith prepare a balance sheet showing the financial position of the Lodge and the number of financial and non-financial members. As soon as such balance sheet has been audited he shall forward same to the General Secretary not later than 31st January and shall, on demand, supply each member of the Lodge with a print of same.

(3) He shall duly make a return of all financial members of his Lodge to the General Secretary whenever called upon to do so, and shall submit the Lodge books for inspection when called upon by the General Secretary.

### **Lodge General Meetings**

28. Lodge General Meetings shall be held at least once in every month, when the business of the Union and the Lodge

### Government of Lodges—Constitution

23. (1) Lodges shall be formed for every colliery/workplace at which there are 50 or more men employed, unless the AEC shall otherwise determine and they may be composed of an unlimited number of members. There shall be a president, treasurer, secretary and compensation secretary of each Lodge, who shall be elected by a majority of members of the Lodge present at a general meeting called for that purpose, or by ballot.

(2) The president, treasurer, secretary and compensation secretary shall hold office for a period to be determined by each Lodge, but such period shall not exceed 3 years.

(3) Lodges may appoint a vice-president and assistant secretary if they so desire. These officials, if they are so appointed, shall hold office subject to the provisions of this Rule.

### Lodge Compensation Secretary

24. (1) The Lodge Compensation Secretary shall deal with all disputed claims for weekly payments under the Workmen's Compensation Act and the Industrial Injuries Act.

(2) An honorarium shall be paid to the Lodge funds from area funds to cover this officer's salary on the basis of 4p. per employed member per annum. This payment will be made on the average employed membership of the Lodge over the previous twelve months.

### Lodge President

25. The Lodge President shall zealously watch the interests of the Lodge, superintend all business relating thereto, and as far as practicable, preside at all meetings and see that all cases are dealt with according to these Rules. He shall have power jointly with the secretary to call meetings of the Lodge.

member who is under the age of 18 years, a weekly contribution of a sum equal to 1.0p for each £1 of the adult surface minimum weekly wage in the coal mining industry. For the purpose of this Rule "surface minimum weekly wage" is five times the lowest adult standard grade rate for the coal mining industry.

(3) The contributions to the Industrial Fund shall be apportioned as follows:-

|                                   |     |
|-----------------------------------|-----|
| (i) to the Head Office of the NUM | 50% |
| (ii) to the Lodges                | 15% |
| (iii) to the Area Fund            | 35% |

(4) Those members who have left their employment in the Mining Industry and have been granted an extension of membership, for certain limited purposes as provided in Rule 21 (3) for the purposes of the Scheme set out in the Schedule, shall pay contributions where such persons are unemployed, of 10p per week and in other cases 20p per week, until they attain the age of 65.

### Arrears of Contributions

19. (1) Except where exemption has been otherwise granted by the NEC or Conference of the National Union a member shall cease to be a financial member when the extent of the member's arrears is the equivalent of 8 weeks' contributions. Any such unfinancial member shall cease to be entitled to the rights and benefits of membership until the whole of the arrears are paid, and for a period of four weeks after the date of payment of all such arrears.

(2) Any member who is unfinancial and after request fails to pay such arrears for a period of 13 weeks shall cease to be a member.

(3) Arrears shall include contributions, fines and such special levies as may from time to time be determined under the Rules.

(4) Any person formerly a member who has ceased membership under this Rule shall only be re-admitted to membership upon payment of a fee not to exceed the arrears. Any member paying such a fee shall not be entitled to the rights and benefits of membership for a period of four weeks after the date of payment of the fee.

(5) A member on strike or locked out shall be exempted from payment of contributions and special levies in respect of any period during which the member was on strike or locked out in respect of which he receives no wages. For the avoidance of doubt this Rule shall apply to strikes and lock-outs occurring before the passing of the Rule as well as later.

#### **Definition of Member**

20. (1) The term "financial member" when used in these Rules shall mean:

- (a) a member who has duly paid all contributions, levies, and fines payable by him, or
- (b) a member who has not paid the contributions, levies and fines as they have become due, but whose arrears are less than a sum equivalent to eight weeks' contributions.

(2) The term "half member" when used in these Rules shall mean a member under the age of 18 years, or a member employed in or connected with the coal mining industry or ancillary undertaking in which the Union has members in the Area who for the time being works on terms other than on a full-time basis but only for so long as he remains so employed other than upon a full-time basis.

(3) The term "limited member" when used in these Rules shall mean a person who has been granted an extension of membership for certain limited purposes in accordance with the provisions of the Scheme set out in the Schedule. Any application for such limited membership shall be made

through the appropriate Lodge Secretary. Admission to such limited membership shall be at the discretion of the AEC but any person refused such limited membership shall have a right of appeal as specified in Rule 37 (Grievance Procedure).

#### **Investment of Funds**

21. (1) All the real and personal property of the Union shall be vested in the Trustees and subject to the direction of the AEC and of the Area Conference. The Trustees shall in connection with the property and funds of the Union at all times observe and carry out in all respects the orders and directions of the AEC and of the Area Conference. The Trustees shall retain the custody of all Deeds, Certificates, or Script, representing the investments of the Union funds in some bank or other independent safe place of deposit.

(2) So much of the funds of Union as may not be wanted for immediate use or to meet the usual accruing liabilities of the Union or as are placed in a bank or other financial institution by the General Secretary shall be turned to account by the Trustees who shall have the power to invest those funds in such investments as shall from time to time be authorised by the AEC in the United Kingdom or abroad notwithstanding that such investments may not be investments authorised by Statute for the investment of trust funds. The Trustees shall have the power to sell or vary investments and to raise or borrow money on any of the properties or securities of the Union by way of mortgage or otherwise as the AEC thinks fit.

#### **Inspection of Mines on behalf of the Workmen**

22. Local pit inspectors appointed under Section 123 of the Mines and Quarries Act 1954 at each mine shall be three in number and shall hold office for a period of two years, and the third man appointed shall act as a deputy in the absence of one of the other two.