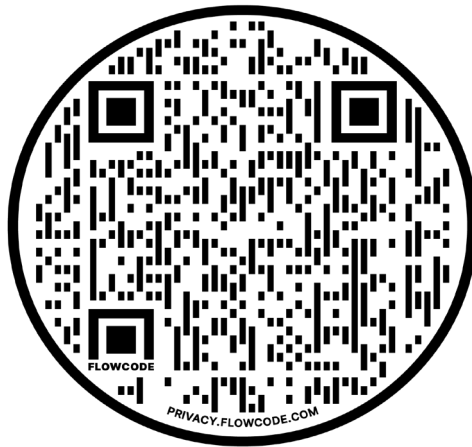


# RULE BOOK

UNITED ROAD  
TRANSPORT UNION





URTU Head Office,  
Almond House, Oak Green,  
Stanley Green Business Park,  
Cheadle Hulme, SK8 6QL

## Rule Book – Preface

This Union was formed for the purpose of obtaining improvements in Wages and Hours of Labour, assistance in cases of accident, for obtaining compensation for the injured, and in cases of death (by accident) compensation to those duly entitled.

Societies whose funds are available for the support of their incapacitated, disabled, and distressed members, and for affording aid to families bereaved by death, have long been the pride of all intelligent people. It will be admitted by those who, by forethought and self denial, make such provisions for themselves and families, not only contribute to their social, moral and intellectual advancement, but by strict adherence to rules and discipline, acquire knowledge which qualifies them for positions of responsibility and trust.

Objections are sometimes raised against trade societies. They have been charged with being monopolies and imposing unjust restrictions. However, those who experience the great benefit they confer can fully appreciate their worth and effectiveness. Moreover, it is essential for the progress of workers that they should combine for the concentration of means. This will enable them to make their power felt, affording them security against risks to which they would otherwise be exposed. Capital is increasing its force by associations everywhere throughout this country, the world and the global economy. Our labour is our only capital. It is incumbent upon us to place ourselves in a position to assert our right to a voice in the disposal of our labour. This we can do through uniformity of action. To attain this perfect unity to which we aspire, so far as our members are concerned, it is hoped that those workers outside of this Union may be aroused to a truer estimate of their own best interest and to a higher sense of their duties to the common cause.

Viewing the end the Union desires to reach with still greater certainty, it would appear that its members should stand in readiness to devote themselves with courage and patience and some self-sacrifice, to the work of elevating their order socially and intellectually. It should always be remembered that if workers would have their rights and interests guarded, they must be prepared to watch and do duty for themselves; to support, to promote and to enforce measures to ensure that end. Above all things, that it is their duty, being guided by the past to take proper advantage of the present for work for the future, to leave all things better than they found them.

Our members know the practical value of the Union and have manifested their attachment to it. By association, we acquire the discipline which allows us to act together and the patience which enables us to await for results. Organisation gives to all a special character and is a source of strength. It keeps members compact and concentrates their efforts towards one end, whilst without it they are both weak and ineffectual, exercising no influence or control over their future.

We direct your attention to this Union as the only safeguard of your interests, the only protection of your industry. In return for the many benefits it confers, it is incumbent upon us to devote our whole energy to its advancement and to take every opportunity of making it known and appreciated by those whose interests and duty it is to belong to it. If we do this, we may leave to a future generation not only a profession, but a means of maintaining its best interests, until some more general principle of co-operation shall be acknowledged in society, guaranteeing to everyone the full employment of the produce of their labour.

# content

<b>Section 1:</b> Membership and Benefits	5
<b>Section 2:</b> The Governing Body of the Union	15
<b>Section 3:</b> Officials of the Union	23
<b>Section 4:</b> Structure of the Union	27
<b>Section 5:</b> General Instructions & Members' Rights	33



# content

## Section 1: Membership and Benefits

<b>Rule 1:</b> Name, Objects and Constitution	6
<b>Rule 2:</b> Qualifications for Membership	7
<b>Rule 3:</b> Contributions	7
<b>Rule 4:</b> Incapacity/Accident Benefit	8
<b>Rule 5:</b> Death/Accidental Death Grant	8
<b>Rule 6:</b> Benevolent Fund	9
<b>Rule 7:</b> Strike and Lock-Out Benefits	10
<b>Rule 8:</b> Victimised Members	10
<b>Rule 9:</b> Legal Assistance (Third Party Claims)	11
<b>Rule 10:</b> Levies	12
<b>Rule 11:</b> Arrears	13
<b>Rule 12:</b> Grants	13

## Rules

It is particularly requested that each member on receiving a copy of these Rules, will examine them attentively, as they will not be allowed to plead ignorance of them. All Rules will be strictly enforced. If you have any problem in understanding or reading these rules, you should contact the Union's Head Office in the first instance.

Revised from 30 May 2022. **All previous rules rescinded.**

### Rule 1. - Name, Objects and Constitution

1. The Society is a Trade Union. The name of this Trade Union shall be "United Road Transport Union", hereinafter called the Union. The Registered Office of the Union shall be Almond House, Oak Green, Stanley Green Business Park, Cheadle Hulme, SK8 6QL, or such other place as determined by the National Executive Committee.

2. The Union is formed to secure to all its members the fair reward of their labour; to provide for the settlement, in a conciliatory manner, of disputes between members and their employers, so that a cessation of work may be avoided, and to regulate the relations between them; to offer pecuniary assistance to any member who may be out of employment in consequence of a dispute or lock-out or who may be victimised by the performance of a duty to which they were appointed by the National Executive Committee, to provide a weekly allowance for its members in case of accident or incapacity, to provide death benefit for the next of kin of deceased members making membership contributions to the Union and a fund for the relief of members who are in distress; to take such steps as the National Executive Committee may from time to time acting entirely in its discretion deem appropriate in order to obtain for members and/or members of their family compensation for injuries from persons and/or organisations responsible for such injuries and/or to provide other legal services as may be decided by the National Executive Committee from time to time and entirely at its discretion ("Legal Assistance"); to assist members (and other professional drivers in the Road Transport Industry) in the updating of their professional driver knowledge and/or the improvement of their professional driver competence as may be required from time to time by way of "Continuing Professional Development" or otherwise by the Department for Transport (or other Government Agency) either directly or by establishing, investing in and/or supporting, either directly or indirectly an agency, company, or other organisation for that sole purpose, to raise a fund for the purpose of maintaining and extending the Union and for all other purposes whereby the interests of the Union may be affected (in all instances subject to the following rules).

3. Without prejudice to the Union's right to refuse membership, the Union shall consist of an unlimited number of members following the occupation of road transport, distribution and logistics workers and employees.

## **Rule 2. - Qualifications for Membership**

1. Any person qualifying under Rule 1(3) may join the Union by paying the contributions and levies in accordance with Rule. They must, in every respect, conform to the Rules of the Union.
2. Members will be supplied with a membership card and a copy of the Rules.
3. For non-compliance with these Rules, the National Executive Committee may invoke Rule 32
4. Any person who may make a false declaration for the purpose of obtaining admission into the Union may be expelled from the Union by the National Executive Committee, subject to a right of appeal against their expulsion, in accordance with the appeals procedure set out in Rule 32 and shall forfeit all monies that they may have paid into its funds.

## **Rule 3. - Contributions**

1. There shall be varying scales of contributions, as amended from time to time by the National Executive Committee.
2. Members who are temporarily unemployed and who must be available for work, on production of a certificate from the appropriate Government Department may, at their own application, pay a reduced contribution. During that time they will not be entitled to any benefits (except Death Benefit) until after they have been in employment for eight weeks and paid eight week's contributions to the scale to which they originally contributed.
3. Members must be available for work and those who are incapacitated, injured or in receipt of Pensions are not eligible to pay the scale. Contributions must be paid and all arrears of ordinary contributions must first be clear before any payments can be accepted. Contributions paid under this scale will not count as qualifying contributions for any of the benefits provided by the Rules. Any member unable to follow their employment owing to incapacity/accident should have all periods of non payment of Union contributions covered by an authorised medical certificate, including production of a self-certification form. It is the responsibility of the individual member to ensure medical certificates are received at the Union's Head Office. Any refund of individual membership contributions will only commence from the date that the Union's Head Office receive authorised medical certificates, including any self-certification form.
4. Any member who has completed 40 years continuous membership of the Union and who permanently retires from all form of work can retain their rights as a member, so long as they apply, within twelve months of the date of their permanent retirement, and are granted a certificate of Honorary Membership by the National Executive Committee. The granting of a certificate is within the sole discretion of the National Executive Committee. Honorary members will not be required to pay contributions. Should a member apply and be granted honorary membership, in addition to receipt of a certificate, they will be entitled to a grant of £250 from the Union's general fund.

#### **Rule 4. - Incapacity/Accident Benefit**

1. To qualify for benefit all members must have paid 26 weeks contributions at scale A and not have arrears of six weeks or more.
2. Members shall be entitled to benefit as appropriate during pregnancy confinement, (subject to Rule 4(1) above).
3. No benefit shall be payable for the first three weeks of any incapacity. Thereafter at £15 per week to a maximum allowance of 12 weeks (ie. £180) in any 52 week period.
4. Members having received the maximum allowance, must then contribute to scale A for 49 weeks before any further benefit is payable.
5. No part weeks are paid and all periods of incapacity require to be covered by an appropriate certificate.
6. Arrears of contributions may be deducted from any benefit payable.
7. Any member wishing to receive benefit must send a form from the appropriate Government Department, or other appropriate certificate, to the Union's Head Office, as benefit will only be paid through Head Office.
8. Benefit will be paid as per Rule provided that the certificate is received at the Union's Head Office within three months of the date of commencement of incapacity. In any event, certificates must be received at the Union's Head Office within one month of an individual members return to work.
9. Any member having been found to have made a false declaration of incapacity or accident shall refund all monies received in such case. In addition they shall forfeit all benefits for 16 weeks from the date of detection. If detected a second time the member may be expelled from the Union by the National Executive Committee, subject to a right of appeal against their expulsion, in accordance with the appeals procedure set out in Rule 32.

#### **Rule 5. - Death/Accidental Death Grant**

1. On the death of a member, who is in compliance with the Union's Rule Book, a death grant of £750 will be paid, where claimed, to the member's next of kin. This benefit will not apply to Honorary Members of the Union, who do not pay membership contributions.
2. The amount of death grant in Rule 5(1) is due on the death of a member on condition that the member has paid all contributions and levies to the Union, from the date of the member joining the Union.



3. Any member at the date of death, whose arrears equal the sum of six weeks contributions and levies, shall forfeit all claim to death grant.

4. Application for Death Grant shall be made to the Union's Head Office. The application must be accompanied by the Registrar's Certificate of Death or photocopy and the deceased member's contribution card and Certificate of Marriage, or equivalent in respect of civil partnership, or a photocopy. Next of kin other than wife, husband or civil partner of deceased member are required to provide proof of legal entitlement. No Application for a Death Grant will be considered by the Union should an application be made more than one year after the date of death.

## **Rule 6. - Benevolent Fund**

1. Assistance shall be granted to any member qualifying for this benefit (and being in compliance with Rule 11, Arrears) towards the payment of any sum of money which the member has been ordered to pay by a Court for offences, as defined from time to time by the National Executive Committee, under certain or specified Road Traffic Acts committed whilst following their employment. Any sum payable is conditional on there being no wilful or deliberate negligence and that payment of such money by the member would cause distress to such member or their family.

2. As an alternative to Rule 6(1) above or Rule 6(3) below, financial assistance can be given to any member who opts for and is required to pay for driver training organised by Police or any other Authority as an alternative to prosecution for any of the defined Road Traffic offences.

3. Should any member who has paid into the Union and whose arrears do not equal six weeks contributions (as defined in Rule 11, Arrears) be prosecuted for any of the offences, as defined from time to time by the National Executive Committee, under certain or specified Road Traffic Acts, which offences are alleged to have been committed during the course of the member's employment and in membership, they shall, if they so wish, apply to the Union for Legal Assistance. Each member should forward to the Head Office of the Union the summons so that it reaches Head Office immediately after it has been served upon them, together with witnesses' names and addresses, the member's full statement and any other information they may have. The General Secretary may then refer the case to Solicitors appointed by the Union who shall duly consider the same and should they, in their absolute discretion, deem it a case that should be defended, they shall then arrange for the member to be represented. Should these alleged offences be committed whilst following their employment and be subjected to the totting up procedure, the member consequently being in danger of being deprived of their driving licence, they shall, if they so wish, apply to the Union for legal assistance. Each member should immediately forward to the Head Office of the Union the summons, together with witnesses' names and addresses, the member's full statement and any other relevant information they may have. The General Secretary shall then refer the case to Solicitors appointed by the Union who shall duly consider the same and may arrange for the member to be represented. The member may be represented in a Court at the sole discretion of the Union. Any application for legal assistance or other assistance (Rule 6(1) above refers) will not be considered by the Union if it is received by the Union more than one year after the date of the offence having been committed.

4. The National Executive Committee shall have the discretionary power to give assistance where LGV drivers require a specialist medical to seek to have their LGV Licence returned following revocation.

5. Any application for legal assistance or other assistance (Rule 6(1) above refers) will not be considered by the Union if it is received by the Union more than one year after the date of the offence having been committed.

#### **Rule 7. - Strike and Lock-Out Benefits**

1. In all cases where members of the Union are temporarily out of work as a result of a dispute with their employers, subject to the provisions contained in Rule 27, the member or members so thrown out of work on a contracted working day, may be paid at their full basic rate of pay for the first week or part thereof up to a maximum of five contracted working days and at a rate determined by the National Executive Committee for a further period not exceeding seven weeks, or such period the National Executive Committee shall determine. Members who have not paid 26 weekly contributions to the Union shall be paid such sums as may be determined by the National Executive Committee. All contributions and arrears are to be deducted from any benefit received.

2. Any member(s) of the Union who have paid 26 weekly contributions to the Union, and are not six weeks in arrears, if temporarily out of work owing to a dispute between the members of another Society and their employers, and not being entitled to statutory benefit, the member(s) so out of work shall be paid at a rate determined by the National Executive Committee for a period the National Executive Committee may determine, but this shall not exceed eight weeks. All contributions and arrears are to be deducted from any benefit received.

3. Members who are on official strike under this rule must be available for picketing and other duties. All members must at all times follow the directions and instructions of full time officers of this Union.

#### **Rule 8. - Victimised Members**

1. No member of the Union shall be considered a victim unless they are discharged from their employment for the performance of a duty to which the member has been duly appointed by the National Executive Committee. The member shall then be declared victimised and shall be entitled to receive payment at a rate and for such period as the National Executive Committee shall determine, but not exceeding eight weeks. The National Executive Committee shall have the power to consider and decide upon any individual case of severity, always provided the member's arrears do not equal six weeks' contributions and levies at the time the member is discharged from employment.

2. Any member discharged from employment under Rule 8(1) shall state to the Head Office in writing the full circumstances of the case within four days of the date of their discharge. The General Secretary shall investigate the case and send a report of the facts to the National Executive Committee, accompanied by the member's own statement. In such a case it must be proved on the balance of probabilities that no breach of Union rule, misconduct or neglect of duty of any description, on the part of the member, justified the discharge.

3. When employment is obtained for or by a member in receipt of benefit under this rule they shall cease to receive any further benefit in respect of their victimisation.

4. Any victimised members refusing suitable employment that may have been found for them shall forfeit all claims to benefit under this rule.

### **Rule 9. - Legal Assistance (Third Party Claims)**

1. The Union may provide Legal Assistance to Members and members of the family of Members. For the purposes of this and other Rules the terms "family member(s)" and "family" shall be defined by the National Executive Committee from time to time acting entirely at its discretion. Any person in receipt of Legal Assistance shall be referred to as an "Assisted Person".

2. The Union may provide Legal Assistance by means of the retention on behalf of the Assisted Person of solicitors and/or a licensed body as defined by Sections 71 and 72 of Part 5 of the Legal Services Act 2007 and commonly known as an "Alternative Business Structure" ("ABS"). The Union may hold shares in, or be a member of, or a Partner in an ABS or hold shares in a Company the purpose of which is to hold shares or a proprietary or other interest in an ABS in order to provide Legal Assistance.

3. If any Member whose arrears of contributions do not exceed six weeks wishes to apply, either for himself or herself or for a member of his or her family or the Estate or any dependent of such family member for Legal Assistance, that Member may complete and sign an Application Form and submit it to the Union. If the Member is deceased the Member's duly appointed Executor(s) or Administrator(s) may complete the said Application Form on behalf of the Estate or any dependents. If the Member is incapacitated, the Member's next of kin or other duly appointed Attorney or representative may complete the said Application Form on behalf of the Member or any family member. On receipt of the completed form the General Secretary shall have the power to forward the completed form to Solicitors or an ABS appointed by the Union. Should the Solicitors or the ABS then advise the Union that the proposed claim for compensation has a reasonable chance of success, that the said claim comes within the jurisdiction of the Courts of any part of the United Kingdom and that the claim merits support, the Union in its absolute discretion may then instruct the said Solicitors or ABS to take steps, which may include proceedings through the Courts of any part of the United Kingdom, on behalf of the Member, or personal representatives, dependents or member of the member's family, as may be appropriate and pursuant to the terms of any agreement that may be in force between the Union and the said Solicitors or ABS.

4. If the Solicitors or ABS at any stage, advise the Union that they are of the opinion that the claim is not likely to succeed, or that the claim does not merit support, then the Union may, in its absolute discretion, withdraw support and instruct the Solicitors to notify the member, their next of kin or personal representative, accordingly. In any event, the Union may, in its absolute discretion, withdraw support for a claim at any stage if the claim itself does not merit support, or if it is not in the interests of the Union and its members to support it.

5. If the personal injury which is the subject of this Rule has been caused by the consumption of alcohol or drugs by the member, or by any criminal act of the member, assistance under this Rule shall not be granted. Should a members' claim which is supported by the Union under this Rule be withdrawn or discontinued due to the member's wilful false statement to the Union, the Solicitors or the Court, the Union will not indemnify the member against any claim for costs which may be brought by a Defendant in the claim and the member will reimburse the Union in respect of all outgoings the Union may have made in pursuit of the claim.

6. In the event of claims under this Rule being supported the National Executive Committee or General Secretary on behalf of the National Executive Committee, in its absolute discretion, may order a levy to be made upon a member whose claim is being supported, to be paid out of the compensation recovered by the member by way of: (a) a flat fee at a level or amount as the National Executive Committee, or General Secretary on behalf of the National Executive Committee shall, in its absolute discretion, determine from time to time; and/or (b) a percentage fixed at a level or amount of either the total compensation or alternatively any part of the compensation recovered by the member as the National Executive Committee or General Secretary, on behalf of the National Executive Committee shall, in its absolute discretion, determine from time to time.

7. Any member who wishes to appeal to the Employment Appeal Tribunal, from a decision of an Employment Tribunal, may apply to the Union for legal assistance to do so. Should the Union, in their absolute discretion, deem the case merits support, it will arrange for the member to be legally represented at the Employment Appeal Tribunal.

#### **Rule 10. - Levies**

1. Should at any time the contributions paid by the members be found insufficient to meet the demands made upon the Union, the National Executive Committee shall have power to order a levy to be made on members to meet the deficiency.

2. Should any strike or lock-out occur among the members of the Union which, in the opinion of the National Executive Committee, is of sufficient importance to call for the support of the Union in general, the National Executive Committee shall have the power to impose a levy upon every member of the Union in order to render financial aid to those in dispute. The amount of the levy will be decided by the National Executive Committee.

3. Should any circumstances arise which, in the opinion of the National Executive Committee, render it necessary for any sum of money to be raised, other than from the contributions of the members, the National Executive Committee shall have the power to impose a levy upon every member of the Union sufficient to meet the circumstances of the case.

#### **Rule 11. - Arrears**

1. Any member of the Union, whose arrears equal six weeks' contributions and levies, shall forfeit all claims upon the Union and shall not be allowed to receive any benefit until four weeks after the member has brought themselves into benefit.

2.

a. Member's own verifiable contribution records shall be accepted as sufficient evidence of the amount of their payments, to submit to the National Executive Committee.

b. Should there be a dispute over the contributions paid in on behalf of the member by the Section / Branch / Secretary / Collector / Shop Steward or other member of the Union, the records of the Union shall decide all disputes as to the amount of such payments.

c. In the absence of any conclusive evidence, the records of the Union held at the Union's Head Office shall decide all disputes as to the amount of such payment.

d. The National Executive Committee shall rule on any application from previous members of the Union to rejoin, when an application is referred to them. The National Executive Committee in their absolute discretion, may instruct that payment of all arrears of Union contributions is a prerequisite for acceptance into membership, in unspecified circumstances. However, in normal circumstances, up to a maximum of one year's membership contributions will be sought from a previous member before they can rejoin the Union.

#### **Rule 12. - Grants**

1. The National Executive Committee shall have the power to make financial grants to Trade Unions in distress and to charitable institutions. Any Region having a call made upon them for financial assistance may lay the matter before the National Executive Committee who shall consider the case. Under no circumstances shall any grant be authorised without the sanction of the National Executive Committee.

2. The funds of the Union shall not be used for any purpose other than provided for in these Rules, except in Rule 12(1) above.

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# content

## **Section 2: The Governing Body of the Union**

<b>Rule 13:</b> Union Rule Changes/Policy/ Amendments	16
<b>Rule 14:</b> National Executive Committee	17
<b>Rule 15:</b> President	19
<b>Rule 16:</b> Trustees	20
<b>Rule 17:</b> Financial Auditors, Legal Services and Assurer	21
<b>Rule 18:</b> Affiliations	22
<b>Rule 19:</b> New Rules and Alterations	22
<b>Rule 20:</b> Voluntary Dissolution	22

### **Rule 13. – Union Rule Changes/Policy/Amendments**

1. Once every three years the Union will circulate to each member electronically, through the union's website, or otherwise, an opportunity to alter, rescind or make new rules and to determine policy.
2. Once the proposed changes have been received by Head Office, all members will be given the opportunity to amend any of the proposed changes, within a specified period of time determined by the National Executive Committee.
3. At the next National Executive Committee Meeting, following the Union's receipt of any amendments, consideration will be given by members of the National Executive Committee to first, any amendments and then the proposed changes to the Union's Rule Book or matters of policy.
4. Should any of the proposed changes to the Union's Rule Book or policy involve matters of finance, then the Union's Trustees, upon the invitation of the President, will be entitled to speak on the proposed changes but will only be entitled to vote on any changes to rules involving finance.
5. Following consideration of the amendments and the proposed rule changes by the National Executive Committee and Trustees, if involving finance, the changes agreed for implementation by the National Executive Committee will be circulated to each member electronically, through the Union's website, or otherwise, indicating when any new or amended rule or policy will become effective.
6. If any member is dissatisfied with the decision of the National Executive Committee to implement or otherwise a rule change, they should write to the General Secretary setting out in each and every particularity the reason why the Union should or should not seek to implement the rule change or amendment. This must be done within twenty-eight days of the date of the circulation of the proposed changes (Rule 13(5) above refers).
7. Upon receipt, the President, in conjunction with the National Executive Committee and General Secretary, will provide a written response to the member within fifty-six days following the next National Executive Committee Meeting, setting out the National Executive Committee's reasoning for the decision it has reached.
8. Should the member remain dissatisfied, they have the right of appeal against the National Executive Committee's decision, on the grounds that the action of the National Executive Committee is contrary to Rule, utilising the appeals procedure set out in Rule 32.
9. Nothing contained within Rule 13 will prevent the National Executive Committee proposing its own changes in accordance with Rule 13(1).



## **Rule 14. – National Executive Committee**

1.
  - a. For the general management of the Union there shall be a committee termed the National Executive Committee, consisting of the President, General Secretary and not more than one representative from each region. Three representatives in addition to the President and General Secretary, shall form a quorum with power to act.
  - b. Trustees shall have the right to attend National Executive Committee Meetings.
  - c. A Finance Sub-Committee, consisting of the Union's Trustees, shall meet during the meeting of the National Executive Committee, for the purpose of checking all accounts so as to be able to give a report to the National Executive Committee.
  - d. A Benevolent Fund Sub-Committee will be elected by the National Executive Committee to rule on referred applications for grant assistance through the Benevolent Fund.
  - e. A National Executive Committee member cannot be a Trustee of the Union whilst a member of the National Executive Committee.
2. The National Executive Committee shall meet four times per calendar year to determine anything not contrary to the Rules of the Union. The dates of the four meetings are set at the Autumn meeting for the following calendar year. All decisions of the National Executive Committee shall be binding upon all members and regions until such decisions have been changed, upon appeal in respect of Rules 2, 4, 13, 32 and 33. Union agreed Travelling expenses, will be paid to the President, National Executive Committee members and Trustees attending the National Executive Committee meeting and other approved meetings.

For neglect of duty or misconduct, any member of the National Executive Committee or Trustees shall be liable to suspension or expulsion, whichever a majority of the other members of the National Executive Committee may deem fit, in accordance with Rule 32. In addition, any National Executive Committee member or Trustee failing to attend two consecutive National Executive Committee Meetings, without good reason, determined by a majority of the other members of the National Executive Committee and Trustees, shall automatically forfeit their seat on the National Executive Committee or, in the case of Trustees, their right to attend National Executive Committee meetings.
3. All geographical regions' National Executive Committee members shall stand down at the end of their fifth year of office. They shall be eligible for re-election. Candidates must have been members of the Union for at least three years at the time of their nomination, subject to Rule 14(14), and their arrears must not equal six weeks' contributions and levies.
4. Within each geographical region of the Union, every five years, there will be a ballot of all members, within the Region to enable the Region to elect its National Executive Committee member for the ensuing five years. In the event that no nominations are received within a region,

then that region will remain unrepresented until such time that a ballot is requested by a branch(es) within that region. The Branch Secretary(s) or Shop Steward(s) should write to the General Secretary with their request(s). The General Secretary will then ensure that the request(s) is placed before the next National Executive Committee meeting in order that a timetable for a ballot can be agreed. In the event that a candidate is elected following such a request, the successful candidate will serve for the remainder of the five year period. The ballot will be postal, conducted from the Head Office of the Union, utilising independent scrutineers appointed by the National Executive Committee.

5. In the event of a member of the National Executive Committee resigning, failing to pay their membership contributions or being removed by death or otherwise, another election shall take place and the person elected shall serve as a National Executive Committee member for the remainder of the unexpired term. In the event that a replacement National Executive Committee member is not elected under this Rule, members of the National Executive Committee may nominate, in their absolute discretion, a Trustee to temporarily execute the duties of a National Executive Member, until such time as a replacement National Executive Committee member is elected.

6. The President of the Union shall preside at all meetings of the National Executive Committee. In the absence of the President, the Vice-President shall preside. In the absence of both, the National Executive Committee shall appoint a Chairperson from their number.

7. No member of the National Executive Committee shall be entitled to take part in any discussion or to vote on any matter in which they are personally interested.

8. No elected National Executive Committee member or Trustee shall be appointed to any permanent post on the staff of the Union unless they first resign their National Executive Committee membership or Trusteeship. No person holding any permanent full time post within the Union shall be eligible for appointment as a member of the National Executive Committee unless they first resign such post (subject to Rule 24).

9. No member is eligible to stand as an National Executive Committee member or Trustee whilst retaining membership of any other Trade Union.

10. In the event that six branches of a Region individually write to the General Secretary, expressing dissatisfaction in respect of the conduct of the National Executive Committee member for that Region, then the General Secretary will refer the matter to the next National Executive Committee meeting. Two representatives from the six branches will be invited to attend the National Executive Committee meeting. At that meeting, the National Executive Committee will receive representations concerning the conduct of the National Executive Committee member and determine if the complaint is well founded. The decision of the National Executive Committee shall be communicated or confirmed in writing within one week of the hearing of the complaint. Should either those complaining are, or the National Executive Committee member complained of is,

dissatisfied with the National Executive Committee's decision then an appeal against the decision may be lodged within 31 days to the General Secretary, who will refer the matter to the appeals set out in Rule 32.

11. The National Executive Committee shall have power, on behalf of the Union, to enter into arrangements for improving the provision of pensions for the full-time Officers of the Union, namely Regional Officers, National Officers, Assistant General Secretary and the General Secretary. Any member of the National Executive Committee may be counted in the quorum present at any meeting thereof, notwithstanding that they may be interested in any such arrangements, proposed arrangement which is being considered at such meeting and may vote thereon notwithstanding such interest.

12. The National Executive Committee shall have the power, on behalf of the Union, to make loans for the purpose of house purchase or improvement to such, of the full time employees of the Union referred to in Rules 21, 22, 23 and 24 as it thinks fit. Such loans shall be secured to the satisfaction of the National Executive Committee and shall be repayable on cessation of employment of such employee but otherwise on such terms and conditions as to repayment of interest and otherwise as the National Executive Committee may determine. Loans provided towards purchase of houses or improvements to such will only be made where an employee has agreed to move home by reason of work requirements.

13. The National Executive Committee shall elect a Vice-President from their number.

14. Members who qualify and are granted Honorary Membership of the Union when they permanently retire, are not eligible to stand as a candidate to be an elected President, National Executive Committee member or Trustee, in accordance with the principle outlined in Rule 1(3).

### **Rule 15. - President**

1. The President shall be a full in-benefit member of 5 years standing and must possess a full practical knowledge of the Union and be fully competent in conjunction with the General Secretary, to give interpretation upon any particular rule. It is accepted that in order to have gained and possess the requisite full practical knowledge of the Union and competence to be the President, a candidate will be a serving National Executive Committee member, and no candidate for the role of President can take up their seat as President without being a serving National Executive Committee member. Upon taking up their seat, they will relinquish their National Executive Committee regional representative position. They shall be elected by postal ballot by the members of the Union, such ballot shall be conducted from the Head Office of the Union utilising independent scrutineers appointed by the National Executive Committee. The candidate who receives the highest number of votes shall be declared elected. The President shall stand down at the end of their fifth year of office and they shall, if they wish, be eligible for re-election, subject to Rule 15(6).

2. The President shall hold no other seats on the National Executive Committee, but is not precluded from holding a seat on sub-committees of the National Executive Committee. The President shall not vote on any decision laid before the National Executive Committee, except to

offer a casting vote in the event of the vote of members of the National Executive Committee and, if relating to a matter of Finance, Trustees, being equal.

3. The President shall preside at all meetings of the National Executive Committee during the term of office and shall conduct such meetings with propriety and order. The President shall sign the Minutes of the National Executive Committee and, in conjunction with the General Secretary, arrange special meetings of the National Executive Committee when necessary. Only the General Secretary can order special meetings of the National Executive Committee, under Rule 38(1). The President's term of office will commence immediately following their election for a period of not more than five years. The President who stands down will be eligible for re-nomination. In the event of the President not being able to attend, the Vice-President shall preside. In the absence of both, the National Executive Committee shall elect a Chairperson from their number.

4. All applications for the services of the President must be made to the National Executive Committee, such applications to be forwarded to the General Secretary seven days before the National Executive Committee meet.

5. Any person acting as President of the Union shall be deemed to have resigned the Presidency upon ceasing to be connected as a member of the Union. The vacancy so caused shall be immediately filled by the Vice-President until the next election.

6. Any in benefit member who has served the Union as President for a full-term of Office, who has permanently retired, may apply for Honorary membership of the Union, notwithstanding their length of membership with the Union. They will not be entitled to a grant from the Union, in respect of Rule 3(4), should their application be granted a certificate by the National Executive Committee.

## **Rule 16. - Trustees**

1. Within the two following groupings of the Union's regions:
- 1) one, three, seven
  - 2) nine, eleven

there will be a ballot every five years of all members within each of the two groupings to enable the groupings to elect its trustee member for the ensuing five years. This will be a postal ballot, conducted from the Head Office of the Union, utilising independent scrutineers appointed by the National Executive Committee. Trustees shall receive the Union agreed travelling expenses allowed for attending National Executive Committee meetings.

2. Trustees shall stand down at the end of their fifth year of office, subject to Rule 16(3). They shall be eligible for re-election. Candidates must have been members of the Union for at least five years at the time of their nomination and their arrears must not equal six weeks' contributions and levies.

3. In the event of a Trustee resigning, failing to pay their membership contributions, or being removed by death or otherwise, another election shall take place and the person elected shall serve

as Trustee for the remainder of the unexpired term. In the event that a replacement Trustee is not elected under this Rule, members of the National Executive Committee may nominate, in their absolute discretion, a member of the National Executive Committee to temporarily execute the duties of a Trustee, until such time as a Trustee is elected. A written statement signed by the President and General Secretary that a Trustee has died, or has ceased to be connected as a member of the Union, or has refused to act, or has become incapable of acting through illness or otherwise, shall be sufficient evidence of that fact.

4. All deeds, documents of title and securities for money of the Union shall be held by the bank on behalf of the Trustees and they may take such measures for the safe custody and preservation thereof at the expense of the Union as they may decide. Trustees shall be responsible for the safe custody of all such deeds, documents and securities as are placed in their hands or under their control. They shall produce them for inspection when required by appointed Auditors. They shall not be under personal liability further than such as is imposed upon them by law.

5. The funds of the Union shall, with the consent of the National Executive Committee, be invested in the name of the Union by the Trustees in any of the following: in public funds or in the purchase of land and/or property or in the erection or alteration of offices or other buildings thereon or in any investment which Trustees are for the time being by law authorised to invest trust funds and any loans as referred to in Rule 14(12) and in the purchase of shares and/or securities and/or otherwise in providing financial support by way of loan or otherwise (on such terms as the Trustees with the consent of the National Executive Committee shall think fit) for any agency, company, or other organisation as mentioned in Rule 1, paragraph 2, of these rules. The National Executive Committee shall also have the power to purchase an interest by way of a shareholding, membership, or a Partnership in an ABS with Solicitors whether directly or indirectly and in particular shall have the power to acquire shares in a company the purpose of which is to hold shares in an ABS. The National Executive Committee shall also have the power to acquire shares in any publicly traded company or property by way of investment.

6. It shall be the duty of any Trustee who has resigned or been removed from office, to execute such documents and take all such other steps as may be necessary to vest in the Trustees, for the time being, of the Union all securities and other property held by them on behalf of the Union.

7. Trustees should attend National Executive Committee Meetings. In addition, any special meetings called for the purpose of discussing the financial affairs of the Union. When in attendance at National Executive Committee Meetings they shall report on any financial matters in which they are involved and may remain in attendance whilst other business is being discussed. They shall be precluded from speaking on matters other than finance, except on the invitation of the President. They will only be entitled to vote on any matter involving Finance.

#### **Rule 17. – Financial Auditors, Legal Services and Assurer**

1. The accounts of the Union shall be audited once a year by an approved Auditor or Accountant appointed by the National Executive Committee. After the annual audit, the National Executive Committee will allow the full time officials of this Union the necessary information to enable them to inform members of the financial position of the Union, when requested.

2. Any legal services provider, including the appointment of the Union's Solicitors, shall be determined by the National Executive Committee.

3. In accordance with the requirements of the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) in accordance with the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (the Act), the General Secretary shall appoint an assurer to carry out the function of the preparation and submission to the Certification Officer of the Union's annual membership audit certificate (MAC). Any contract under which the assurer shall be appointed shall incorporate the rights afforded to the assurer under the Act, and also make provision for the assurer's removal in accordance with the legislation.

### **Rule 18. - Affiliations**

The National Executive Committee shall have the power to affiliate the Union with, and pay fees, to any body, federation, congress, conference or political party when in the interests of the Union it is considered advisable to do so. The National Executive Committee may also appoint representatives to attend the meetings of such.

### **Rule 19. - New Rules and Alterations**

No new Rule shall be made, nor shall any of the Rules herein contained be amended, altered or rescinded except by the National Executive Committee, as provided for in Rule 13, subject to Rule 38(1).

### **Rule 20. – Voluntary Dissolution**

1. The Union may be dissolved if supported by not less than 80% of votes cast in a postal ballot of all the members.

2. After discharging all debts and liabilities the remaining assets of the Union, if any, shall be distributed equally between the members at the date of dissolution on the basis of their complete years of membership, each year comprising one share, unless the members when voting for dissolution shall have resolved to the contrary.

# content

## **Section 3: Officials of the Union**

<b>Rule 21: Regional Officers</b>	24
<b>Rule 22: National Officers</b>	24
<b>Rule 23: Assistant General Secretary</b>	25
<b>Rule 24: General Secretary</b>	25

## **Rule 21. - Regional Officers**

1. The National Executive Committee shall appoint Regional Officers from time to time as may be deemed necessary in the interests of the Union. Regional Officers shall act under the directions of the National Executive Committee, the General Secretary, Assistant General Secretary and the National Officers.
2.
  - a. Regional Officers shall be paid such salaries and allowances as the National Executive Committee may negotiate. They shall give three months' notice before resigning and receive three months' notice before being dismissed from office. They shall retire from service in accordance with the Officials Agreement and Contracts of Employment.
  - b. Disciplinary procedure that may lead to suspension or dismissal shall be governed by the terms and conditions as set out in the Agreement negotiated between the paid Officials of the Union and the National Executive Committee, as part of their Contract of Employment.
3. They shall visit such branches and places as they are directed and they shall reside wherever most convenient for the Union's work. They shall be subject to suspension and/or dismissal subject to provisions as contained in the Officials Agreement. They shall in no case take part in any trade movement or issue circulars without authority of the National Executive Committee, the General Secretary, Assistant General Secretary or National Officers.

## **Rule 22. - National Officers**

1. The National Executive Committee shall appoint National Officers from time to time as may be deemed necessary in the interests of the Union. National Officers shall act under the directions of the National Executive Committee, the General Secretary and Assistant General Secretary.
2. All applicants for the position of a National Officer must have at least 12 months' continuous membership with the Union at the time of application.
3.
  - a. National Officers shall be paid such salaries and allowances as the National Executive Committee may negotiate. They shall give three months' notice before resigning and receive three months' notice before being dismissed from office. They shall retire from service in accordance with the Officials Agreement and Contracts of Employment.
  - b. Disciplinary procedure that may lead to suspension or dismissal shall be governed by the terms and conditions as set out in the Agreement negotiated between the paid Officials of the Union and the National Executive Committee, as part of their Contract of Employment.
4. They shall visit such branches and places as they are directed and they shall reside wherever most convenient for the Union's work. They shall be subject to suspension and/or



dismissal subject to provisions contained in the Officials Agreement. They shall in no case take part in any trade movement or issue circulars without authority of the National Executive Committee, the General Secretary or Assistant General Secretary.

### **Rule 23. - Assistant General Secretary**

1. The National Executive Committee shall appoint an Assistant General Secretary as may be deemed necessary in the interests of the Union. The Assistant General Secretary shall act under the directions of the National Executive Committee and the General Secretary.

2. All applicants for the position of Assistant General Secretary must have at least 12 months' continuous membership with the Union at the time of application.

3.

a. The Assistant General Secretary shall be paid such salary and allowances as the National Executive Committee may negotiate. He/she shall give three months' notice before resigning and receive three months' notice before being dismissed from office. He/she shall retire from service in accordance with the Officers' Agreement and Contracts of Employment.

b. Disciplinary procedure that may lead to suspension or dismissal shall be governed by the terms and conditions as set out in the Agreement negotiated between the paid Officials of the Union and the National Executive Committee as part of their Contracts of Employment.

4. He/She shall be subject to suspension and/or dismissal subject to the provisions as contained in the Officials' Agreement.

### **Rule 24. - General Secretary**

1. The General Secretary shall be a full benefit member of 5 years standing and must possess a full practical knowledge of the Union and be fully competent in conjunction with the President to give interpretation upon any particular rule and he/she shall be elected by postal ballot by the members of the Union, such ballot shall be conducted from the Head Office of the Union and independent scrutineers appointed by the National Executive Committee. The candidate who receives the highest number of votes shall be declared elected. The General Secretary shall retire at the end of the fifth year of office and they shall, if they wish, be eligible for re-election.

2.

a. The General Secretary shall be paid such salary and allowances as the National Executive Committee may negotiate. They shall give three months' notice before resigning and receive three months' notice before being dismissed from office.

b. Disciplinary procedure that may lead to suspension or dismissal shall be governed by the terms and conditions as set out in the Agreement negotiated between the paid Officials of the Union and the National Executive Committee as part of their Contract of Employment.

3. The General Secretary will attend all National Executive Committee Meetings and act under the direction of the National Executive Committee. The General Secretary shall have the right to speak on any business at a National Executive Committee meeting or any other meeting.

4. The General Secretary shall perform all the duties laid down by the National Executive Committee and shall generally supervise the work of the Union in all departments between all ordinary and special National Executive Committee meetings, having full power to deal with all matters between National Executive Committee meetings, including any matters the General Secretary deems to be cases of emergency and/or application of Rule 38(1).

5. The General Secretary shall keep the current banking accounts of the Union and shall transmit all monies received from the membership to the current accounts within seven days. The General Secretary is hereby authorised to sign cheques upon the current account for such amounts as may be necessary for the carrying out of the business of the Union. In addition to the duties herein stated, he/she shall perform the office of Treasurer to the Union.

6. The General Secretary shall ensure that all surplus funds shall be transferred to the Investment Account standing in the name of the Union for future investment as per Rule 16.

# content

## **Section 4: Structure of the Union**

<b>Rule 25: Branch Structure</b>	<b>28</b>
<b>Rule 26: Trades Councils</b>	<b>30</b>
<b>Rule 27: Trade Union Actions</b>	<b>31</b>
<b>Rule 28: Appeals of Branches/Section &amp; Members</b>	<b>31</b>
<b>Rule 29: Application of Funds</b>	<b>32</b>

## **Rule 25. - Branch Structure**

1. A branch of the Union will comprise of a number of members organised and employed together and allocated to the appropriate geographical region. Each branch shall have for its management a Chairperson, Branch Secretary, Shop Steward and elected Committee, that will consist of a Treasurer and Union Learning and Health and Safety Representatives.

2. The Branch Chairperson shall preside at all meetings of the branch, unless prevented by incapacity or other reason, for the purpose of conducting the business in accordance with the rules of the Union.

The Branch Chairperson shall open and close the meetings of the branch and see that the minutes of the previous meeting are confirmed and signed. The Branch Chairperson shall ensure that no non-branch members are admitted. The Chairperson shall not vote except to give a casting vote in the event of the vote of members being equal. In the absence of the Branch Chairperson, the members will appoint a Chairperson from their number. The Chairperson will ensure that all matters voted on are proposed and seconded. When an amendment to a motion is made they will ensure that the amendment is disposed of first. When an amendment is carried, it will amend the original motion.

3. Members eligible for election to any branch office must have been at all times financial members of the Union for not less than six months, except in the case of newly formed union branches. If in the case of any branch, the National Executive Committee shall arrange for the Secretarial duties to be performed by a Full-Time official, the branch shall not, so long as such arrangement continues, be entitled to elect a Branch Secretary.

4. The branch will hold an Annual General Meeting when Branch Officers shall be elected, such Officers to take office immediately following election. No nomination for office will be accepted unless the nominator has first ascertained that the person they wish to nominate is prepared to accept the duties of the offices for which they seek election.

5. New branches in the first year of their formation may elect any of their members as Branch Officers without the six month financial membership qualification. Elected members should attend all branch meetings.

6. The Branch Secretary will be responsible for keeping correct records of all business transacted by the Branch. The Branch Secretary will also attend all meetings of the branch. The Branch Secretary will pay strict attention to the Rules and act in accordance with them. The Branch Secretary will conduct all correspondence in connection with the branch. All correspondence relating to branch motions and decisions must be forwarded to the Regional Officer concerned. The Branch Secretary shall carry out any instructions issued by the National Executive Committee or the General Secretary. The Branch Secretary will, when required by the National Executive Committee or the General Secretary, produce all the books and papers of the branch for inspection. The Branch Secretary will be responsible for notifying the Regional Officer of the names of the

Branch Secretary, the Chairperson and members of the elected Committee, when applicable, within seven days of election.

7. Branch expenses will be paid to the Union branch where claimed. It is for the branch to decide how these funds are utilised on behalf of branch members. Branch Expenses will be paid on the production of a valid receipt to the Union's Head Office, for expenditure incurred by the Branch, coupled with the completion of an appropriate claim form. Branch Expenses are calculated annually in advance and will relate to 12.5% of branch members' contributions, as at 1st January each year. This will be the maximum amount that can be claimed within a calendar year. Any Branch Expenses not utilised in a calendar year will be forfeited at the end of the calendar year. Should any Branch wish to spend more than £100 on any one purchase, the Branch Secretary/Treasurer should contact the Union's Head Office in order to arrange payment, in advance, upon subsequent production of a receipt, should such a facility be required.

8. The Shop Steward will act at all times within the Rules of the Union and will carry out the instructions of the National Executive Committee and the General Secretary, through the appropriate full time Officer. The Shop Steward will be responsible for recruitment of members into the Union and maintaining full membership within the branch. The Shop Steward will attend all branch meetings and will be required to be conversant with the Company and Union Agreements affecting the members of the branch. The Shop Steward will be responsible for protecting and furthering the interests of members in the branch. Full-time Officers have the right to attend all meetings of the branch.

9. No member can stand for Branch office whilst retaining membership of any other Union.

### **Section Structure**

10. A section may be set up upon the request of the majority of the branches within a geographical area, such areas to be defined by the National Executive Committee. Provision shall be made for members who do not belong to any branch within that geographical area to be allocated within a miscellaneous branch of that geographical area.

11. Members eligible for election to any section office must have been at all times financial members of the Union for not less than twelve months. If in any section the National Executive Committee arrange for the secretarial duties to be performed by a permanent Official, the section shall not, so long as such arrangement continues, be entitled to elect a Section Secretary.

12. The section will hold an Annual General Meeting when Section Officers shall be elected, such officers to take office immediately following election. No nomination for office will be accepted unless the nominator has first ascertained that the person they wish to nominate is prepared to accept the duties of the office for which they seek election.

13. The Section Chairperson shall preside at all meetings of the section unless prevented by incapacity or an acceptable reason, for the purpose of conducting the business in accordance with

the Rules of the Union. The Section Chairperson shall open and close the meetings of the section and see that the minutes of the previous meeting are confirmed and sign same. The Section Chairperson shall ensure that no non-section members are admitted.

The Chairperson shall not vote except to give a casting vote in the event of the votes of the members being equal. In the absence of the Section Chairperson the members present will appoint a Chairperson from their number. The Chairperson will ensure that all matters voted on are proposed and seconded. When an amendment to a proposal is made they will ensure that the amendment is dealt with first. When an amendment is carried, it will amend the original motion.

14. The Section Secretary will be responsible for keeping correct records of all business transacted. The Section Secretary will also attend all meetings of the section. The Section Secretary will pay strict attention to the Rule Book and act in accordance. The Section Secretary will conduct all correspondence in connection with the section. All correspondence relating to section motions and decisions must be forwarded to the Regional Officer concerned. The Section Secretary shall carry out any instructions issued by the National Executive Committee or the General Secretary. The Section Secretary will, when required by the National Executive Committee or the General Secretary, produce all the books and papers for inspection. The Section Secretary shall be responsible for notifying the Regional Officer of the names of the Secretary, the Chairperson and members of the elected Committee, when applicable, within seven days of the election and be responsible for recording the minutes of the section meetings.

15. The section will not interfere with the affairs of any branch unless by invitation of that branch or by the request or instruction of the National Executive Committee or General Secretary, through the appropriate full time Official.

16. No member is eligible to stand for Section Office whilst retaining membership of any other Union.

17. Should any case come before a section/branch on which the Rules are silent, or not clearly defined, the case shall immediately be sent to the National Executive Committee for their decision.

## **Rule 26. - Trades Councils**

1. Any branch/section of the Union may, if decided by a majority of the branch/section, apply to the National Executive Committee for permission to affiliate to join the Trade Council in the district where a branch/section is situated.

2. Delegates to Trades Councils will be able to claim travelling expenses. Such claims shall be paid from Branch funds, via the Union's Head Office, upon completion of a claim form provided by Head Office. Delegates to Trades Councils should provide a written request to the Union's Head Office for reimbursement from Branch Funds.

## **Rule 27. - Trade Union Actions**

If Union members in any branch seek recognition of the Union for bargaining purposes or wish generally to improve wages and/or conditions, the procedure below must be followed.

- i. At a branch meeting obtain a vote of not less than two thirds majority of members to support the proposals.
- ii. Inform their full time Officer of details of their claim.
- iii. The full time Officer must seek resolution of the members claim, whether an existing company/union agreement is in force or not. Where such an agreement is in force the full conciliation/disputes procedure must be followed.
- iv. In the event that the matter in question is not resolved and the branch wish to pursue it by taking industrial action, the full time Officer must make an application to the National Executive Committee for their support. No industrial action should be commenced until the National Executive Committee has sanctioned it and no industrial action will be sanctioned retrospectively, neither will any benefit be paid to any members so involved.

Full time Officers acting in breach of these rules will be subject to disciplinary action. Providing all the preceding conditions have been fulfilled the National Executive Committee is empowered to sanction industrial action, the authority of the National Executive Committee is however subject to the following conditions.

- v. The National Executive Committee have been provided with all the relevant information concerning the branch and the claim.
- vi. The National Executive Committee have decided on its merits that they support the claim. The National Executive Committee must then, failing any further efforts at peaceful settlement, arrange an industrial action ballot in accordance with these rules and current legislation. In such a ballot there must be a majority of those entitled to vote in favour of industrial action as a pre condition of National Executive Committee authorisation. The General Secretary will, from the time of the result of the ballot being known, be responsible for the directing of the action but, in their absence, a National Officer will be responsible. Where an employer initiates the possibility of industrial action by breach of contract or an agreement, the procedure may commence at Rule 27 (iii).

## **Rule 28. - Appeals of Branches/Section and Members**

1. Any member dissatisfied with the decision of their branch/section may appeal to the National Executive Committee, whose decision shall be final except where an appeal is lodged against such decision on the grounds that the action of the National Executive Committee is contrary to Rule. Such appeal shall be in accordance with the appeals procedure set out in Rule 32. Any appeal should be notified to the General Secretary within one month of the receipt of the National Executive Committee's written decision.

2.

a. Any branch/section in which a majority of not less than two-thirds of the members differ from the decision of the National Executive Committee, on the grounds that the National Executive Committee's decision was contrary to Rule, may appeal in accordance with the appeals procedure set out in Rule 32.

b. Any appeal should be notified to the General Secretary within 31 days of the receipt of the National Executive Committee's written decision. An external lawyer appointed by the General Secretary, when hearing the appeals of the branch/section, shall have the power to uphold, alter, amend or modify any decision which has been appealed.

### **Rule 29. - Application of Funds**

1.

a. All monies received on account of contributions and levies shall be applied towards carrying out the objects of the Union, according to the Rules.

b. Any member of the Union believed to be misapplying the funds shall be dealt with under Rule 32 by the National Executive Committee, without prejudice to their liability to prosecution.

2. The General Secretary shall have power, through the National Executive Committee, to take legal proceedings on behalf of the Union against any person who may at any time misappropriate any of the Union funds, the cost of such proceedings to be met from the General Fund.



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## **Section 5: General Instructions & Members' Rights**

<b>Rule 30: Members Defrauding</b>	<b>34</b>
<b>Rule 31: Members Defrauding Each Other</b>	<b>34</b>
<b>Rule 32: Membership Complaints</b>	<b>34</b>
<b>Rule 33: Members Seceding</b>	<b>36</b>
<b>Rule 34: Members Becoming Managers</b>	<b>36</b>
<b>Rule 35: Change of Residence</b>	<b>36</b>
<b>Rule 36: Members' Rights</b>	<b>37</b>
<b>Rule 37: Imposing on the Union</b>	<b>37</b>
<b>Rule 38: General Instructions</b>	<b>37</b>
<b>Rule 39: Transferred Members</b>	<b>37</b>

### **Rule 30. - Members Defrauding**

If any officer, member, or any person whatsoever, by false representations or imposition, shall obtain possession of any monies, securities, books, papers or other effects of the Union, or having the same in their possession shall withhold or misapply them, or shall wilfully apply any part of the same to the purposes other than those expressed or directed by the Rules of the Union, they may, on complaint being made to the National Executive Committee, after investigation, be summoned before a court of law or reported to the appropriate authority.

### **Rule 31. - Members Defrauding Each Other**

1. Any member receiving money to pay for another member or for any other person desiring to become a member, and neglecting to pay such money to the Branch Secretary, shall be responsible for the money paid to them. All such cases shall be brought before the Section or Branch Committee for their decision, but no member so entrusting their contribution money shall have any claim upon the Union if thrown out of benefit through the person entrusted with the said contribution money failing to pay the same. Should any member refuse to pay money entrusted to them as before mentioned, he/she shall be deprived of all benefit until the same be paid by them into the Union.

2. In case of any member or members being declared out of benefit through some omission or negligence of the Section or Secretary, such member or members shall have the right to appeal to the National Executive Committee who shall have full power to deal with each case on its merits.

3. The procedure for dealing with Rule 31(1) and (2) above is governed by Rules 29 and 30.

### **Rule 32. - Membership Complaints**

1. No member shall knowingly disclose the business of the Union to anyone not connected with the Union, nor make any statement nor do any act (nor fail to do any act) which through a positive act, omission, neglect or recklessness prejudices the interests of the Union or damage, injure or mislead any fellow Union member, unless under police caution or where otherwise required or permitted by law.

2. Any complaint to the National Executive Committee that there has been a breach of Rule 32(1) above shall be in writing to the National Executive Committee by way of the General Secretary or President and such complaint shall contain or have annexed to it any written evidence or correspondence relevant thereto. On receiving such complaint the National Executive Committee may, at their absolute discretion, summons the member to whom the complaint refers to appear before it to answer such complaint. Any such summons to a member must be in writing and must contain the full details of the grounds of the complaint and must include a copy of the written complaint and any written evidence or correspondence annexed thereto. Such summons must give 3 weeks notice to the member complained of, of the date, time and place and the procedure to be followed at the hearing before the National Executive Committee. The member may be represented by a fellow member of the United Road Transport Union or a member of another trade union and

shall be allowed to submit, not later than 10 days prior to the hearing before the National Executive Committee, any written evidence, testimony or other documentation in support of their case.

3. At the hearing before the National Executive Committee no new complaint may be raised.

4. The member complained of shall be afforded a full and fair hearing before the National Executive Committee. The National Executive Committee will consider oral and written evidence submitted to it in support of and in defence of the complaint.

5. In the event of the National Executive Committee finding the complaint proved the National Executive Committee shall have power to impose a fine upon the member complained of up to a maximum of £250 and/or to suspend the member from membership of the Union for such time as the National Executive Committee considers to be appropriate, or to expel the member from the Union.

6. The decision of the National Executive Committee shall be communicated or confirmed to the member in writing within one week of the hearing.

7. Should the member be unable to attend any hearing of the National Executive Committee under this Rule because of illness certified by a medical practitioner, or other reason acceptable to the National Executive Committee, a new date for the hearing will be arranged as soon as practicable and the period of notice as specified in Rule 32(2) will apply.

8. Any decision reached by the National Executive Committee under Rule 32(5) is subject to the right of appeal. Any appeal against a decision of the National Executive Committee reached under Rule 32(5) shall be in writing to the National Executive Committee, by way of the General Secretary or President, within 21 days of the date of the letter sent to the member under Rule 32(6). The letter of appeal shall contain or have annexed to it any written evidence or correspondence relevant to the appeal, upon which the member wishes to rely.

9. Upon receiving notification of the member's wish to exercise their right of appeal, the member will be invited to attend a meeting with an external lawyer appointed by the General Secretary, who will hear their appeal. The appeal hearing will take the form of a review of the National Executive Committee's decision. The external lawyer will have the power to:

- i. Uphold the National Executive Committee's decision.
- ii. Overturn the National Executive Committee's decision on the sanction and impose its own sanction in line with Rule 32(5), but cannot impose a more severe sanction.
- iii. Overturn the National Executive Committee's decision and impose no sanction.

10. The member will be given 21 days notice of the date, time and place of the appeal hearing and the procedure to be followed at the appeal hearing. The member will be entitled to representation by a fellow member of the URTU or a member of another trade union. The name of the representative must be notified to the General Secretary or President in the letter from the member notifying the Union of their wish to exercise their right of appeal.

11. The member shall be allowed to submit, not later than 14 days prior to the appeal hearing, any further written evidence, testimony or other documentation in support of their case. At the appeal hearing, no new complaint may be raised. The external lawyer will consider oral and written evidence submitted to them in support of the grounds for appeal, together with the reasoning relating to the National Executive Committee's original decision.

12. The decision of the external lawyer shall be communicated or confirmed to the member in writing within three weeks of the appeal hearing. The decision of the external lawyer is final and there will be no further level of appeal within the Union.

13. Should the member be unable to attend the appeal hearing under this Rule because of incapacity certified by a medical practitioner, or other reason acceptable to the external lawyer, a new date for the appeal hearing will be arranged as soon as practicable and the periods of notice as specified in Rule 32(10)(11) will apply.

14. If the complaint under Rule 32(2) is against a member of the National Executive Committee, General Secretary, Trustee, or employee of the Union, the procedure in this Rule shall be modified to the extent that the initial investigation and determination of the complaint shall be carried out by an external lawyer and any appeal shall be carried out by another external lawyer.

### **Rule 33. - Members Seceding**

1. Should any member or officer attempt either publicly or privately to induce any member or members, Branch or Branches, to secede from the Union, they shall be expelled therefrom and shall forfeit all claims upon the same and shall not be allowed to rejoin the Union. Each case shall be considered by the National Executive Committee to decide on the evidence whether a member shall be expelled.

2. Should the National Executive Committee determine upon the evidence that a member should be expelled from the Union, the member shall have a right of appeal against the decision. The appeals Procedure to be utilised against decisions of the National Executive Committee, under Rule 33(1), will be in accordance with the appeals procedure set out in Rule 32.

### **Rule 34. - Members Becoming Managers**

1. Members becoming Managers/Supervisors/Team Leaders may still remain members of the Union and be entitled to its benefits by paying the regular contributions, levies and conforming to its Rules but they shall not be eligible to hold office in the Union, unless they belong to an organised Branch of the clerical and supervisory section of the Union, in which case they may hold office in that branch.

### **Rule 35. - Change of Residence**

When any member changes their home address they shall give notice in writing to the Union Head Office and/or Section Secretary of that new address and post code to ensure that their benefits and rights are preserved.

### **Rule 36. - Members' Rights**

1. Every member of the Union shall have a part in all property of the Union in accordance with Rule 20.
2. The names of the National Executive Committee, President, Vice President, Trustees and all Officers of the Union can be obtained upon written request to the General Secretary. Alternatively, they are available on the Union's website.
3. Should any member or members desire at any time to place before the National Executive Committee any request or suggestion for consideration, they must lay the same before the Branch/Section of which they are members, and if the Branch/Section entertain it, such request or suggestion must be forwarded in writing to the General Secretary who shall lay the same before the National Executive Committee at their next meeting following receipt of the said request or suggestion.
4. Any in-benefit member may make an appointment to inspect the accounts of the Union, during normal office hours, at the Union's Head Office.
5. Any member may make a written request to the General Secretary for a copy of the National Executive Committee minutes, outlining in their written request their reasons for the request.

### **Rule 37. - Imposing on the Union**

To prevent the Union being imposed upon, the Section/Branch Secretary shall inquire into all applications made for death, accident and incapacity allowance and any other claim for which these Rules provide, and being fully satisfied of the validity of the claim, shall report the same to the Union's Head Office.

### **Rule 38. - General Instructions**

1. In the event of anything occurring which these Rules may not have made provision for the General Secretary shall take such steps as in the General Secretary's opinion shall be in the best interests of the member(s) concerned. Should the matter be important, the General Secretary shall arrange a Special Meeting of the National Executive Committee.
2. It is earnestly desired that all members will strictly abide by these Rules and at all times maintain order in meetings and be friendly with each other. It is imperative that all members abstain from insulting or using threatening language to employers or employer's representatives, and to each other.

### **Rule 39. - Transferred Members**

1. The following provisions shall apply in cases where agreements are made with other Trade Unions governing the transfer of members.

2. Any member of another Union desiring to transfer their membership to the United Road Transport Union, and providing such transferring member is a fully financial member in the Union from which they transfer, shall become entitled to full benefit on payment of the first week's contributions in accordance with Scale 'A'.

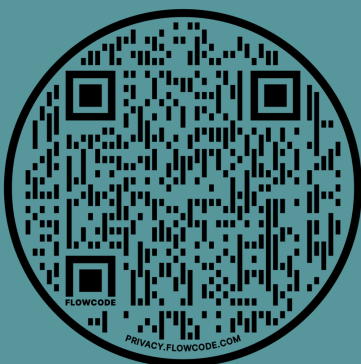
Transferred members will not be eligible to benefit under Rule 6 until they have paid 12 weeks' contributions.

# TOGETHER WE STAND

United Road Transport Union is the UK's only specialist trade union representing members working in road haulage, distribution and logistics.

Scan the following QR code or visit [www.urtu.com](http://www.urtu.com) and join today.

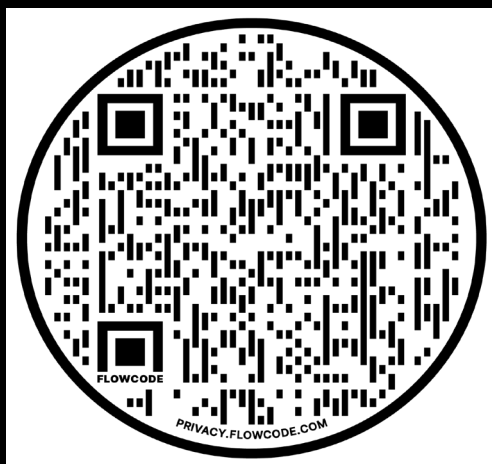
Visit the dedicated members area to access the Union benefits and update your details



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# TOGETHER WE STAND



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