



**Rules Of The**

# **Independent Pilots Association**

**An Independent Trade Union**

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## ISSUE RECORD

ISSUE	DATE	REASON FOR ISSUE
1	Feb 2002	Amendment to Rules
2	Jan 2003	Amendment to Rules
3	May 2005	Amendment to Rules
4	Apr 2009	Amendment to Rules
5	May 2011	Incorporate name change IPF to IPA & Formatting
6	May 2018	Amendment to Rules
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## **Rule 1 NAME**

- (1) The Union formed under these Rules, hereinafter called the **Independent Pilots Association**, shall be a registered independent trade union. However, the Independent Pilots Association may be known as and referred to as the **IPA** and throughout these rules is referred to as **the Union**.
- (2) The Union is affiliated to a professional association also called the Independent Pilots Association but remains a separate entity.
- (3) Throughout these Rules the word **Member** shall, unless otherwise expressly stated or the context otherwise requires, mean a member of the Union within the meaning of Rule 5.

## **Rule 2 REGISTERED OFFICE**

- (1) The Registered Office and place of meeting for the business of the Union shall be at 2<sup>nd</sup> Floor, 38-42a South Road, Haywards Heath, West Sussex RH16 4LA, or at such other place as the Executive Council shall from time to time decide.

## **Rule 3 OBJECTIVES**

The objectives of the Union shall be:

- (1) To provide the services of a Trade Union to Full members of the IPA (the Professional Association). The Union will only engage in industrial and regulatory relations leaving other benefits, if required, to be supplied by the IPA (the Professional Association).
- (2) To regulate the relations between members of the Union and their Employers and other members of the Union and other trade unions. To enter into agreements with employers either on behalf of the Union generally or any particular member(s).
- (3) The organisation of all members and the obtaining and maintaining of just and proper salaries and conditions of employment generally.
- (4) The establishment of proper terms and conditions of employment and the settling and negotiating of differences and disputes between members of the Union and employers and other trade unions and persons by collective bargaining or agreement, or by any other means.
- (5) To uphold the interests of employees in case of disputes between employers and their employees or others by all legal means; including the withdrawal of services.
- (6) To indemnify where lawful the members or officers of the Union against proceedings, losses, costs, damages, claims and demands in respect of the conduct of the affairs of the Union.

## **Rule 4 METHODS**

In pursuance of its objects, the Union may, so far as is permitted by law:

- (1) Require members to observe regulations made under these Rules including instructions to strike or to take any form of industrial action.
- (2) Issue suitable literature and publications, including an official journal.
- (3) Represent the members in any negotiations where they so desire.
- (4) Take any other lawful action which may be deemed necessary.

**Rule 5  
MEMBERS**

- (1) Subject to the provisions in Rule 7 (Contributions) and Rule 8 (Discipline), any person shall be eligible for membership of the Union who is a Full member of the IPA (the Professional Association) and is engaged in an aviation role.

**Rule 6  
ADMISSION OF MEMBERS**

- (1) All applications for admission as a member of the Union shall be made on such forms as the Executive Council may from time to time determine. The Executive Council may require the application to be accompanied by an appropriate payment or authority for payment and may in its discretion accept or reject an application for membership on the grounds set out in S174 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (2) An applicant whose application is successful shall be so notified and shall be supplied with a Member's Card and notified of the availability of these rules in paper or electronic format. An applicant whose application is refused shall have the right to appeal against such refusal. The General Secretary shall give such an applicant notification in writing of the refusal, stating the reasons for such refusal and notifying the applicant of their right of appeal. The General Secretary shall also return such contribution as the applicant may have paid.
- (3) An appeal against refusal of membership may be made to the Executive Council. The applicant for membership shall have the right to appear before the Executive Council to state their case. The Executive Council may prescribe standing orders for any such hearing. The decision of the Executive Council giving the reasons for rejecting or upholding the appeal shall be sent to the applicant by the General Secretary in writing and shall be final.
- (4) An applicant, by submitting their application and, if admitted, by their continued membership, shall thereby be deemed to agree to and abide by the Rules of the Union in every respect. In no case will ignorance of a Rule be an excuse for a breach thereof or for a failure to comply therewith.
- (5) It shall be the duty of each member to notify the General Secretary in writing or by e-mail:
  - (i) Of the addresses (both postal and e-mail) to which they desire communications to be sent to them and of any change of such address,
  - (ii) Of any circumstances affecting their eligibility for membership and
  - (iii) Of any circumstances affecting the rate or amount of their contributions due under Rule 7.

**Rule 7**  
**SUBSCRIPTIONS**

- (1) The Executive Council will decide on the subscription rates.
- (2) The IPA (the Professional Association) will collect subscriptions and dues on behalf of the Union which should, wherever possible, be paid by direct debit. However, if not paid by the first day of the due month a reminder shall be sent by the General Secretary. Any members whose subscription is not paid by the last day of the second month following the month in which it was due shall cease to be a member at the discretion of the Executive Council. Benefit providers and interested parties will be informed accordingly.
- (3) Any member whose contributions are in arrears shall (subject to sub-Rule (6) below) automatically be suspended from membership of the Union. A member who is suspended from membership shall not be entitled to receive any benefit of membership during such period of suspension.
- (4) Any member who has been suspended under sub-Rule (3) above shall have their membership automatically restored upon payment of all arrears, including those incurred during the suspension.
- (5) Any member who has been suspended under sub-Rule (3) above shall have their membership terminated if full payment of their subscription arrears is not received within three months of their suspension.
- (6) The Executive Council shall have power in its absolute discretion to waive the application of sub-Rules (3) to (5).
- (7) The Executive Council may in its discretion refund to the member or their administrators or executors the number of complete months' subscription as are unexpired at the date of resignation, transfer or death.
- (8) Each member shall, provided their subscription is not in arrears, be entitled to a free copy of the Skypointer which includes the Union Newsletter.

**Rule 8**  
**DISCIPLINE AND OBLIGATIONS OF MEMBERSHIP**

- (1) If at any time a member is found to have carried out conduct prejudicial to the profession of pilot, aircrew or others involved in the operation of aircraft, their continued and/or future membership shall be considered at the next Executive Council meeting and the applicant so informed.
- (2) Alternatively, and without prejudice to the foregoing, the Executive Council may under sub-Rule (1) above admonish or reprimand any such member without imposing a disciplinary penalty.

**Rule 9**  
**APPEALS**

- (1) A member whose continued membership is considered by the Executive Council shall, by a simple majority of the Executive Council, have their membership revoked and the Executive Council shall not be bound to disclose the reason. The member will have the right to appeal.

**Rule 10**  
**EXECUTIVE COUNCIL**

- (1) For the general administration of the Union's business and for the government of the Union in the periods between Annual General Meetings, there shall be an Executive Council which shall be composed in such manner and of such members as is provided for in the Rules.
- (2) The general policy of the Union shall be as determined by the decisions of Annual General Meetings and Special General Meetings. In the absence of any such policy the Executive Council shall determine the same, subject to approval at the next Annual General Meeting.

**Rule 11**  
**CONSTITUTION OF THE EXECUTIVE COUNCIL**

- (1) The Executive Council shall initially consist of six voting members from the general membership. The Executive Council has the power to change this number which must be approved by the general membership at the next Annual General Meeting.
- (2) The General Secretary shall be a member of the Executive Council but without a vote.
- (3) Every year a minimum of three members of the Executive Council shall stand down and may offer themselves for re-election. No member shall serve on the Committee for greater than three years without offering themselves for re-election. Names of all candidates for election shall be notified to the membership on a Ballot Form and they shall be asked to vote. If nominations received do not exceed the number of vacant positions on the Committee then a ballot of the membership is not required, and a Ballot Form shall not be circulated.
- (4) The Executive Council may meet together for the dispatch of its business, adjourn and otherwise regulate its meetings as it thinks fit. A meeting may be requisitioned at any time by:
  - (i) The Chairman;
  - (ii) The General Secretary;
  - (iii) Any two members of the Executive Council.

The General Secretary shall convene each meeting of the Executive Council by communication to each member thereof and, except for urgent business, not less than fourteen days notice shall be given.

- (5) The Chairman of the Union shall be elected annually by the Executive Council and approved by the membership at the Annual General Meeting. The Chairman shall preside at every meeting of the Executive Council, except that if the Chairman is not present the members of the Executive Council shall choose one of their number to be the Chairman of the meeting.
- (6) No business shall be transacted at a meeting of the Executive Council unless a quorum of members is present at the time when the meeting proceeds to business. The quorum shall be three. The Executive Council has the power to change this number which must be approved by the general membership at the next Annual General Meeting.
- (7) None other than the voting members of the Executive Council may vote at any of its meetings. This provision shall apply to casting votes as well as to deliberative votes. Proxy votes held by the Chairman will be accepted.
- (8) Any interim vacancy on the Executive Council can be filled by a member who must offer themselves for election by the membership within twelve months of taking up a membership of the Executive Council.

- (9) The office of executive member shall ipso-facto be vacated if he or she:
- (i) Becomes bankrupt or suspends payment or compounds with his/her creditors.
  - (ii) Is found lunatic or becomes unsound of mind.
  - (iii) Is absent from four consecutive meetings of the Executive Council without special leave of absence from the Executive Council.
  - (iv) By notice in writing to the Union resigns his/her office.
  - (v) Ceases to be a Member of the Union.
  - (vi) Is requested in writing by all the other Members of the Executive Council to resign.
  - (vii) Is removed from office under the Rules of the Union.
  - (viii) Becomes prohibited from holding office in contravention of the Trade Union and Labour Relations (Consolidation) Act 1992.

## **Rule 12**

### **GOVERNMENT AND POWERS OF THE EXECUTIVE COUNCIL**

- (1) The Executive Council shall be the principal Executive Council of the Union. Save where and to the extent that these Rules expressly or by necessary implication otherwise provide, it shall have absolute power of executive control and administration of the affairs and property of the Union. The following sub-Rules of this Rule are subject to the same qualifications as this sub-Rule and are without prejudice to the generality of this sub-Rule.
- (2) It shall, subject to the provisions of Rule 21, have power to issue instructions to members of the Union with regard to the taking of any kind of industrial action including strike action when in the opinion of the Executive Council it is in the interests of members or of a group or section of members to take such action. No officer or official of the Union shall be authorised to call upon members to take industrial action save with the express authority of the Executive Council.
- (3) It shall have power to expend monies for any purpose which in its opinion is expedient in the interests of the Union or its members.
- (4) It shall have power to summon any member or members to attend any meeting at which any matter affecting such member will be discussed.
- (5) It shall have power to issue instructions to member(s) for regulating the relations between member(s) or between member(s) and employer(s) or between member(s) and any competent authority.
- (6) It shall designate those persons who shall have authority on behalf of the Union to sign and execute all agreements or other legal documents.
- (7) The powers and duties of each of the officers and officials of the Union shall be determined by the Executive Council and shall be communicated in writing to each officer and official by the General Secretary.
- (8) It shall have the power to permit the attendance at its meetings of members and non-members of the Union for the purpose of financial, legal or other advice or assistance.

- (9) (i) It shall have power to direct the Trustees. All funds shall be invested in the names of the Trustees or Nominees. All dividends and interest shall be allocated to the funds of the Union in such a manner as the Executive Council shall determine.
- (ii) It shall have power to raise or borrow money on any of the properties or securities of the Union by way of mortgage or otherwise as it shall think fit.
- (10) All instructions of the Executive Council issued under the hand of the General Secretary (or other person authorised to do so on behalf of the Executive Council) shall be binding upon every member and every Company Council or committee of the Union (as the case may be) to whom it is directed.
- (11) It shall have power and authority to construe the Rules and to determine all questions on which the Rules are silent; and its construction or determination shall be binding and shall remain in operation until the next Annual General Meeting or General Meeting to which the issue shall be referred.

### **Rule 13**

#### **GENERAL MEETINGS**

- (1) The government of the Union shall be vested in a General Meeting of the membership of the Union. This meeting shall be either the Annual General Meeting (which shall meet at such place and time as the Executive Council may deem fit) or shall be a Special General Meeting.
- (2) The Executive Council may, and shall, upon written requisition signed by not less than 10% of the membership entitled to vote for the time being, convene an Extraordinary General Meeting.
- (3) In any instance that the Executive Council shall certify to be of immediate urgency, an Extraordinary General Meeting may be convened at less than seven days notice, but in no event at less than 24 hours notice.
- (4) The quorum for a general meeting shall be made up of three members of the Executive Council and four other members of the Union in good standing.
- (5) No business shall be transacted at any General Meeting unless the quorum requisite be present at the commencement of the meeting (except for the provision made in 13 (8) with reference to an adjourned meeting).
- (6) The provisions of the Rules of the Union shall apply.
- (7) Proxy votes may be cast by any means, paper or electronic, deemed suitable by the Executive Council and are to be held by the Chairman of the meeting or any member of the Union attending personally.
- (8) If within half an hour from the time appointed for the holding of a general meeting a quorum is not present, the meeting, if convened on the requisition of members, shall be dissolved. In any other case it shall stand adjourned to the same day in one of the next three weeks (at the absolute discretion of the Executive Council), at the same time and place, or such other place as the Executive Council may determine, and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for holding the meeting or if during the meeting a quorum ceases to be present the members present who are entitled to attend and vote thereat shall be a quorum.

### **Rule 14**

#### **BUSINESS AT THE ANNUAL GENERAL MEETING**

- (1) Notice of each Annual General Meeting shall be inserted in the Newsletter (the journal of the Union) and a copy of the Newsletter containing that notice will be circulated to each member of the Union not less than 28 clear days before the Annual General Meeting.



- (2) Motions for the agenda may be submitted and moved by the Executive Council, any Company Council, or proposer and seconder supported by not less than 20 members. Motions shall be sent to the General Secretary to reach him/her not later than 14 days before the Annual General Meeting. Emergency motions may also be moved by the Executive Council and members.
- (3) Business at the Annual General Meeting will include the following items:
  - (i) Appointment of Trustees.
  - (ii) Report of the Executive Council to the end of the preceding year.
  - (iii) Presentation of the annual accounts and balance sheet.
  - (iv) Auditors report.
  - (v) Motions.

**Rule 15**  
**POWERS OF THE ANNUAL GENERAL MEETING**

- (1) The Annual General Meeting shall have power to pass any resolution for any of the following purposes:
  - (i) To approve the policy of the Executive Council on all matters relating to the objects of the Union.
  - (ii) To recommend or carry out the amendment, rescinding or making of Rules.
  - (iii) To approve the election of the Chairman of the Union
  - (iv) To appoint auditors and trustees of the Union.
  - (v) To recommend to the Executive Council that it should put into operation any of the powers and authorities vested in such Council.
  - (vi) To accept, reject or remit for further consideration any recommendation of the Executive Council and to give such directions in relation thereto as may be deemed appropriate.
  - (vii) Subject to the powers of the Special General Meeting, to determine the policy of the Union on all matters relating to the objects of the Union.
  - (viii) To do all such other things, as may be necessary or desirable in the interests of the Union or its members.

**Rule 16**  
**SPECIAL GENERAL MEETINGS**

- (1) Save where and to the extent that these Rules expressly or by necessary implication otherwise provide, the supreme government of the Union shall be vested in a Special General Meeting of the whole of the membership of the Union specially convened in the manner provided in this Rule.

- (2) If not less than one-tenth of the members of the Union shall submit to the General Secretary a resolution requiring the cancellation, revision or amendment of any decision or direction of the Executive Council with a request that a Special General Meeting of the Union shall be called for the purpose of considering the same, then a Special General Meeting shall be called at such place and on such date as may be fixed by the Executive Council, but in no case later than 90 days from the date of the receipt of the resolution by the General Secretary. A Special General Meeting called by members pursuant to this sub-Rule shall have all the powers of an Annual General Meeting provided always that a resolution of a Special General Meeting called by members pursuant to this sub-Rule shall not be of any effect whatsoever unless:
  - (i) The number of votes in favour of the resolution exceeds two-thirds of the number of members present at the meeting and voting, and
  - (ii) The resolution is confirmed by a ballot taken under Rule 20.
- (3) All Resolutions submitted for the consideration of the Special General Meeting shall reach the General Secretary at least 85 days before the date fixed for the meeting and the General Secretary shall forward a notice of the meeting together with a printed agenda of the business to be transacted to every member of the Union at their last registered address not less than twenty-one days before the date fixed for the meeting.
- (4) The Chairman of the Union or failing them another Voting Member of the Executive Council or failing them a member of the Union present at the meeting and elected by the meeting shall take the Chair at every Special General Meeting of the Union, and shall, on any equality of votes on any question have a second or casting vote in addition to the vote to which they may otherwise be entitled. Every member personally present at any meeting shall have one vote and voting shall be by a show of hands and a count shall be taken if demanded. Voting by proxy shall be precluded.
- (5) Every member attending the meeting shall produce their membership card, and failure to produce it may, at the discretion of the Chairman presiding, cause them to forfeit their right to vote.
- (6) The quorum for Special General Meetings of the Union shall be a majority of the Executive Council plus seven members at the date of the Requisition, present in person and entitled to vote. If within half an hour from the time appointed for the meeting a quorum is not present the meeting shall be dissolved.

## **Rule 17**

### **CASUAL VACANCIES**

- (1) In the event of a vacancy in the office of the Chairman of the Union, the Executive Council may, in its discretion, until the next Annual General Meeting either fill the vacancy by an appointee of the Executive Council who must be a properly elected member of the Council or leave such office vacant.
- (2) In the event of a casual vacancy arising amongst the voting members of the Executive Council, the Executive Council may, in its discretion, either leave such post vacant or cause such vacancy to be filled by means of an election conducted pursuant to Appendix 1. For the purposes of this sub-Rule and Rule 11(3) a vacancy shall be regarded as a casual vacancy if it arises due to the death, resignation, barring from office, suspension or expulsion from membership of the Union of a member of the Executive Council at a time between the holding of elections (other than an election held under this sub-Rule).

## **Rule 18**

### **AFFILIATION OF AIRCREW ORGANISATIONS**

- (1) The Executive Council has the power to offer to and establish with **like minded** Aircrew Organisations affiliation with the Union.

## **Rule 19**

### **ESTABLISHMENT AND CONSTITUTION OF COMPANY COUNCILS**

#### **(1) ESTABLISHMENT**

- (i) The Executive Council may, at its discretion, establish or disestablish a Company Council wherever 10 or more members of the Union are based or employed by a European Union aviation company. The number of members of a Company Council shall in normal circumstances be not less than 3 nor more than 10.
- (ii) The meaning of the name "Company Council" shall encompass words such as "Pilots Consultative Group", "Pilots Forum" or any other similar name serving the same function as Company Council.

#### **(2) ELECTION ARRANGEMENTS**

- (i) The elected members of every Company Council established under Rule 19(1)(i) shall be elected by the members of the Union based or employed within the relevant area or areas, as determined by the Executive Council in its discretion.
- (ii) The sub-Rules relating to annual elections and casual vacancies shall apply to every Company. Where the number of persons eligible and willing to serve is equal to or is less than the number of positions to be filled, those persons shall be deemed to have been elected.
- (iii) A person shall be eligible to be elected to any Company Council if entitled to vote in the election of members to that Company Council as determined by Rule 19(2)(i). A person shall be considered to be willing to serve, if elected, only if a completed nomination form circulated to all members entitled to vote is returned to the General Secretary by the closing date for nominations.
- (iv) A member of any Company Council moving from the area appropriate to the council on which they serve, or retiring from their company, shall immediately stand down and the vacancy thus created will be filled as a casual vacancy. The Executive Council shall, in any individual case, have discretion to rule.
- (v) Ballots shall be conducted in accordance with Appendix 1, subject to the following overriding conditions:
  - (a) The General Secretary shall issue to all electors, at least one month before the election, a ballot paper which states the number of persons to be elected, the latest date for the return of the ballot paper; and the position held by the persons named, their employer(s) and aircraft type(s) currently flown.
  - (b) The members elected shall be those members (up to the total number of persons to be elected) who receive the highest number of votes in any election. In cases where 2 or more members receive an equal number of votes for the last vacancy, the member who is the senior (in terms of length of continuous membership as a member) shall be deemed to be elected; and in cases of equal seniority, the matter shall be determined by lot.
  - (c) Any votes cast for a candidate who, after the issue of the ballot but before the declaration of result, notifies the General Secretary in writing that he is unable or unwilling to accept election shall be disregarded.

(3) **ANNUAL ELECTIONS AND CASUAL VACANCIES**

- (i) There shall be an election of members to fill vacancies on each Company Council in every year. In the case of all Company Councils, the date of the annual election shall be the 1st May, or as soon thereafter as shall be reasonably practicable.
- (ii) The following rules shall apply with regard to the retirement of members from Company Councils immediately before each Annual Election:
  - (a) All members filling casual vacancies shall retire;
  - (b) No member shall continue in office beyond the second election occurring after the election at which they were elected;
  - (c) If the application of sub-paragraphs (a) and (b) above leaves the number of elected members in excess of half the total established membership of the council or group, then those who achieved the lowest number of votes at the preceding election (or in cases of automatic election under Rule 19(2)(ii), the most junior (in terms of length of continuous membership of the Union), shall retire in order to reduce the number of elected members continuing in office to not more than half the total established membership.
- (iii) All members retiring from any council shall be eligible for re-election.
- (iv) If any casual vacancy or vacancies arise in the membership of a Company Council, the member shall be appointed who at the last election failed to be elected but secured the greatest number of votes. In the case of equality of votes the person elected shall be the senior in terms of length of continuous membership as a member; and in the case of equality of seniority, the matter shall be determined by lot. Where a vacancy cannot be filled in this way, a Company Council may co-opt any member of the Union willing to act who is based or employed within the relevant area as a member of that Council. Such co-opted member shall be counted for the purposes of calculating the quorum of a meeting but shall hold no voting rights and shall hold office only until the next election.

(4) **PROCEDURE AT COMPANY COUNCIL MEETINGS**

- (i) No business shall be transacted at any meeting of any Council in the absence of a quorum of members. A quorum consists of one third the total established membership of the Council rounded up to the next whole number.
- (ii) The first item of business, immediately after each annual election, shall be to appoint from amongst those elected a Chairman by a simple majority of those eligible to vote. The Chair will be taken for this purpose only by the senior member present, in terms of continuous membership of the Union. Any member of a Council unable to attend the meeting at which the appointment of Chairman is to be made may submit to the Chairman of that meeting a written and signed nomination or seconding and a written and signed vote.
- (iii) In the absence of the Chairman at a properly convened meeting of a Council, the members of the Council present at the meeting shall, from amongst themselves, appoint a Chairman for the meeting.
- (iv) It shall be the duty of the Chairman of each Council to cause proper minutes of all meetings to be kept, and, with the prior approval of the Executive Council, to be made available to any member of the Union who requests them; and to notify the General Secretary of the Union of any change which may at any time be made in the membership of the Council of which they are the Chairman. The members of every Council shall comply with special rules and regulations issued from time to time by the Executive Council and the acceptance of office on a Council shall be deemed to constitute an undertaking by each member to abide by such Rules and Regulations.

- (v) The Chairman of any Council may be removed from such office at any time either with or without cause by a majority vote of the members of the Council.
- (vi) Every Council shall meet not less than once in every 3 months.

**(5) INTERPRETATION**

- (i) In the case of doubt or dispute as to the interpretation or application of the above Rule, the decision of the Executive Council shall be final.

**Rule 20**

**DUTIES OF COMPANY COUNCILS**

- (1) Every Company Council shall, as required or as directed by the Executive Council, meet for discussions and for the information of the members it represents on all matters relating to the Union and the interests of members of the Union within its area or groups of areas.
- (2) It shall further be the duty of each Company Council (under such directions as may from time to time be given by the Executive Council) to endeavour to establish and maintain contact with the management of any organisation which employs any member of the Union represented by the council. However no Company Council or any member of the Union may take any executive action whatsoever relating to or connected with the objects of the Union without the express authority of the Executive Council.

**Rule 21**

**THE DETERMINATION OF QUESTIONS BY BALLOT OF THE MEMBERS OF THE UNION**

- (1) The Executive Council shall have power to submit any matter or question, including any election or ballot required under these Rules, to a ballot vote of members of the Union in accordance with this Rule. The provisions of Appendix 1 to these Rules shall have effect for the purposes of any ballot conducted under this Rule and shall be construed as if they formed part of this Rule. Nothing in these Rules shall be taken to require a ballot to be held at an uncontested election.
- (2) Before the ballot papers are issued for a ballot under this Rule, the Executive Council shall determine:
  - (i) The date by which ballot papers shall be sent to members;
  - (ii) The place to which and the date and time by which the ballot paper must be returned (the 'closing date'); and
  - (iii) If different, the place, date and time at which the counting of the ballot papers will take place.

In the absence of any other determination by the Executive Council, the place to which ballot papers are to be returned and where the counting of the ballot papers is to take place shall be the Union's registered office.

- (3) Entitlement to vote in any ballot conducted under this Rule shall be accorded equally to all persons who, at the date determined under sub-Rule (2)(i) above, are members of the Union. A member who at the date of the issue of the ballot paper in question has been suspended from membership (under Rule 7 (3) or otherwise) shall not be entitled to vote in that ballot.

- (4) If, before or after the result of a ballot conducted under this Rule has been announced, it appears to the Executive Council that any irregularity may have occurred which could materially affect the result or validity of that ballot, the Executive Council shall have power:
- (i) To suspend the conduct of the ballot for such period not exceeding one month as it may determine; and/or
  - (ii) To declare such ballot void.
- If the Executive Council declares a ballot void it may (and, if so required by these Rules, shall) forthwith cause a further ballot to be conducted in accordance with this Rule.
- (5) The following irregularities may be disregarded for the purpose of any ballot conducted under this Rule:
- (i) The fact that any member who is outside Great Britain throughout the period during which votes may be cast has not had a reasonable opportunity to vote in the ballot; and
  - (ii) Any inaccuracy in counting the votes cast in the ballot, if such inaccuracy is accidental and on a scale, which is unlikely to affect the result of the ballot.

## **Rule 22**

### **INDUSTRIAL ACTION**

- (1) Subject to the provisions of sub-Rules (2) and (3) below, when a Company Council so recommends, or when it appears to the Executive Council that a strike or other industrial action is or may be necessary, the Executive Council shall determine the nature of such industrial action to be applied. It shall give directions for the action and such directions shall be communicated to the affected members by the General Secretary.
- (2) The Executive Council shall not give any such directions as are mentioned in sub-Rule (1) above unless the industrial action determined upon has previously been authorised by a ballot conducted in accordance with Rule 21. The members of the Union who shall be entitled to vote in any ballot for the purposes of this sub-Rule shall be all those members (and those members alone) whom it is reasonable, at the time of that ballot, for the Executive Council to believe will be called upon in the strike or other industrial action to act in breach of, or to interfere with the performance of, their contracts of employment.
- (3) For the purposes of sub-Rule (2) above, industrial action shall only be regarded as having been authorised by a ballot if:
- (i) The direction for the purpose of putting the Executive Council's determination into effect was issued within 4 weeks from the date of the ballot. 'The date of the ballot' means the last day upon which, if a vote were posted on that day, it would in the ordinary course of first-class post arrive at the place and by the closing date determined by the Executive Council under sub-Rule 21(2).
  - (ii) The first action required by such direction was required to have taken place within that period.
- (4) Notwithstanding any other provision of these Rules, no industrial action may be authorised or endorsed otherwise than by the Executive Council in accordance with this Rule.
- (5) In the event of any member disregarding any direction or order made in accordance with sub-Rule (1) above, they may be liable to disciplinary action.

## **Rule 23**

### **THE GENERAL SECRETARY**

- (1) The General Secretary (who may or may not be a member of the Union) shall be appointed by the Executive Council for a period to be decided by the Executive Council which shall not in any case exceed that stipulated in statute. The appointment must be approved by the membership at the next General Meeting.
- (2) The duties of the General Secretary shall include the following powers and duties: to carry out the instructions of the Executive Council; to attend regularly at the office of the Union; to have charge of all correspondence connected with the affairs of the Union; to issue all notices as may be required to be given by statute or otherwise; to keep recorded minutes of the proceedings of any General or Executive Council meetings, and to prepare the agenda for such meetings; and to bring up for the consideration of the Executive Council any matters that should be considered and dealt with by it, and as shall be prescribed by the Executive Council. In conjunction with the Treasurer, the General Secretary will keep an accurate record and account of all monies received and disbursements made; keep a separate account of contributions paid and of any other fund from time to time authorised by the Executive Council; and they will be responsible for the books, documents, monies and such property of the Union as may be in their charge.
- (3) The General Secretary shall be a member of the Executive Council but shall not be entitled to a vote.
- (4) By the use of electronic or other means the General Secretary shall maintain a register of the names and addresses of members of the Union and shall secure, so far as is reasonably practicable, that the entries in such register are accurate and are kept up to date.

## **Rule 24**

### **THE TREASURER**

- (1) The Executive Council shall appoint a Treasurer (who may or may not be a member of the Union) who shall hold office at the pleasure of the Executive Council. The duties of the Treasurer (or their appointed staff overseen by the Treasurer) shall be:
  - (i) To receive subscriptions and, where requested, give receipts for same;
  - (ii) To keep a proper account of all monies received by the Union and to pay such monies to the bank as and when appropriate;
  - (iii) To join in signing cheques and other documents as directed by the Executive Council; and
  - (iv) By the use of electronic or other means to keep written up all books and documents as shall be directed by the Executive Council, or on the advice of the auditors to the Union. The Treasurer shall arrange for payment of sums authorised by the Executive Council out of the funds of the Union.

## **Rule 25**

### **TRUSTEES**

- (1) All deeds, documents of title and securities for money and other property of the Union, including its branches, shall be held by Trustees in their joint names or under their joint control. They may take such measures for the safe custody and preservation thereof, at the expense of the Union, as they shall think fit. They shall be responsible for the safe custody of all such deeds, documents, and securities as are placed in their hands or under their custody. They shall produce them for inspection when required by the auditor or by a resolution of the Executive Council.

- (2) There shall be four Trustees of the Union (who may or may not be members of the Union). They shall be appointed by the Executive Council for a period of 3 years. They shall be eligible for re-election for a second term of office, but no Trustee shall remain in office for a period of more than 6 years. No salaried official of the Union shall act as Trustee, but any other official may so act. The Executive Council shall also have the power to appoint a Bank or other Trust Corporation as a Corporate Trustee. These appointments must be approved at the next Annual General Meeting.
- (3) If a Trustee relinquishes their office for any reason, a replacement will be approved at the next following Annual General Meeting.

**Rule 26**  
**AUDITORS**

- (1) The accounts of the Union shall be made up to 30<sup>th</sup> June and audited each year by a person or persons eligible for appointment as auditor(s) under the Trade Union and Labour Relations (consolidation) Act 1992, or subsequent legislation which replaces it.

**Rule 27**  
**FUNDS OF THE UNION**

- (1) The Executive Council shall cause to be opened an account or accounts at such bank or banks as it may determine, into which shall be paid all the funds of the Union. All withdrawals from the bank shall be made in the manner for the time being and from time to time directed by the Executive Council.
- (2) Funds of the Union which are not required for immediate use or to meet accruing liabilities may, with the sanction of the Executive Council, be invested in the purchase of funds, shares or like securities, or such other property (including freehold or leasehold land or property) as the Executive Council shall in its absolute discretion think fit.
- (3) The income and property of the Union shall be applied solely towards the promotion of the objects of, and in the administration of, the Union. No portion thereof shall be paid directly or indirectly by way of profit to the members, provided that nothing shall prevent the payment in good faith of remuneration or reimbursement of reasonable hotel, travelling or other expenses incurred on behalf of the Union to any officer, official or member of the Union.

**Rule 28**  
**ACCOUNTS**

- (1) The Executive Council shall ensure that true accounts are kept of all monies received and expenditure incurred by the Union, the matters in respect of which such receipts and expenditure take place, and of the assets, credits and liabilities of the Union. The accounts shall be kept at the registered office of the Union or at such other place or places as the Executive Council may deem fit.

**Rule 29**  
**INSPECTION OF BOOKS**

- (1) Every member shall be entitled to a copy of the annual balance sheet of the Union and any member may inspect at the Registered Office, at any reasonable time and with the prior approval of the Executive Council, the accounting records of the Union.



### **Rule 30**

#### **ALTERATIONS TO RULES**

- (1) New Rules may be made, or any current Rule may be amended or rescinded, but only in accordance with a resolution duly passed at the Annual General Meeting or Special General Meeting. All statutory requirements shall be complied with in respect of all new Rules, amendments and requirements, none of which shall take effect unless and until such requirements have been complied with and the necessary steps have been initiated to seek approval, consent or registration.

### **Rule 31**

#### **PROVISIONS AS TO RULES, NOTICES, RESOLUTIONS AND MINUTES**

- (1) Each member shall be granted access to these rules, as amended from time to time. Posting of these rules on the Union website, to which each member shall be granted access, shall be deemed to be in compliance with this rule.
- (2) Except as expressly provided in these Rules, any notice required to be given under these Rules shall be deemed to have been properly given if notice is set out in the official journal of the Union or in such other manner as the Executive Council may decide (including posting on the Union website). Any Rule which requires a ballot list, ballot paper, circular or notice to be sent to a member shall be deemed to have been complied with if that is sent by pre-paid letter in the ordinary post, addressed to the latest address registered with the Union. In the event of accidental omission, the Executive Council shall decide if any ballot, proceedings or resolutions are thereby invalidated.
- (3) The declaration made by the Chairman of any General Meeting as to the result of any ballot, vote, or resolution shall be conclusive.
- (4) Minutes, inclusive of the names of the attendees, shall be kept for all meetings of the Union in such form as may from time to time be decided by the Executive Council. Minutes signed by the Chairman of the next succeeding meeting shall be evidence of the proceedings and be filed (electronically or in hard copy) for future reference by the General Secretary.

### **Rule 32**

#### **DISSOLUTION**

- (1) The Union may at any time be dissolved by the consent of three-quarters of its members. Such consent shall be obtained by ballot. Its assets shall thereupon be realised and all the debts and liabilities satisfied. The remaining assets shall then be divided among the members existing at the date of the resolution for dissolution in proportion to the amount of the subscriptions, contributions and levies paid by them respectively during their respective periods of membership.

## **APPENDIX 1**

### **REGULATIONS FOR THE CONDUCT OF BALLOTS UNDER RULE 21**

#### **Issue of Ballot Papers**

- (1) In the case of an election for members of the Executive Council, the Executive Council shall appoint an Independent Scrutineer to act as Returning Officer for the ballot. The Returning Officer shall conduct the election within the terms of this Appendix and shall carry out the following functions in relation to the election:
  - (i) To be the person who supervises the production and distribution of all the voting papers and the person to whom the voting papers are returned by those voting;
  - (ii) To take such steps as appear to be appropriate for the purpose of enabling them to make any report required by statute;
  - (iii) As soon as reasonably practicable after the last date for the return of voting papers to make the report required under paragraph (ii) to the Executive Council;
  - (iv) To retain custody of all voting papers returned for the purposes of the election until the end of the period of one year beginning with the announcement by the Executive Council of the result of the election.

The Independent Scrutineer so appointed shall be qualified in accordance with the requirements laid down by the Secretary of State under Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (2) In the case of any election or ballot other than those covered by the provisions of Regulation (1) above the Executive Council shall appoint an officer of the Union to act as Returning Officer for the ballot. The Returning Officer shall conduct the election or ballot in accordance with the provisions of this Appendix, (e.g. Company Councils).
- (3) In the case of an election the Returning Officer shall supervise the nomination process in accordance with the timetable prescribed by the Executive Council. The Returning Officer shall have power to determine any question concerning the validity of any particular nomination and the decision of the Returning Officer on any such question shall be final. The Returning Officer shall issue to each member entitled to vote in the ballot and send to each such member, at their proper address, by post (unless Regulation (6) below applies) by the date determined under Rule 21(2)(i):
  - (i) A ballot paper validated in accordance with Regulation (27) below; and
  - (ii) An envelope (hereinafter called a 'ballot envelope'), as referred to in Regulation (23) below, provided that where more than one ballot is conducted at the same time, the member need only be sent one ballot envelope.
- (4) A list of those members to whom the ballot is sent shall be prepared and retained by the Returning Officer.
- (5) The period between the dates fixed by the Executive Council under paragraphs (i) and (ii) of Rule 21(2) shall be long enough to afford members entitled to vote in the ballot a reasonable opportunity of doing so. In the case of a ballot conducted for the purposes of Rule 11 (Part 1), such period shall not be less than three weeks.
- (6) When (in the particular circumstances relating to any member entitled to vote in the ballot) it is not or it is no longer reasonably practicable for a member to be sent a ballot paper and ballot envelope by the date determined under paragraph (i) of Rule 21(2), then a ballot paper and ballot envelope shall be sent to them as soon as is reasonably practicable after that date, so as to give them a convenient opportunity to vote by post.
- (7) For the issue of ballot papers, a member's proper address shall be the address registered under Rule 23(4) or such other address as the member may have notified to the General Secretary in writing.

## Contents of Ballot Papers

- (8) In the case of a ballot conducted for the purposes of Rule 11 or any other election, the ballot paper shall contain where appropriate:
- (i) A list of the candidates in alphabetical order of surname and, against each candidate's name, a box in which a voting mark may be written; and
  - (ii) Next to or immediately above the list of candidates' names and voting boxes, there shall appear the words:

*Mark "X" against each of the candidates of your choice, up to a maximum of (the number of vacancies to be filled in the election) candidates. Do not vote more than once for the same candidate.*

Members entitled to vote in the ballot shall cast their votes by writing "X" in the voting box next to the name of each candidate for whom they wish to vote, up to a maximum of the number of vacancies to be filled in the election.

- (9) In the case of a ballot conducted for the purposes of Rule 21 and where industrial action (whether a strike or industrial action falling short of a strike) is under consideration:
- (i) The ballot shall include a question to which the answer is 'Yes' or 'No'. There shall appear after each of the words 'Yes' and 'No' a box in which a voting mark may be written and next to the two such boxes there shall appear the words: *'Mark your preferred answer with a cross'*.
  - (ii) One or more questions may be included in a single ballot paper, provided that every member who is entitled to vote in the ballot is entitled to vote in answer to all the questions included in the ballot paper. In any such case, each question shall be treated as a separate ballot for the purposes of voting in the ballot, counting the votes cast and declaring the result thereof.
  - (iii) The ballot paper shall contain in clear type and in a prominent position the following wording: *"In answering the following question(s), remember that any industrial action directed by the Executive Council and authorised by this ballot may involve you in a breach of your contract of employment."*
- (10) In the case of a ballot conducted for the purposes of Rule 22 and where the industrial action in question is or includes industrial action falling short of a strike, the ballot paper shall contain a question however framed which requires, the member to say, by answering 'Yes' or 'No' whether they are prepared to take part or (as the case may be) to continue to take part, in industrial action falling short of a strike, but involving them in a breach of contract of employment.
- (11) In the case of any other ballot paper, the ballot paper shall contain such question or questions as may be appropriate.
- (12) The ballot paper shall contain instructions on how to vote (in accordance with Regulation (13) below).
- (13) The ballot paper shall contain a mark or stamp, in accordance with Regulation (27) below together with the instructions for voting referred to in Regulation (8) as are appropriate in any given case and the following instructions (or instructions to like effect):

*Do not make any mark on the ballot paper or envelope by which you can be identified. When you have voted, place the ballot paper (and nothing else) in the envelope provided, seal it and post it to [the place determined under Rule 21(2)(ii)] to arrive not later than [the date and time determined under Rule 21(2)(ii)]. The ballot papers will be counted at [the place, date and time determined under Rule 21(2) (iii)]. Any failure to comply with these instructions may result in your ballot paper not being counted.*

## **Statements circulated with ballot papers**

- (14) In the case of a ballot conducted for the purposes of Rule 11, or any other election, the Executive Council will make provision to permit each candidate in the election to submit a statement in support of their candidacy. In the case of elections for Executive Council members such a statement shall be no longer than 400 words and in the case of all other elections such a statement shall be no longer than 200 words. Statements submitted in manuscript will only be accepted on the understanding that the Union will not be responsible for any errors of interpretation when they are reproduced for circulation. Statements shall be sent to each member entitled to vote in the ballot together with the ballot paper.
- (15) In the case of an election for a member of the Executive Council, the Executive Council will secure that none of the candidates is required to bear any of the expense of producing copies of the election statement. The Executive Council will also secure that no modification of any election statement so submitted is made by any person in any copy of the statement unless at the request or with the consent of the candidate, or where the modification is necessarily incidental to the method adopted for producing that copy.
- (16) The Executive Council will secure, so far as is reasonably practicable, that the same facilities and restrictions with respect to the preparation, submission, length of modification of an election statement and with respect to the incorporation of any such statement, of a photograph or of any other matter not in words, are provided or applied equally to each of the candidates.
- (17) In the case of a ballot conducted for the purposes of Industrial Action, or any other ballot, the Executive Council may make such provision (if any) as it may determine for an explanatory statement of the issues touched upon by the ballot and of its recommendations (if any) in relation thereto to be sent to each member entitled to vote in the ballot, together with the ballot paper.

## **Method of Voting**

- (18) The method of voting in any ballot shall be by the marking of the ballot paper by the member voting in person.
- (19) Each ballot shall be conducted in accordance with the Regulations in this Appendix.
- (20) Each member entitled to vote in the ballot shall be allowed to vote without interference from, or constraint imposed by, the Union or any of its members, officials or employees; and for this purpose the Executive Council may make such directions as it may in its discretion decide.
- (21) Every member who is entitled to vote in the ballot and desires to do so must return his ballot paper by post, duly marked and in the ballot envelope provided under Regulation (3)(ii) above, to arrive at the place determined under Rule 21(2)(ii) by the closing date.

## **Ballot Envelopes and Return of Ballot Papers**

- (22) The Executive Council may, and in the case of any ballot conducted for the purposes of Rules 11 and 22 shall, make such arrangements as may, so far as is reasonably practicable, be necessary for ensuring that each member entitled to vote in the ballot is able to do so without incurring any direct cost to themselves, including arrangements for the costs of postage to be met in the first instance by the Union.
- (23) The ballot envelope referred to in Regulation (3)(ii) above, shall be capable of being sealed and shall be addressed to the Returning Officer at the place determined under Rule 21(2)(ii). It shall bear, in bold letters, such words as may be necessary to identify the ballot or ballots in respect of which it has been issued.
- (24) In any case where the Executive Council is required by Regulation (22) above (or so determines) to make arrangements for the costs of postage to be met in the first instance by the Union, the ballot envelope shall bear a postage stamp or other stamp or mark showing that the envelope may be returned by post without direct cost to the voter.

- (25) The Returning Officer shall secure that the ballot envelopes returned under Regulation (21) above are placed unopened, as and when received, in a secure place and are so retained (save only for the purpose of scrutiny under Regulation (31) below) until the time fixed for the counting of votes.

### **Tellers**

- (26) In the case of any election or ballot not covered by the provisions of Regulation (1) above, the Executive Council may appoint two or more persons who are not members of the Executive Council to act as Tellers for the purpose of scrutinising and counting the votes cast in any ballot. The Tellers and such persons as they may appoint under Regulation (36) below shall keep secret any information which they may acquire as to the manner in which any given member or group of members voted.

### **Validation of Ballot Papers**

- (27) Each ballot paper shall be stamped with the stamp or seal of the Union or with some other mark capable of authenticating that particular ballot paper. No ballot paper shall be used for voting which is not so stamped or marked.
- (28) If in relation to any ballot and subject to Regulation (29) below, the Returning Officer so determines, each ballot envelope shall bear a mark or number unique to the member to whom such an envelope is sent, such mark or number shall be recorded against such member's name on the list or other record of members referred to in Regulation (4) above.
- (29) In addition to any other conditions of validity under these Regulations, a ballot paper shall only be regarded as valid if:
- (i) It is contained in the ballot envelope provided under Regulation (3)(ii) above and such envelope is sealed;
  - (ii) The ballot envelope and the ballot paper have been returned by post to the General Secretary at the address on the envelope, by the date and time specified on the ballot paper for that purpose;
  - (iii) The ballot paper bears the stamp or mark required by Regulation (27) above;
  - (iv) No mark is made on any part of the ballot paper or the ballot envelope which might in any way identify the voter, provided this condition shall not apply to any mark or number placed on the ballot envelope pursuant to a determination by the Returning Officer under Regulation (28) above.

### **Conduct of the Count**

- (30) In any ballot, where pursuant to Regulation (28) above, the ballot envelopes have been uniquely marked or numbered, the Returning Officer shall scrutinise the marks or numbers on the ballot envelopes returned under Regulation (21) above, and check them off against the list or other record of members handed to them under Regulation (4) above.
- (31) At the place date and time determined for the counting of ballot papers, and after completion of any scrutiny required by Regulation (30) above, the Returning Officer shall, in the following order:-
- (i) Open the ballot envelopes which have been returned under Regulation (21);
  - (ii) Clear away such ballot envelopes; and
  - (iii) Count the votes.

- (32) Any member shall be entitled to attend the counting of the ballot papers, but shall comply with such directions as the Returning Officer may give for the purpose of securing that:
- (i) The count is conducted in an orderly manner; and
  - (ii) No person (other than any Tellers and persons appointed by them under Regulation (35) below) can discover how any given member or group of members has voted.
- (33) The Returning Officer shall decide whether any ballot paper is to be ruled invalid under the Rules and shall forthwith separate any such paper and mark it 'Invalid'. The Returning Officer shall rule as invalid any ballot paper which:
- (i) Does not indicate any vote;
  - (ii) Indicates in a given voting box more than one vote;
  - (iii) Contains more votes than the number of vacancies to be filled in the election;
  - (iv) Does not comply with the conditions of validity set out in Regulation (29).
- (34) At the conclusion of the count, the Returning Officer shall place the ballot papers which have been counted and those which have been ruled invalid in separate sealed parcels and shall then retain them and the list referred to in Regulation (4) above in a secure place for at least 90 days after the closing date for the ballot and shall then hand them to the General Secretary who shall destroy them. In the case of an election under the provisions of Rule 11 the Returning Officer shall retain the ballot papers in a secure place for a period of 12 months.
- (35) Any Tellers appointed under Regulation (26) above may wholly or partly delegate the performance of their duties under Regulations (30) and (31) above to such persons as they may determine (not being persons who, by reason of Regulations (26) and/or (29) above would not be eligible to be Tellers), provided that the performance of such duties is at all times supervised by the Tellers.

### **The Result**

- (36) The Returning Officer shall record the result of the ballot, including:
- (i) In the case of an election, the number of ballot papers declared invalid and the number of votes cast for each candidate. Subject to any other provision of these Rules whereby a candidate's eligibility for election is defined or limited, the candidates (up to the number of vacancies to be filled in the election) receiving the largest number of votes shall be declared elected.
  - (ii) in the case of any other ballot, the number of votes cast in the ballot, the number of members voting 'Yes', the number of members voting 'No', and the number of individual ballot papers. They shall declare the result of the ballot to be whichever of the answers receives the largest number of votes.
- (37) The Returning Officer shall declare such results in a written return signed by him and deliver the same to the General Secretary for transmission to the Executive Council. Where required by statute the return shall incorporate the information required by S52 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (38) Without prejudice to any powers in relation to any other ballot, the General Secretary shall:
- (i) In the case of a ballot conducted for the purposes of Industrial Action take, as soon as is reasonably practicable, such steps as are reasonably necessary after the holding of the ballot, to ensure that all members who were entitled

to vote in the ballot (other than those who were outside Great Britain throughout the period during which votes might be cast) are informed of the result of the ballot, as specified in Regulation (36)(ii) above; and

- (ii) In the case of an election inform the candidates in the election of the result thereof, as specified in Regulation (36)(i) above.

### **Situation where a ballot is not required**

- (39) In the case where a ballot would normally be required but where the number of candidates is equal to or less than the number of vacancies to be filled a ballot will not be required and the candidates will be automatically assumed to be elected.

### **The future**

- (40) With the rapid development of technology, should a system of balloting that complies with the Trade Union and Labour Relations (Consolidation) Act 1992, or subsequent legislation which replaces it, becomes available at reasonable cost then this system should be adopted.