



# Rule book 2020

Support. Grow. Succeed.

Rules of Prospect as revised by a ballot of branches, 10 November 2020

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## Part 1: Name & objects

### Name

- 1.1** The Union shall be called **Prospect**. Its registered office shall be 8 Leake Street, London SE1 7NN or such other place in the United Kingdom as the National Executive Committee may determine from time to time.

### Objects

- 1.2** The objects of the Union shall be:
- (1) to protect, represent, promote and unite, the interests of members, their dependants and the dependants of deceased members;
  - (2) to maintain and improve the conditions of employment of members and the relationships between them and their employers;
  - (3) to promote the advancement and efficiency of industries and organisations where members are employed;
  - (4) to maintain and improve the status of all members represented by the Union;
  - (5) to promote equal opportunities for all members within the Union and within their employment irrespective of race, ethnic origin, sex, disability, sexual orientation, gender identity, age or religion;
  - (6) to promote policies on the utilisation of science and technology and professional knowledge to the benefit of society;
  - (7) to promote educational and social activities relevant to the interest of the membership;
  - (8) to watch over, consider, advise and consult upon, all or any legislation or regulations, whether pending or in force, that may appear, directly or indirectly, to affect members in connection with their work, pensions or retirement, to diffuse information and to act as a channel of communication on their behalf;
  - (9) to co-operate with, support (financially or otherwise), or participate in the work of, other bodies whose objects or activities seem to the Union likely to advance, directly or indirectly, the interests of members of the Union;
  - (10) to recruit and retain in membership all eligible persons in order to ensure that the Union is fully representative.
- 1.3** Without prejudice to any other provision of these Rules the Union may in furtherance of the objects:
- (1) collect and receive subscriptions, contributions and other payments from or in respect of members;
  - (2) establish, administer and support (financially or otherwise) funds or trusts for the purpose of benefiting members, their dependants and the dependants of deceased members, employees and such other persons or groups as the National Executive Committee may from time to time determine;
  - (3) institute and administer a legal assistance scheme on behalf of members;
  - (4) accept any property or monies as gifts or bequests or otherwise and carry out any trusts subject to which any such property, monies, gifts or bequests be given or bequeathed;
  - (5) contribute to the funds of any organisations having all or any objects similar to those of the Union and co-operate with any such organisation in the attainment of those objects;
  - (6) with the approval of National Conference, affiliate to organisations having all or any objects similar to those of the Union, save only that the Union shall not affiliate to any political party;
  - (7) employ such staff as are necessary;

- (8) maintain any pension fund and pay therefrom pensions and allowances to employees or former employees of the Union or effect policies of insurance for the purpose of ensuring payment of any such pensions or allowances;
- (9) to acquire, hold, charge and dispose of real and personal or heritable and moveable property and borrow or otherwise raise finance; and
- (10) do such other lawful things as are incidental or conducive to the attainment of the objects.

- 1.4** All property and monies belonging to the Union shall be applied to the promotion of the objects of the Union.

- 1.5** Nothing in these Rules is intended to be enforceable by any third party.

## Part 2: Membership

### Eligibility

- 2.1** (1) A person shall be eligible for membership:
- a) if they are employed in professional, scientific, technical, managerial or such allied work in such organisations and industries as the National Executive Committee shall from time to time determine; or
  - b) if they have ceased working while in membership due to retirement, redundancy or some other reason; or
  - c) if they fall within a category of persons which the National Executive Committee has from time to time determined to be appropriate for acceptance into membership of the Union.
- (2) If any question arises as to whether a person is eligible for membership within the meaning of this Rule, the question shall be decided by the National Executive Committee whose decision shall be forthwith notified in writing to the person concerned.
- (3) If a person is declared ineligible for membership by the National Executive Committee the written notification shall inform the person of their right of appeal under Appendix 1.
- 2.2** (1) A person being eligible for membership under Rule 2.1 shall become a member if:
- a) they have delivered (whether by post or otherwise) a complete and signed application for membership on the Union's official form to the General Secretary or other person authorised by the National Executive Committee to receive it, accompanied by an appropriate signed authority for payment of the subscriptions; and
  - b) membership has been approved by Union Headquarters, acting for the National Executive Committee, having confirmed as far as possible that the applicant is eligible for membership in accordance with Rules 2.1(1) and 2.1(2).
- 2.3** Compliance with the requirements set out in the preceding paragraphs shall not confer membership upon any person who has at any time previously ceased to be a member on expulsion unless and until the National Executive Committee has approved re-admission.

### Classification of membership

- 2.4** There shall be the following classes of member:
- (1) Working Member – a member eligible under Rule 2.1 who is currently:
    - a) employed whether on a full time or part time basis; or
    - b) engaged on a contract for services, including any member who is self employed.
  - (2) Unemployed Member – a Member eligible under Rule 2.1 who is not currently employed or engaged on a contract for services and who immediately prior to unemployment

was a Working Member in good standing. Unemployed Members should be intending to find further employment.

- (3) Retired Member – a Member eligible under Rule 2.1 who is not currently employed or engaged on a contract for services, and is a Member who has retired upon reaching the statutory retirement or relevant industry retirement age, or one who has accepted premature retirement and who immediately prior to retirement was a Working or Unemployed Member in good standing.

Until subscription harmonisation is achieved Rule 2.4 does not apply to members of the BECTU sector, except those within the C&D division. Membership classification for BECTU sector members in all other divisions is determined by BECTU Sector Rule 1.

## Rights and duties

- 2.5** (1) Subject to any restrictions imposed by these Rules, a Working Member shall be entitled to take part in all of the activities of the Branch to vote on any matter requiring decisions by ballot, and shall be qualified to hold any office in the Union, and shall be entitled to such benefits and privileges as are provided by these Rules or as may from time to time be determined in accordance with these Rules.
- (2) Retired Members shall enjoy all of the benefits of Working Members, except as otherwise provided for in these rules, but shall not be entitled to vote in any election, ballot (other than a ballot held pursuant to Rule 10.2 – election for the post of General Secretary), conference (other than at National Conference held pursuant to Rules 8.1 and 8.2 – meetings of National Conference – where voting shall be in accordance with Rule 8.12), or meeting except insofar as such a meeting or ballot is organised solely on behalf of such members as is provided for in these Rules.
- (3) Unemployed Members shall enjoy all of the benefits of Working Members, except as otherwise provided for in these Rules.
- (4) Members shall at all times observe the Rules of the Union and any regulations made thereunder and abide by any decision properly made under the Rules.
- (5) Members shall be expected at all times to behave reasonably in dealing with fellow members and Prospect staff and to treat them with respect and courtesy. Any member deemed by the National Executive Committee to have behaved unreasonably towards another member or a Prospect staff member may be subject to the disciplinary regulations contained in Appendix I.
- (6) Every member shall seek to enhance and maintain the well-being of the Union through recruitment of additional members.
- (7) A person ceasing to be a member of the Union for any reason shall cease to have any interest or rights whatsoever on or over the funds and property of the Union.

**2.6** A member shall not hold any office of the Union remunerated by salary or fees, or be paid or given from the property of the Union any money or any benefit in money's-worth, except insofar as that is allowed under Rule 2.7

**2.7** A member may out of the property of the Union:

- (1) be given an honorarium in accordance with a resolution of Conference or at the discretion of the National Executive Committee;
- (2) be paid a sum of money in respect of:
  - a) out-of-pocket expenses wholly, exclusively and necessarily incurred by the member on or in connection with the business of the Union;
  - b) any deduction from salary or wages made by the employer in respect of special leave taken for the disposal of any business of the Union;
  - c) other expenses incurred by the member which are payable or repayable in accordance with any

provision of these Rules or with a resolution of the National Executive Committee; and

- d) services rendered to, or action taken at the request of, the Union to the extent that the National Executive Committee considers payment for such services to be justified;

provided that no payment in respect of expenses shall be made unless there is submitted to the National Executive Committee within three months of the date on which the expenses were so incurred (or within such longer period as the National Executive Committee may in the circumstances of a particular case determine) a claim in such form and accompanied by such vouchers as the National Executive Committee may prescribe.

**2.8** A member or member's dependents may be paid a sum of money out of any Benevolent Fund or like fund or trust established under the provision of the Rules in accordance with the rules or regulations of the fund or relevant instrument of trust.

**2.9** It is a term of membership of the Union that a member agrees that such personal data as may be held by the Union in respect of the member (including the fact of membership) may be processed by the Union (or such other person as may be authorised to process the data on the Union's behalf) for the purposes of furthering any of the objects of the Union. For the purposes of this rule the term "personal data" shall be given the meaning assigned to it under the Data Protection Act 1998 (as amended from time to time).

**2.10** Every member may on giving at least 7 days' notice in writing to the General Secretary inspect at all reasonable times during business hours and subject to any reasonable restrictions imposed by the National Executive Committee the financial accounts of the Union.

**2.11** The rights and privileges of all classes of member shall be personal to the member and shall not be transferable by the member's own act or by operation of law.

**2.12** A member may resign from the Union by giving notice in writing to the General Secretary.

## Subscriptions

**2.13** Subject to the following provisions of this Rule every member shall pay to the Union a subscription at such rate as may from time to time be determined by National Conference.

**2.14** The National Executive Committee may determine a subscription rate or rates for members who are members of a sector under Part 6 of these Rules. Subscriptions for members of the transferring union are set by the NEC and will be as described in BECTU Sector Rules 2, 3, 4 and 5. Future subscription rates will be determined as per paragraph 7 of the Instrument of Transfer (IoT).

**2.15** The National Executive Committee may set specific subscription rates for clearly-identified areas for the purpose of improved recruitment. Actions determined under this Rule shall be the subject of a specific report to National Conference.

**2.16** Any fully paid up member who is absent on long term sickness absence shall not be required to pay subscriptions from the time the member's salary is reduced to zero until such time as the member resumes work or retires, during such time there shall be an entitlement to the full benefits of membership.

**2.17** Retired members, in lieu of paying an annual subscription, may pay a single subscription of such an amount in respect of such a period as may be determined by the National Conference.

**2.18** A member joining in the course of a subscription year is required to pay in respect of the remainder of that year only such a proportion of the annual subscription as corresponds to the number of complete calendar months remaining in that year.

**2.19** A fully paid-up member may at any time after giving notice to the General Secretary change from one method of payment to any other method of payment provided that there shall be no arrears of subscription after the change has been effected.

**2.20** The subscription shall in all cases be payable to the Union, and shall not be deemed to have been paid until received by the General Secretary on behalf of the Union.

**2.21** Unless the National Executive Committee shall otherwise direct by reason of exceptional circumstances, no subscription or any part of a subscription shall be repaid to a member or to a person who has ceased to be a member.

- 2.22** (1) Subject to paragraphs (2) and (3) of this Rule, a member shall cease to be a member for non-payment of subscription as follows:
- if a member whose subscription has been paid by deduction from salary cancels authority for such deduction, membership shall cease as from the date upon which cancellation takes effect;
  - if a member whose subscription has been paid by bank transfer cancels authority for such deduction, membership shall cease as from the date upon which cancellation takes effect;
  - if the subscription of a member who has ordinarily paid by a single yearly payment has not been received by the General Secretary within 3 months after the same is due, that member shall cease to be a member of the Union at the expiration of such period of 3 months.
- (2) Paragraph (1) of this Rule shall not apply if the authority for deduction is cancelled, or the subscription or instalment is unpaid, only by reason of the member substituting, by virtue of Rule 2.19, some other permissible method of payment for that hitherto adopted.
- (3) Paragraph (1) of this Rule shall not apply where a Working or Unemployed Member applies to become a Retired Member provided that the application is received within six months of the change in membership status as defined in Rule 2.4 and the member makes satisfactory alternative arrangements in accordance with these Rules for payment of the subscriptions then due.

**2.23** A member who ceases to be a member for non payment of subscriptions or who resigns in accordance with these Rules shall be readmitted to membership at the absolute discretion of the National Executive Committee who may require payment of a re-admission fee which shall not exceed three months' subscription at the appropriate rate.

**2.24** In the circumstances of a Transfer of Engagements of another union to the Union, the National Executive Committee may agree such transitional arrangements in terms of subscriptions which it believes would facilitate such a transfer.

## Part 3: Death benefit

- 3.1** (1) The National Executive Committee may as hereinafter provided award a lump sum payment for the benefit of a dependant of a Working Member who has died. To be eligible for death benefit, the working Member must have been in continuous Membership for at least one year at the date of death.
- (2) No such lump sum payment shall in any circumstances exceed the limits set out in S.338(1) of the Income and Corporation Taxes Act 1970 or any statutory modification or re-enactment thereof for the time being in force.
- (3) No such lump sum payment shall in any circumstances be paid if Prospect has not received notification of the working Member's death within six months of their death.
- (4) Subject as aforesaid the National Executive Committee may award a lump sum equivalent to five times the highest national rate annual subscription.
- (5) Any payment under this Rule shall be met out of the general funds of the Union.

- 3.2** (1) Any payment under this Rule shall:
- be a payment in discharge or aid of funeral expenses on the death of the Member; and
  - be paid to such persons as the National Executive Committee may appoint in their absolute discretion as recipient or failing such appointment the deceased member's spouse.
- (2) The award of any sum under this Rule is at the total discretion of the National Executive Committee whose decision on the matter will be final.

## Part 4: Branches

**4.1** There shall be such Branches, designated as either 'Employer Based' Branches or 'Regional Branches' consisting of members of the Union as the National Executive Committee may from time to time determine in accordance with this Rule.

- 4.2** (1) Working Members shall as far as possible belong to such Branch of the Union, appropriate to their unit of employment as may be determined by the National Executive Committee. Where membership in any employment unit is too small to allow designated Employer Based Branch organisation, members shall be allocated to a Regional Branch.
- (2) Unemployed Members shall be allocated to a Regional Branch except as may otherwise be determined by the National Executive Committee.
- (3) If any question shall arise as to which Branch is appropriate in relation to any member or group of members, the question shall be determined by the National Executive Committee.
- (4) Where a Branch so requests or the National Executive Committee determines of its own Motion, there shall be such sub Branch organisation as is necessary to ensure the possibility of membership participation in organisation, policy making and other functions of the Branch. Such arrangements shall be specified in the Rules of the Branch itself.

**4.3** (1) Where, in exercise of the powers conferred on them by this part of the rules, the National Executive Committee determines to transfer members from one Branch to other Branches then the determination shall not have effect until the expiration of a period of 14 weeks after it is made provided that, if the matter is referred to the Appeals Committee appointed by Conference to deal with appeals against disciplinary action taken by the National Executive Committee under the provisions of Rule 4.3(4), the determination shall not have effect unless or until it is approved by a resolution of that Appeals Committee.

- (2) Upon the making of any such determination by the National Executive Committee, the General Secretary shall give notice in writing to the Branches concerned specifying:
- the names of the members affected by the determination;
  - the Branch(es) to which those members would belong upon the taking effect of the determination; and
  - the grounds upon which the National Executive Committee's determination was based.
- (3) The secretary of the Branch to which the members affected belong shall inform each of those members that the Branch has received the notice but failure by the secretary to do so or the fact that any of those members was unaware of the receipt by the secretary of the notice shall not affect the operation of this Rule.
- (4) Upon receiving such a notice, any of the Branches concerned may refer the matter to the National Appeals Committee by giving notice in writing to the General Secretary specifying the grounds upon which the matter is to be challenged and nominating not more than two members of the Branch who will present the matter to the Committee.

#### 4.4 Employer Based Branches –

- (1) Except in the special circumstances of any particular case no Employer Based Branch shall normally be formed to which there would belong less than 21 members at the date of its formation.
- (2) If the number of members belonging to any Employer Based Branch falls below 21 the National Executive Committee may transfer the members to other branches.

#### 4.5 Regional Branches –

- (1) There shall be such geographically based regional branches for Working and Unemployed Members who are not designated to an Employer Based Branch. The geographical boundaries of the Regional Branches shall be as determined by the National Executive Committee from time to time.
- (2) Regional Branch Committee members shall be elected by and from among the members of the Branch. The National Executive Committee shall determine the number of such members from time to time in consultation with the existing Committee.
- (3) The Regional Branch Committee shall itself elect such officers as are deemed necessary but at least a President, and a Secretary who may with the agreement of the General Secretary be a full time official.

#### 4.6 Except in the special circumstances of any particular case there shall be for all Branches a Branch Executive Committee elected in accordance with Branch Rules and responsible for the administration of the Branch, the implementation of Branch policy as determined in accordance with Branch Rules and the interpretation of the Branch Rules.

### Branch duties

#### 4.7 Branches shall exercise delegated and autonomous authority in matters of policy and negotiation affecting Branch members only insofar as no policy shall be implemented which is in conflict with these Rules or any national policy of the Union determined in accordance with these Rules. In the event of any conflict the matter shall be referred to the National Executive Committee.

Branches shall have duties:

- (1) to maintain and /or improve the conditions of employment of Branch members and the relations between them and their employers. For this purpose Branch Committees will be authorised to appoint members to joint negotiating and consultative bodies in relevant companies according to Branch Rules;
- (2) to promote the policy of the Branch as agreed at a Delegate Conference or General Meeting of the Branch;
- (3) to further the objects of the Union;
- (4) without prejudice to the generality of the foregoing:
  - (a) to carry out the policies of the Union as determined in accordance with these Rules;
  - (b) to protect and promote the interests of its members;
  - (c) to recruit and maintain membership;
  - (d) to keep members informed of all matters advised by the National Executive Committee;
  - (e) to consult with the appropriate members body who may be affected by any proposals concerning pensions in payment; and
- (5) to hold an Annual or Biennial Delegate Conference or General Meeting in accordance with the Branch Rules at which to elect or make arrangements for the election of Branch Officers and any Negotiation Committee specified by the Branch Rule, to receive a Branch Annual Report and Statement of Accounts and to determine Branch policy to submit Motions and nominations to National Conference, Sector Executive(s) and the National Executive Committee. Should a Branch choose to hold a Biennial Delegate Conference or Biennial General Meeting, provision must be made to approve

the Branch Annual Report and Statement of Accounts at a relevant Branch Executive Meeting in the alternate year.

### Branch rules

- 4.8 (1) For the purpose of this part of the Rules, " the Rules of the Branch" and "Branch Rules" includes the Rules, constitution and any other document, however described, containing regulations for the conduct of Branch business.
- (2) Every Branch shall have Rules for the conduct of its business.
- (3) The Rules of the Branch and any amendment thereof shall not take effect until they have been approved by the National Executive Committee.
- (4) The National Executive Committee shall provide model Rules for the guidance of Branches. Until such time as the Rules of the Branch (not being amendments of such Rules) take effect in accordance with Rule 4.8 (3), the business of the Branch shall be conducted according to such model Rules.
- (5) Where there is a conflict between the National Rules and the Rules of the Branch the National Rules shall prevail and the Rules of the Branch shall be construed accordingly, save for provisions contained in an instrument or transfer of engagements or an instrument of amalgamation.

#### 4.9 All expenditure which the National Executive Committee is satisfied has been reasonably incurred by a Branch in the exercise of its functions under its Rules and these Rules shall be defrayed out of the funds of the Union in such manner as the National Executive Committee may determine.

#### 4.10 The Branch shall keep true accounts of all monies received and paid by it in the exercise of its functions under its Rules and these Rules and of the matters in respect of which such monies are received or paid.

#### 4.11 The Branch shall furnish to the National Executive Committee such information as the National Executive Committee may from time to time require relating to the membership of the Branch, the activities or finances of the Branch or otherwise concerning the affairs of the Branch or the Union or any member of the Union.

#### 4.12 Branches shall have no independent authority to affiliate to other organisations but they may, with the consent of the National Executive Committee, affiliate to local branches of bodies to which the Union is nationally affiliated and to local Trades' Councils.

#### 4.13 The accounts of each Branch shall be audited each year and a copy of the audited accounts shall be submitted to the National Executive Committee before such date as that Committee shall determine.

## Part 5: Retired Members' Group

#### 5.1 There shall be a national group for Retired Members, which will comprise members under Rule 2.4(3). The group shall be organised on an area basis, as determined by the National Executive Committee from time to time. There will be a representative National Committee which will conduct its business in accordance with the policy determined by an Annual Delegate Conference.

#### 5.2 The Retired Members' Group shall have rules for the conduct of its business. These rules and any amendments thereof shall not take effect until they have been approved by the National Executive Committee.

#### 5.3 The Retired Members' Group shall elect such officers as are deemed necessary, but at least a President and a Vice-President. The Secretary of the Group National Committee shall be a full-time official of Prospect nominated by the General Secretary.

- 5.4** All expenditure which the National Executive Committee is satisfied has been reasonably incurred by a Retired Members' Group in the exercise of its functions under these Rules shall be defrayed out of the national funds in such manner as the National Executive Committee shall determine.

## Duties of the Retired Members' Group

- 5.5** The duties of the Group shall be:
- (1) to facilitate liaison and information exchange between Retired members.
  - (2) to act as a forum for liaison with and organisation of Retired members. To this end the Retired Members' Group is authorised as necessary:
    - (a) to act as a focal point for Retired members seeking help or support from the Union;
    - (b) to call meetings of Retired Members as appropriate;
    - (c) to call an Annual Delegate Conference to enable those Members only to submit motions to National Conference;
    - (d) to arrange for the selection of delegates to National Conference as per Rules 8.3(1) (e) and Rule 8.6;
    - (e) to arrange for the selection of two Retired Members who may be invited by the National Executive Committee to attend committee meetings for the purpose of providing the executive with factual information or with technical or professional advice with respect to matters taken into account by the executive in carrying out its functions.

## Part 6: Sectors

- 6.1** There shall be such Sectors consisting of all of the Branches in an industry or like industries, as determined by National Executive Committee. Each Sector shall be governed by a Sector Executive Committee.
- 6.2** The Sector Executive Committee shall be elected at their Sector Conference, by and from the Members employed within the Sector and by and from those who were employed within the Sector but have become unemployed within a period of twenty-six weeks prior to the date of the Sector Conference. Where it appears to the National Executive Committee that there are good reasons for not applying this general principle, the National Executive Committee may use other specified electoral arrangements.

### Sector duties

- 6.3** Sectors shall exercise delegated and autonomous authority in matters of policy and negotiation affecting Sector members only insofar as no policy shall be implemented which is in conflict with these Rules or any national policy of the Union determined in accordance with these Rules. To this end Sectors shall have duties:
- (1) to maintain and/or improve the conditions of employment of Sector members and the relations between them and their employers;
  - (2) to promote the policy of the Sector as agreed at a Sector Conference or General Meeting of the Sector;
  - (3) to further the objects of the Union;
  - (4) to carry out the policies of the Union as determined in accordance with these Rules;
  - (5) to facilitate liaison and information exchange between members in different Branches within the Sector;
  - (6) to investigate and if appropriate organise potential recruitment opportunities in branches within the Sector and within non organised areas within the Sector;
  - (7) to liaise with Retired Members as appropriate; and
  - (8) to establish industry committees.
- 6.4** The National Executive Committee shall provide model Sector Rules for the guidance of Sectors.

## Sector finance

- 6.5** (1) The Sector Executive Committee shall monitor the expenditure of the Sector by means of an annual budget, drawn up by the General Secretary on the advice of the Sector Executive Committee and approved by the National Executive Committee.
- (2) No expenditure shall be incurred without the Sector Executive Committee's approval thereof having first been obtained except:
- (a) when it is expressly authorised by National Conference; or
  - (b) where specific funds are designated to Branches within the Sector for day to day running of the Union's affairs in accordance with these Rules; or
  - (c) where expenditure is properly incurred by or under the authority of the General Secretary for the day to day running of the Union's affairs, in accordance with the approved budget.

## Part 7: Professional & employer based groups

### Professional groups

- 7.1** (1) Where a number of Branches contain members working in the same profession or industry, the National Executive Committee may determine to create a professional or industry advisory group. The Rules governing such groups shall be drawn up by the National Executive Committee in consultation with the relevant Branch committees and may be appended to these Rules.
- (2) The duties of professional and industry advisory groups shall be to discuss and advise the National Executive Committee on matters affecting the professional interests, structure, salaries and conditions of its members. Where the rules of the advisory group provide for an Annual Conference and election of an Executive Committee the group shall determine policy on matters solely affecting its members.
- (3) Where its Members are not in an Employer-Based Branch, the National Executive Committee may determine that a professional or industry advisory group be treated as a Branch for the purposes of representation at National Conference; the submission of Conference Motions; and the nomination of candidates for the National Executive Committee.

### Employer based groups

- 7.2** (1) Where the members who are employed in the same employing organisation do not all belong to the same Branch, all the Branches to which they belong shall constitute a departmental or employer based group; provided that the National Executive Committee may, in any particular case, determine that such Branches shall constitute more than one group and where it so determines, shall decide in which group any Branch shall be included.
- (2) An Employer Based Group shall have the functions conferred on it by these Rules and, in addition, such other functions as it is required to exercise by any determination of the National Executive Committee.
- (3) For the purposes of these Rules there shall be deemed to belong to an Employer Based Group every member who:
- (a) is employed in the organisation to which that group is appropriate; and
  - (b) belongs to a Branch included in the group.
- 7.3** The duties of an Employer Based Group shall be:
- (1) to operate according to rules approved by the National Executive Committee;

- (2) to manage and transact all matters and business relating to the interests of Union members employed in the appropriate employing organisation where those matters directly affect members in more than one Branch within the said departments or employing organisation; and
- (3) to safeguard and improve the status and conditions of employment of such Union members and to co-ordinate the means of furthering their interests.

**7.4** Any conflict of authority between Branches and the group shall be referred to the National Executive Committee for resolution.

**7.5** Where all the members employed in any organisation belong to the same Branch, the Branch shall, in addition to the functions of a Branch conferred on it by these Rules, have also the functions exercisable by an Employer Based Group in accordance with any determination of the National Executive Committee pursuant to Rule 7.2(2).

## Part 8: Conferences

- 8.1** (1) The governing and policy-making body of the Union shall be National Conference constituted as provided in this part. For the purposes of this Part of these Rules, "Member" or "Members" means, as appropriate, "Working or Unemployed Member" or "Working or Unemployed Members" of the Union, unless the context otherwise provides.
- (2) There shall be a biennial meeting of National Conference held in accordance with the provisions of Rule 8.2 and such special meetings of Conference as may be held in accordance with the provisions of Rule 8.20.

- 8.2** (1) There shall be a National Conference in every even numbered year which shall commence its sittings on a date between 1 May and 23 June.
- (2) The National Executive Committee shall determine and publish the place and date of each National Conference at least 14 months before it takes place.
- (3) The National Executive Committee shall give not less than 22 weeks notice in writing to every Branch and the Retired Members Group of the place and date of the National Conference.

### Composition of National Conference

- 8.3** (1) National Conference shall comprise:
- (a) delegates elected by Branches in accordance with Rules 8.4, 8.5 and 8.6;
  - (b) the National Executive Committee;
  - (c) the Standing Orders Committee;
  - (d) the General Secretary and such other employees of the Union as the National Executive Committee shall determine; and
  - (e) Twelve delegates from the Retired Members' Group, who shall be eligible to vote on a show of hands.
  - (f) Where a card vote is called, the Retired Members' Group shall have a card vote on any Rule changes relevant to Part 5 of the Rules 'Retired Members' Group' or on any proposed changes to the Retired Members' Group subscriptions. The Retired Members' Group shall not have a card vote on any other matters.
  - (g) The Retired Members' Group card vote shall be calculated at 25% of the Retired Members' Group numbers, as recorded at 31 December of the preceding year.
- (2) The delegates present at National Conference and whoever is in the Chair of Conference (and no others) shall have votes in accordance with the provisions of these Rules.
- 8.4** (1) Representation at the National Conference shall be determined in accordance with the following provision, namely:

- (a) in the case of a Branch consisting of more than 20 members as at 31 December in the year preceding the year of the National Conference ("the National Conference year"), that Branch may for the National Conference elect as delegates such number of delegates from amongst its members as is determined in accordance with the following table:

No. of Members as at 31 December	No. of Delegates
21 – 75	1
76 – 300	2
301 – 600	3
601 – 850	4
851 – 1100	5
1101 – 1400	6
1401 – 1700	7
1701 – 2000	8
2001 – 2500	9

If the Branch membership exceeds 2,500, the Branch may elect 10 delegates and, in addition, as many delegates as is arrived at if the number by which the membership exceeds 2,500 is divided by 500, fractions in the quotient being disregarded.

- (b) In the case of a Branch consisting of less than 21 members as at 31 December in the year preceding the year of the National Conference year, that Branch shall be entitled in the next following year to elect from its members one delegate to National Conference if, and only if, the National Executive Committee so determine in relation to that branch.
- (2) The number of members who belong to a branch as at 31 December in any year (or in the case of a Special Conference, at such date as the National Executive Committee may determine) shall be determined by the certificate of the General Secretary, which shall be conclusive.

**8.5** If, between the 31st day of December in any year preceding the National Conference year and the date on which the National Conference is to commence its sittings in the next succeeding year, a new Branch be formed or the number of members belonging to a Branch be substantially changed by the transfer of members between Branches or by the admission to membership of members of an organisation other than the Union, the National Executive Committee shall determine how many delegates, if any such Branch shall be permitted to elect to attend at that National Conference, and the number of votes such delegates shall be entitled to cast in any ballot or card vote.

**8.6** A Branch and the Retired Members Group may appoint a deputy from amongst its members for each delegate whom it elects to any Conference and, where a delegate is unable to attend any session of Conference, a deputy so appointed may attend as if the deputy had been elected a delegate.

- 8.7** (1) A member of the National Executive Committee or the Standing Orders Committee may not be a delegate.
- (2) A delegate appointed under the provisions of Rules 8.4 and 8.6 to any National Conference shall not be appointed, or act as a scrutineer, teller, or steward at that Conference.

- 8.8** (1) A Member shall be admitted as a delegate provided:
- (a) the Member's name was notified by the Member's Branch or the Retired Members' Group to the General Secretary not later than midday on the day occurring 13 weeks before the date on which the relevant Conference is to commence its sittings; or
  - (b) the Member can produce to the Standing Orders Committee evidence authenticating appointment by the Member's Branch or the Retired Members' Group as a delegate or deputy; and



- (c) the Member has not changed membership category to Retired in the period since the nomination was submitted.
- (2) The General Secretary shall call upon Branches and the Retired Members Group to provide the names of delegates not later than 9 weeks before these names are due to be submitted.
- (3) Any member of the Union may attend conference as an observer, but will not have the right to speak during debates or to vote on any motion or other matter. Such attendance will be entirely at the member's own expense.

## Proceedings

- 8.9** National and Special meetings of Conference shall be conducted in accordance with the following rules.
- 8.10** (1) Each meeting of Conference shall be chaired by the National President of the Union, failing whom the Vice-President, failing whom the Deputy Vice-President.
- (2) In the absence of a member of the Presidential Team, Conference shall be chaired by such member present at that meeting as the delegates then present shall appoint by voting on a show of hands. Conference shall not adjourn until the appointment has been made.
- 8.11** A quorum at any meeting of Conference shall be such number of delegates present as is equal to one-half of the number of delegates elected or appointed to that Conference and in attendance at the opening session of Conference.
- 8.12** At any meeting of Conference:
- (1) voting on any question shall, save as otherwise provided by these Rules, be on a show of hands;
  - (2) if, immediately following the declaration of the result of the voting on any question on a show of hands, at least 30 delegates present shall demand tellers, then that question shall be decided on a show of hands determined by the tellers;
  - (3) if, immediately following the declaration of the result of the voting on any question on a show of hands, at least 30 delegates present shall demand a card vote, then that question shall be decided on a card vote, provided that no question which has not been included in the Agenda, and no emergency motion, shall be decided on a card vote. Card votes shall be secret.
- 8.13** (1) On a show of hands each delegate shall have one vote.
- (2) On a card vote, the delegates elected by a Branch shall have between them as many votes as there are members belonging to the Branch. If the number of delegates from any Branch present when a card vote is taken is fewer than the total number of delegates elected by that Branch, then the votes of the absent delegates may be transferred to those delegates who are present, subject to such transfer being authenticated by a scrutineer. If no delegate from any such Branch is present, that Branch shall not participate in the vote and its total number of votes shall be ignored.
- (3) For the purposes of this Rule the number of members belonging to a Branch shall be determined in accordance with Rule 8.4(2) and Rule 8.5.
- (4) On a card vote the Retired Members' Group card vote shall be restricted to Rule changes relevant to Part 5 of the Rules 'Retired Members' Group' or on any proposed changes to the Retired Members' Group subscriptions. The Retired Members' Group shall not have a card vote on any other matters.
- (5) The Retired Members' Group card vote shall be calculated at 25% of the Retired Members' Group

numbers, as recorded at 31 December of the preceding year.

- (6) If the number of delegates from the Retired Members' Group present when a card vote is taken is fewer than the total number of delegates elected by that Retired Members' Group, then the votes of the absent delegates may be transferred to those delegates who are present, subject to such transfer being authenticated by a scrutineer. If no delegate from the Retired Members' Group is present, that Retired Members' Group shall not participate in the vote and its total number of votes shall be ignored.

- 8.14** (1) Any question put at any meeting of Conference shall, excepting as provided in Rules 8.18, 14 and 15.3(1) or as otherwise provided by these Rules, be decided by the majority of votes cast thereon.

- (2) In the event of an equality of votes, whoever is in the Chair of Conference shall have a casting vote.

- 8.15** Voting at any meeting of Conference shall be conducted as prescribed by Standing Orders agreed by Conference or, failing any such Standing Orders, as whoever is in the Chair at that meeting may decide.

## Annual report and accounts

- 8.16** (1) In the year in which a National Conference is held the National Executive Committee shall secure, by no later than 5 weeks prior to the first day of Conference, that a copy of the report and financial statements for the year ended on the 31st day in December in the immediately preceding year, shall be circulated to all Branches and the Retired Members' Group.
- (2) A copy of the annual report shall be made available to any member on request and, in a National Conference year, to delegates to Conference. A summary of the annual report shall also appear in the Union's Journal.
- (3) Any Branch wishing to refer back any paragraph of an Annual Report shall give notice of their intention to the General Secretary and the Standing Orders Committee in writing, specifying the matter to be raised, not later than 14 days before the start of the appropriate National Conference.
- (4) In any year when a National Conference does not take place the National Executive Committee shall secure, by no later than 1 May of that year, that a copy of the preceding year(s) Annual Report(s) and Financial Statement(s) be circulated to all Branches and the Retired Members' Group.
- (5) Any Branch shall be entitled to raise in writing with the General Secretary, no later than 30 June of that year, any matter contained within the Annual Report or relating to the Financial Statements. The General Secretary shall ensure that the National Executive Committee is notified of the matter raised and that a report of the National Executive Committee's consideration of the matter be made to the Branch, no later than 31 August of that year.

## Motions

- 8.17** (1) Notice of motions which it is proposed be moved at any National Conference may be given only by a Branch or the Retired Members' Group or by the National Executive Committee.
- (2) The General Secretary shall call for motions from Branches and the Retired Members Group and the National Executive Committee not less than 9 weeks before the date such motions have to be received.
- (3) Notice of a motion given by a Branch shall not be valid unless approved by resolution of the Branch passed at a Branch General Meeting or Branch Delegate Conference, or by the Executive Committee of the Branch or by such other meeting or committee of the Branch as its rules may provide. The motions submitted by the Retired Members Group shall

have been carried at the Group Annual Delegate Conference."

- (4) Notice of such a motion setting out the terms thereof shall, save as provided in paragraph (6) of this Rule and in Rule 8.18, be given to the General Secretary not later than midday on the day occurring 13 weeks before the date on which the relevant Conference is to commence its sittings.
- (5) A notice under paragraph (4) shall be accompanied by a certificate signed by the Secretary of the Branch or such other member of the Branch or the Retired Members' Group as has been authorised by the Branch or the Retired Members' Group for the purpose, that the provisions of paragraph (3) of this Rule have been complied with.
- (6) Notwithstanding the provisions of paragraph 4 of this Rule, a notice shall be deemed not to have been given until it has been delivered to the General Secretary at the registered offices of the Union, or been delivered to an e-mail address specified in the notice given under Rule 8.2 (3). Where any such notice is delivered to the General Secretary after the time prescribed in paragraph (4) of this Rule, the motion to which it relates may, on a recommendation of the Standing Orders Committee made in the special circumstances of any particular case, be moved, if the recommendation be, on a show of hands, accepted by a majority of the delegates present and voting.

- 8.18** (1) A motion may be moved at any National Conference as an emergency motion:
- (a) if, on a show of hands, not less than two-thirds of the delegates present and voting shall have consented to the moving thereof; and
  - (b) it is moved in accordance with such procedure as may be determined by the Conference on the recommendation of the Standing Orders Committee.
- (2) A motion shall not be treated for the purposes of this Rule as an emergency motion if the matter to which it relates could have been submitted for discussion in a motion to which Rule 8.17 applies.

**8.19** The National Executive Committee shall cause the Agenda for the National Conference to be circulated to each Branch and the Retired Members Group not later than 5 weeks before the date on which a National Conference is to commence its sitting.

## Special Conference

- 8.20** (1) A Special Conference shall be called by the National Executive Committee if it so determines, or shall be so called if Branches to which belong in the aggregate not less than one-quarter of the members of the Union so require, by notice served on the General Secretary, which notice shall state the business to be dealt with by the Conference and such notices specify a similar purpose. Such notice shall have been authorised by a majority vote at a properly constituted Branch Delegate Conference or General Meeting.
- (2) Not less than 4 weeks notice shall be given in writing to every Branch of the place and date of the Special Conference. The notice shall also state the date at which Branch membership shall be determined, in accordance with Rules 8.4(1) and 8.4(2). The delegates of the Retired Members' Group attending a Special Conference shall be calculated under Rule 8.3(1)(e).
  - (3) The notice shall contain a statement of the business to be dealt with at the Conference and no other business shall be dealt with.
  - (4) The number of delegates to a Special Conference that a Branch may elect from amongst its members shall be the same as at the last foregoing National Conference, provided that:
    - (a) failing such election, the delegates and deputies shall be those members present at, or appointed for, the last foregoing National Conference; and

- (b) the National Executive Committee may, in their discretion, determine that the number of delegates to a Special Conference that each Branch may elect from amongst its members be determined in accordance with the number of members of the Branch as at a specific date, and the provisions of Rule 8.4(1) shall apply as if the number of members in a Branch, and of delegates that a Branch may elect, be determined by reference to that date and as if in substitution for "National Conference" there were inserted "Special Conference."

- (5) For the purposes of paragraph (1) of this Rule, the number of members belonging to a Branch shall be determined in accordance with Rules 8.4(2) and 8.5.

## Standing Orders

- 8.21** (1) There shall be a Standing Orders Committee whose duty it shall be to prepare the agenda for each National Conference and Special Conference and to make recommendations as it may think necessary for the efficient and expeditious despatch of business. The Standing Orders Committee shall have such other functions as are conferred upon it by these Rules or as may be so conferred by National Conference.
- (2) The Committee shall consist of three Working or Unemployed Members not being members of the National Executive Committee, each of whom has been elected in accordance with the following provisions of this Rule.
  - (3) Each National Conference shall elect one member to the Committee and the person so elected shall take up office at the conclusion of the National Conference at which elected and shall relinquish office at the conclusion of the third National Conference held thereafter.
  - (4) The Committee shall be chaired at any time by the senior member, that is, the member thereof who shall have at that time served, since election, longest on the Committee. In the event of there being two or more members equally qualified, they shall draw lots to determine which of them shall chair the Committee.
  - (5) Members of the Standing Orders Committee shall be elected according to the following conditions:
    - (a) they shall be elected each National Conference from Working or Unemployed Members of the Union nominated by Branches for election;
    - (b) notice of nomination shall be given to the General Secretary not later than mid-day on the day occurring 13 weeks before the date on which the National Conference is to commence its sittings, and shall be accompanied by brief particulars of the person nominated and by an undertaking signed by the nominee of willingness to act as a member of the committee if elected; provided that:
      - (i) where a member is so nominated by more than one Branch, only one of the nominating Branches shall be required to furnish such particulars and such undertaking; and
      - (ii) the provisions of Rule 16.2 as to the date on which a notice is to be deemed to have been received shall not apply to a notice given under this paragraph but any such last mentioned notice shall be deemed not to have been given until it has been delivered in an envelope addressed to the General Secretary at the registered offices of the Union;
    - (c) a notice under the last foregoing paragraph shall be accompanied by a certificate signed by the Secretary of the Branch or such other member of the Branch as has been authorised by the Branch, that the nomination has been approved by a General Meeting or Annual Conference

of the Branch or by a committee of the Branch authorised to approve it;

- (d) persons may withdraw their nomination for election as a member;
  - (e) if, before the voting for the election of a member of the Standing Orders Committee has taken place, all the persons nominated for that office withdraw their nomination, Conference may permit the nomination by delegates of other persons for election to the office and whoever is in the Chair of Conference shall, before accepting a nomination so made, be satisfied that the proposed nominee is willing to serve and shall determine in what manner the provisions of this paragraph shall be given effect;
  - (f) election to the Standing Orders Committee shall be by card vote of Working and Unemployed Member delegates.
- (6) (a) In the event of any member of the Committee vacating office otherwise than in accordance with Rule 8.21(3), the National Executive Committee shall appoint in their place one of the persons who were candidates at the last foregoing National Conference for election to the Committee, regard being had in the making of the appointment to the number of votes received by each of these persons.
- (b) If it should not be possible so to fill any such vacancy, it may be filled by the National Executive Committee by appointment of such a Working or Unemployed Member, other than a member of the National Executive Committee, as it may determine. The person appointed shall have been a Working or Unemployed Member delegate to the last National Conference.
- (7) Any person appointed to the Committee under Rule 8.21(6) shall be deemed for the purpose of this Rule save as to Rule 8.21(4) to have taken up office at the conclusion of the National Conference by which the predecessor in office was appointed. For the purpose of Rule 8.21(4) any persons so appointed shall be deemed to have taken up office at the date of such appointment.
- (8) In the event of there being any conflict between the Standing Orders and these Rules, the Rules shall prevail. Standing Orders, once agreed by delegates at the beginning of National Conference, may be suspended only by a resolution of the National Conference carried by two thirds of delegates present and voting.

## Record of decisions

- 8.22** (1) The General Secretary shall ensure that there is kept a proper record of all decisions taken (other than decisions relating to procedure at Conference), and elections and appointments made, by each meeting of Conference. The record shall be authenticated by the signatures of whoever was in the Chair of the Conference at which the decisions were taken and the elections and appointments were made, of whoever was in the Chair of the Standing Orders Committee which officiated at the Conference, and of the General Secretary.
- (2) Any record authenticated as aforesaid shall, for all purposes, be sufficient proof that the decisions, elections or appointments to which it relates was taken or made.
- (3) The General Secretary shall be responsible for the safe custody of such record.
- 8.23** The National Executive Committee shall publish the decisions taken and elections and appointments made by Conference as soon as practicable.
- 8.24** The National Executive Committee shall publish a report on Actions Taken on Motions from the preceding Conference, and circulate to all Branches and the Retired Members'

Group not less than 15 weeks prior to the subsequent Conference.

## Part 9: National Executive Committee

### Functions of the committee

- 9.1** (1) There shall be a National Executive Committee (in this Part referred to as "the Committee") elected in the manner hereinafter provided and which shall conduct the business of the Union in conformity with the policy from time to time laid down by National Conference and shall have such other functions as are provided by these Rules.
- (2) The Committee shall between National Conferences be solely responsible for interpreting policy laid down by Conference and determining policy if no such policy exists. The Committee shall also be responsible for the interpretation of these Rules between National Conferences.
- (3) The Committee shall manage and transact all matters and business arising in the affairs of the Union between meetings of National Conference.
- (4) Members of the Committee, the President, Vice President and Deputy Vice-President shall be elected biennially as provided for in these Rules.

### Powers of the committee

- 9.2** (1) The Committee shall have such powers, authorities and discretions as are necessary for or incidental to its functions and, without prejudice to the foregoing generality, shall have power:
- (a) to invite two representatives from the Retired Members' Group to attend meetings of the Committee for the purpose of providing the Committee with factual information or with technical or professional advice with respect to matters taken into account by the Committee in carrying out its function; such representatives will not be entitled to vote at the meetings;
  - (b) to appoint representatives of the Union to any council and any other committee, union or organisation on which the Union is empowered or invited to be represented;
  - (c) to engage and dismiss persons as employees of the Union, which power shall be exercised in accordance with these rules;
  - (d) to determine the conditions of service of such persons as aforesaid;
  - (e) to direct the Trustees to enter into agreements or contracts for the purchase of any property whether real or personal, heritable or moveable, to authorise the sale charging disposal or other dealing of or with any real or personal property held by the Trustees and to borrow or otherwise raise finance;
  - (f) to make provision for superannuation benefits for persons employed by the Union, to arrange for the constitution of Trusts for that purpose and for the administration of any such Trusts including the appointment and removal of employer's trustees;
  - (g) to constitute a Retired Members' Group and such professional groups, industry advisory groups, employer based groups and sectors as from time to time be determined, and to authorise the financial arrangements and rules of such bodies;
  - (h) to obtain the views or directions of Branches, Sectors or members on any matters in such manner and following such procedure as it may determine;
  - (i) to authorise industrial action in accordance with procedures laid down by the National Conference or the Committee from time to time;
  - (j) to appoint from time to time such committees (hereafter in this Rule referred to as "Sub-Committees") as it may think necessary for the

despatch of its business and to delegate to them such of its functions or refer to them such matters as it may in its discretion determine;

- (k) to make provision for provident benefits and individual services; and
  - (l) to affiliate to any organisation or body which has similar or complementary objectives to the Union.
- (2) The Committee shall report to National Conference on any Sectors, Professional Groups or Employer Based Groups formed since the preceding National Conference closed.
  - (3) Any Sub-Committee shall conduct its business in accordance with such procedure as the Committee may direct or failing such a direction in accordance with such procedures as the Sub-Committee may itself decide.
  - (4) The Committee may co-opt as non voting members of a Sub-Committee persons who are not members of the Union.
  - (5) Notwithstanding anything in these rules the Committee may by giving 6 weeks notice in writing terminate the membership of any member if necessary in order to comply with any decision reached through an agreed inter-union procedure for resolving membership disputes between unions.
  - (6) Where another trade union or staff union has objects and/or policies similar to those of the Union, the Committee shall have power to accept such an organisation as a body affiliated to the Union on terms which it may agree subject to ratification at the next National Conference of the Union and to review after a period not exceeding five years.
  - (7) The Committee shall have the right to act as the committee of management for all the purposes of the Trade Union and Labour Relations (Consolidated) Act 1992 where it is proposed that any other trade union should amalgamate with or transfer its engagements to the Union.

## Constitution of the National Executive Committee

**9.3** The Committee shall, subject to the provisions of these Rules, consist of:

- (1) Twenty-eight Working or Unemployed Members (hereinafter referred to as the "Voting Members" of the Committee); and
- (2) the General Secretary, who shall be entitled to attend and speak but not vote.

**9.4** The President, the Vice President, and Deputy Vice President of the Union (hereinafter referred to as the "Presidential Team") shall be elected from among the Voting Members of the Committee as is hereafter provided in the Rules;

**9.5** The twenty eight Voting Members of the committee shall be elected for the period from the end of the National Conference in 2018, until the end of the National Conference in 2020 on the following basis:

- (1) Five Voting Members will be elected by and from members of the transferring union and any members subsequently allocated to the BECTU Sector after the effective date (excluding those who at the effective date are members of the CMD sector of Prospect or who are subsequently allocated to that division of the BECTU sector who will vote in NEC elections as per rule 9.5 as amended below); and
- (2) Twenty-three Voting Members will be elected by and from all amongst all other Prospect working and unemployed members.

## Election of National Executive Committee

- 9.6** (1) The Voting Members of the Committee shall be elected by all Working or Unemployed Members of the Union in the manner appearing in Rules 9.7 and 9.8(2)-(5).
- (2) The General Secretary shall call for nominations from branches no less than nine weeks before the date such nominations have to be received.
  - (3) The election of the Voting Members of the Committee shall take place every other year during the period nominated by the Committee which period shall, unless the National Executive Committee in its absolute discretion decides otherwise, commence on the day occurring 9 weeks before the first day of the next National Conference and close on the day occurring 5 weeks before the first day of the said National Conference. Any voting paper received by the independent scrutineer after 6pm on the day occurring 5 weeks before the first day of the said National Conference shall be declared invalid.
  - (4) A Working or Unemployed Member only shall be entitled to stand as a candidate in the election of Voting Members of the Committee provided as follows:
    - (a) the Working or Unemployed Member is nominated as a candidate by at least one Branch of the Union and the candidate is still a Working or Unemployed Member at the time of the election;
    - (b) notice of nomination has been given in writing to the General Secretary by midday on the day occurring 13 weeks before the first day of the said National Conference;
    - (c) the nomination is accompanied by brief particulars of the member so nominated, and by an undertaking signed by the nominee to act in all respects in accordance with the Code of Conduct from time to time laid down by Conference in accordance with Rule 9.10, and to accept office and act as a member of the Committee if so elected provided that:
      - (i) where a member is so nominated by more than one Branch, only one of the nominating Branches shall be required to furnish such signed undertaking; and,
      - (ii) any notice of nomination shall be deemed not to have been given until it has been delivered to the General Secretary at the registered office of the Union; or been delivered to an e-mail address specified in the call for nominations given under Rule 9.6 (2).
    - (d) the notice of nomination shall be accompanied by a certificate signed by the Secretary of the Branch, or such other member of the Branch as has been authorised by the Branch, that the nomination has been approved by a general meeting, or Annual Conference of the Branch, or by a committee of the Branch authorised to approve it;
  - (5) members nominated in accordance with Rule 9.6(4) under this sub-Rule may withdraw their nomination at any time before the date on which the election is declared to be closed.

**9.7** So far as is reasonably practicable every Working or Unemployed Member will have sent to the Member's home address (or any other address which the Member has requested the Union to treat as the Member's postal address):

- (1) a voting paper which will list the candidates in the election
- (2) an election address in respect of each candidate; and
- (3) an envelope addressed to the independent scrutineer appointed in accordance with these rules, and duly stamped.

## Election addresses

- 9.8** (1) Every candidate in the election shall have the opportunity to prepare an election address which shall be sent by post, together with the ballot paper, to the members voting in the election, provided that:

- (a) the election address has been submitted to the General Secretary before a date determined by the Executive Committee being no earlier than midday on the day occurring 13 weeks before the first day of the said National Conference;
  - (b) the election address submitted shall not exceed 500 words;
  - (c) the election address submitted may incorporate one photograph of the candidate taken in the twelve months preceding the date of nomination.
- (2) The General Secretary shall cause to be made copies of the election address(es) to be sent to each Working or Unemployed Member, and the Union shall bear any cost of producing such copies.
  - (3) The General Secretary shall secure that no modification of any election address so submitted is made by any person in any copy of the address to be distributed except 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;
  - (4) The General Secretary shall secure that the same method of producing copies is applied in the same way to every election address so submitted, and so far as reasonably practicable, that no such facility or information as would enable a candidate to gain any benefit from:
    - (a) the method by which copies of election addresses are produced; or,
    - (b) the modifications which are necessarily incidental to that method, are provided to any candidate without being provided equally to all the others.
  - (5) The General Secretary must so far as is reasonably practicable secure that the same facilities and restrictions with respect to the preparation and submission or modification of an election address and with respect to the incorporation in any such address of a photograph, are applied equally to each of the candidates.

## Procedures for the election of the National Executive Committee

- 9.9** (1) The Committee will appoint a properly qualified scrutineer to carry out the following functions:
- (a) to supervise the production and distribution of the voting papers;
  - (b) to receive the voting papers returned by the members;
  - (c) to take such steps as appear to the Scrutineer to be appropriate for the purposes of enabling the Scrutineer to make a report to the Union, as required under statute with respect to the ballot; and
  - (d) to retain custody of all voting papers returned for the purpose of the ballot for the appropriate period.
- (2) The result of any election will be published by the General Secretary and circulated to Branches and the Retired Members Group without delay once the report referred to under sub-paragraph (1)(c) hereof has been received by the Union. In addition to this report the results of an election for the National Executive Committee (in the year on which there is a National Conference) shall be announced at National Conference.

**9.10** A Code of Conduct for the election of the Voting Members of the Committee designed to ensure fairness and equality of opportunity between each candidate, shall be laid down by National Conference and shall be amended from time to time by National Conference only.

**9.11** In the event of a vacancy occurring in the Voting Members of the Committee more than three months prior to the beginning of the National Conference, the vacancy shall be filled by the candidate who in the preceding election for Voting Members of the Committee, after those candidates being members of the Committee on the date the casual vacancy occurred, received the highest number of votes.

**9.12** Except as provided for in Rule 9.13, a Voting Member of the Committee shall take up office for the period from the close of the National Conference at which they were declared elected until the close of the following National Conference.

**9.13** A Voting Member of the Committee:

- (1) may at any time by notice in writing addressed to the General Secretary resign from office or from the Committee, as the case may be; or
- (2) shall cease to be a member of the Committee upon ceasing to be a member of the Union; or
- (3) shall vacate office if absent from three consecutive ordinary meetings of the Committee without the consent of the Committee and the Committee so resolve.

## Election of the President, Vice-President and Deputy Vice-President

- 9.14** (1) During their term of office a Voting Member of the Committee shall be entitled to stand as a candidate in the election of the President, Vice-President and Deputy Vice-President provided as follows:
- (a) The General Secretary shall call for nominations from branches no later than nine weeks before the date such nominations have to be received.
  - (b) The Voting Member is nominated as a candidate by at least one Branch of the Union.
  - (c) Notice of nomination has been given to the General Secretary not later than midday on the day occurring 13 weeks before the opening date of the Conference.
  - (d) The nomination is accompanied by brief particulars of the member so nominated, and by an undertaking signed by the nominee to act in all respects in accordance with the Code of Conduct from time to time laid down by Conference in accordance with Rule 9.10, and to accept office and act as a member of the Presidential Team if so elected provided that:
    - (i) where a member is so nominated by more than one Branch, only one of the nominating Branches shall be required to furnish such particulars; and
    - (ii) any notice shall be deemed not to have been given until it has been delivered to the General Secretary at the registered office of the Union; or been delivered to an e-mail address specified in the call for nominations given under Rule 9.14 (1) (a).
  - (e) the notice of nomination shall be accompanied by a certificate signed by the Secretary of the Branch, or such other member of the Branch as has been authorised by the Branch, that the nomination has been approved by a general meeting, or Annual Conference of the Branch, or by a committee of the Branch authorised to approve it;
  - (f) Voting Members nominated under this sub-Rule may withdraw their nomination at any time before the date on which the election is declared to be closed.
- (2) The election procedure for the President, Vice-President and Deputy Vice-President shall be by a ballot of Branches at the National Conference.
  - (3) The General Secretary will act as the Scrutineer for the ballot for President, Vice-President and Deputy Vice-President.
  - (4) The President, Vice-President and Deputy Vice-President shall take up office from the end of National Conference.
  - (5) In the event of the President resigning or ceasing to qualify for office, the Vice-President shall become President.
  - (6) In the event of the Vice-President becoming President as in (5) above, resigning or otherwise ceasing to qualify for office, the Deputy Vice-President shall become Vice-President and the National Executive

Committee shall vote for another candidate to replace the Deputy Vice-President.

- (7) In the event of the Deputy Vice-President resigning or ceasing to qualify for office, the National Executive Committee shall vote for another candidate to replace the Deputy Vice-President.

## Proceedings of the National Executive Committee

- 9.15** (1) The Committee shall meet and conduct its business as it shall from time to time by resolution determine and shall have power to regulate its own procedure.
- (2) Each member of the Presidential Team and each Voting Member of the Committee shall have one vote and the General Secretary and Retired Members' representatives shall not have a vote.
  - (3) All questions at any meeting of the Committee shall be decided by a majority of the votes cast, provided that in the event of an equality of votes whoever is in the Chair shall have a casting vote as well as the deliberative vote as a member of the Committee.
  - (4) At the request in writing of the President or of 8 other Voting Members of the Committee the General Secretary shall forthwith summon a meeting of the Committee.

**9.16** A quorum of the Committee shall be fifty percent plus one voting members.

**9.17** There shall preside at any meeting of the Committee the President of the Union, failing whom the Vice-President, failing whom the Deputy Vice-President, failing whom such other Voting Member of the Committee as the Committee shall appoint.

## Part 10: General Secretary and employees of the union

- 10.1** (1) The National Executive Committee shall have power to engage and dismiss persons as employees of the Union and, in particular, shall appoint:
- (a) a General Secretary elected in accordance with, and on the terms referred to in, these rules; and
  - (b) such other persons as employees and officers as it may determine as provided for in these rules.
- (2) The National Executive Committee shall have power to determine the conditions of employment of such employees and to determine other benefits. Such employees shall be entitled to receive the personal services which are available from time to time to Members of the Union.

## Election of the General Secretary

- 10.2** (1) At intervals of not more than five years, the National Executive Committee shall seek nominations for the post of General Secretary.
- (2) The National Executive Committee may nominate any member, official or other employee of the Union or any other person except as detailed in Rule 10.2 (6) below, provided that such nomination is approved by a majority of the voting members of the Committee except as in the circumstances set out in Rule 10.2 (3) below.
  - (3) Not less than 12 months, nor more than 15 months prior, to the end of the General Secretary's term of office the National Executive Committee shall ascertain if the incumbent of that office wishes to be nominated for a further term of office and, if so, they shall be its nominee unless the National Executive Committee has lawfully terminated, or given notice to terminate, the incumbent's contract of employment as provided for under the terms of the General Secretary's contract of employment.
  - (4) The National Executive Committee shall determine the period during which nominations for the election

may be received and shall circulate to all members notice of the election by the insertion of a notice within the Union journal.

- (5) The notice of nomination shall be accompanied by a certificate signed by the Secretary of the Branch, or such other member of the Branch as has been authorised by the Branch, that the nomination has been approved by a general meeting, or Annual Conference of the Branch, or by a committee of the Branch authorised to approve it.
- (6) A member who is out of benefit on 31st July immediately preceding the date upon which the National Executive Committee calls for nominations by reason of non payment of subscription shall not be entitled to nominate, to second a nomination, to be nominated or to vote in any election under Rule 10.4.
- (7) All duly approved valid nominations shall be submitted by the Branch or the National Executive Committee in writing to the National Executive Committee. The closing date for the receipt of nominations shall be not less than 6 weeks after the date upon which the National Executive Committee calls for such nominations.
- (8) Those nominated shall indicate their acceptance of nomination in writing either at the time of nomination or within ten days of the closing of nominations. The acceptance shall in all cases be accompanied by an undertaking signed by the nominee to act in all respects in accordance with the code of conduct from time to time laid down by the Conference in accordance with Rule 10.5 and to accept office if so elected on the terms and conditions laid down by the National Executive Committee in accordance with these Rules.

- 10.3** (1) If more than one nomination is received for the post of General Secretary, the National Executive Committee shall arrange a national ballot. There shall be no requirement to hold a ballot at an uncontested election.
- (2) All Members of the Union shall be entitled to vote in the election.

- 10.4** (1) The National Executive Committee will appoint a properly qualified scrutineer to carry out the following functions:
- (a) to supervise the production and distribution of the voting papers;
  - (b) to receive the voting papers returned by the members;
  - (c) to take such steps as appear to the scrutineer to be appropriate for the purposes of enabling the scrutineer to make a report to the Union as required under statute with respect to the ballot, and to make such report following which the result of the election shall be published to members; and
  - (d) to retain custody of all voting papers returned for the purposes of the ballot for the appropriate period.
- (2) Voting papers shall be prepared under the supervision of the scrutineer, and shall contain the names of each of the respective candidates whose nominations have been accepted as valid.
  - (3) The voting papers, together with any election address referred to in rule 10.4(4), shall, so far as reasonably practicable, be posted to the postal address (or any other address that a member may have notified to the Headquarters of the Union to treat as the member's postal address) of each member entitled to vote under rule 10.3 (2).
  - (4) Every candidate in the election shall have the opportunity to prepare an election address provided that:
    - (a) the election address has been submitted by the candidate before a date determined by the National Executive Committee;

- (b) the election address submitted shall not exceed 1,000 words; and
  - (c) the election address submitted may incorporate one photograph taken in the twelve months preceding the date of nomination.
- (5) The Union shall bear any cost of producing copies of such election addresses. The President shall secure that no modification of any election address is made except in accordance with the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992.
  - (6) The President must so far as is reasonably practicable secure that the same facilities and restrictions with respect to the preparation and submission or modification of an election address and with respect to the incorporation in any such address of a photograph are applied equally to each of the candidates.
  - (7) Completed ballot papers must be returned in the appropriate reply paid envelope to arrive not more than 3 weeks after the date upon which they were sent out, which date shall appear on the ballot paper. Each member voting may vote for one candidate and no more, otherwise the ballot paper shall be invalid.

**10.5** A Code of Conduct for the election of the General Secretary designed to ensure fairness and equality of opportunity between each candidate shall be laid down by National Conference and shall be amended from time to time by National Conference only.

**10.6** Upon election or re-election the General Secretary shall become or shall continue to be an employee of the Union for a contractual period of 5 years, and shall hold office for a period of up to five years from the end of the term of the incumbent General Secretary.

## Duties of the General Secretary

- 10.7** (1) The General Secretary shall be the Union's Chief Executive Officer and shall be responsible to National Conference when sitting and at all other times to the National Executive Committee.
- (2) The General Secretary's duties shall include:
- (a) advising upon and implementing policy and other decisions of National Conference and the National Executive Committee;
  - (b) being responsible for the efficient administration and management of those powers and functions of the National Executive Committee detailed in Part 9 of these rules;
  - (c) ensuring that minutes and decisions of all meetings are properly recorded;
  - (d) presenting an annual budget to the National Executive Committee.
  - (e) acting as principal spokesperson for the Union;
  - (f) managing all offices and staff of the Union, and being responsible to the NEC and conference for finance.
- (3) The General Secretary shall have power to delegate all such duties whenever necessary or desirable to do so.
- (4) The General Secretary shall be responsible to the National Executive Committee for the fulfilment of all the functions of their office, including the signing of all documents and statements. The General Secretary shall attend the meetings of the National Executive Committee, shall place before it all matters requiring its attention and keep a record of the Minutes.

## Employees of the union

**10.8** The National Executive Committee may invite to meetings of the National Executive Committee such members of the Union's staff as the National Executive Committee may from time to time determine. Such members of the Union's staff as have been invited in accordance with this Rule shall attend meetings of the National Executive Committee only by invitation and only for the purpose of providing the National Executive Committee with factual information or

with technical or professional advice relating to matters being considered by the National Executive Committee and they shall not have the right to vote.

## Part 11: Finance

**11.1** The financial year of the Union shall be from 1st January to 31st December.

- 11.2** (1) The National Executive Committee shall control the expenditure of the Union in conjunction with the General Secretary.
- (2) No expenditure shall be incurred without the National Executive Committee's approval thereof having first been obtained except:
- (a) when it is expressly authorised by National Conference; or
  - (b) where specific funds are designated to Branches or Sectors for day to day running of the Union's affairs in accordance with these rules; or
  - (c) where expenditure is properly incurred by or under the authority of the General Secretary for the day to day running of the Union's affairs, in accordance with the approved budget.
- (3) All other expenditure shall be specifically authorised by the National Executive Committee or in an emergency by the General Secretary and the Presidential Team on behalf of the National Executive Committee.
- (4) The National Executive Committee shall appoint a Finance and Audit Committee whose constitution and functions shall be determined by the National Executive Committee.

**11.3** One member of the Presidential Team shall be nominated by the team to work closely with the General Secretary in overseeing the financial affairs of the Union.

- 11.4** (1) The National Executive Committee shall keep proper accounts of all monies received and paid by or on behalf of the Union and of the matters in respect of which such monies are received or paid and of the assets and liabilities of the Union.
- (2) Such accounts shall be open to the inspection of any member subject to the provisions of Rule 2.9.
- (3) The National Executive Committee shall each year submit for audit the accounts made up to the 31st day of December preceding the date on which they are submitted, together with all vouchers relating thereto, all deeds, documents of title and securities relating to the property and monies of the Union, and such other information as the auditor may reasonably require.
- (4) The Auditor shall be a person eligible for such appointment in accordance with current relevant legislation and shall be appointed by National Conference. Any Auditor so appointed shall be eligible for re-appointment. The Auditor may only be removed from office by a resolution passed at a meeting of National Conference and after compliance with the requirements of current relevant legislation.

## Trustees

- 11.5** (1) There shall be 3 Trustees of the Union each of whom shall hold office until the close of the National Conference held in the fourth year after appointment, unless the term of office shall be terminated earlier by death, resignation, resolution of Conference, Order of the Court, resignation from the Union, or any other reason.
- (2) All appointments of a Trustee shall be by Resolution of Conference from persons nominated by the National Executive Committee except that if a vacancy occurs on a date more than 12 weeks before the next meeting of Conference is due to commence its sittings, the National Executive Committee may by Resolution appoint another person to be a Trustee to act until the close of that Conference.
- (3) The remaining or surviving Trustees shall execute any deed necessary to perfect the appointment under these

Rules of another Trustee and to vest any property of the Union in the Trustee so appointed; in the event of there being no remaining or surviving Trustee any such deed may be executed by the President of the Union.

- (4) A Trustee shall be eligible for re-appointment if nominated for this purpose under paragraph (3) of this Rule.
- (5) No trustee shall be a member of the National Executive Committee, or hold any other office of the union.

- 11.6** (1) All real and leasehold property, stocks, shares and other investments belonging to the Union or to which the Union is entitled (other than stocks, shares and other investments held by Trustees under any Trust for the superannuation of employees of the Union) shall be held, on the direction of the National Executive Committee, either in the names of the Trustees or, provided that only Trustees shall be the directors of such a corporate body, by a corporate body ("a corporate Trustee") in trust for the union. The Trustees or any corporate Trustee shall act in accordance with any directions given to them by the National Executive Committee and shall invest the funds of the Union available for investments in accordance with such directions, but failing any such directions such funds shall be invested by the Trustees or any corporate Trustee in investments for the time being authorised by law for the investment of trust funds.
- (2) All deeds, documents of title and securities relating to the real and leasehold property, stocks, shares and other investments of the Union shall be held by the Trustees or any corporate Trustee in accordance with Rule 11.6 (1) who shall take such measures for the safe custody and preservation thereof, at the expense of the Union, as they shall think fit, and who shall be responsible for the safe custody of all such deeds documents and securities and shall produce them for inspection when required by the auditor, by National Conference or by the National Executive Committee.
- (3) Nothing in this Rule shall impose on the Trustees any personal or other liability in addition to that imposed upon them by law.

- 11.7** (1) The National Executive Committee shall each year acquire a Membership Audit Certificate from a qualified independent person acting as assurer for submission to the Certification Office in accordance with section 24A of the Trade Union and Labour Relations (Consolidation) Act 1992 as amended.
- (2) The Assurer shall be a person eligible for such appointment in accordance with current relevant legislation and shall be appointed by National Conference. Any Assurer so appointed shall be eligible for re-appointment. The Assurer may only be removed from office by a resolution passed at a meeting of National Conference and after compliance with the requirements of current relevant legislation.

## Part 12: Legal assistance

- 12.1** Any member shall be eligible, at the discretion of the National Executive Committee, to receive appropriate legal assistance from the Union in matters arising from their employment. The decision as to whether legal assistance is appropriate and, if so, what assistance is to be provided is a matter for the sole interpretation of the National Executive Committee or the General Secretary acting on the National Executive Committee's behalf. Legal assistance is offered at the discretion of the National Executive Committee and will be decided on an individual basis dependent on the facts of the case.
- 12.2** To this end the National Executive Committee shall provide a code of guidance to the full range of services provided which shall be updated from time to time in accordance with changes in the law, industrial relations practice and relevant decisions of the National Conference.
- 12.3** Every grant of legal assistance shall be on the understanding that the National Executive Committee may withdraw its support if the member fails to pay

subscriptions as required by rule, does not follow the advice of the appointed solicitors or if in its view the continued provision of support would be unreasonable. The National Executive Committee shall indemnify the member against any liabilities incurred on the National Executive Committee's authority up to the date of withdrawal of support, but shall not be liable for any costs incurred without its authority or consent.

## Part 13: Affiliations

- 13.1** The Union in furtherance of its objects may affiliate to organisations having all or any objects similar to those of the Union.
- 13.2** When Branches wish to submit motions to National Conference seeking affiliations to such organisations, proposers shall supply details of the aims of the organisation and any other details they consider relevant on not more than two sides of A4 paper. Provided such information does not contravene the Rules of the Union in any way, it shall be copied, as submitted, and circulated with the Conference Agenda as prescribed under these rules.
- 13.3** Branches have no independent authority to affiliate to other organisations but, they may, with the consent of the National Executive Committee, affiliate to local branches of bodies to which the Union is nationally affiliated, to local Trades Councils or to other local bodies which have similar aims and may help promote the objectives of the branch or the Union.
- 13.4** The National Executive Committee shall have power to appoint representatives of the Union to any committee, association or organisation on which the Union is entitled or invited to be represented.

## Part 14: Alterations to rules

- 14.1** These Rules or any part of them may be revoked, altered or varied and new Rules may be made by a decision of National Conference in favour of which there were cast, on a card vote, at least two-thirds of the total votes cast thereon. Any such decision shall be effective only as from the close of that Conference.

## Part 15: Miscellaneous and winding-up

- 15.1** (1) If any question as to the meaning or intention of these Rules or of any of them or of any bye-laws or regulation made thereunder arise, that question shall be decided by the National Executive Committee.
- (2) Any decision of the National Executive Committee made in accordance with the provisions of this part may, on a motion, be reviewed by National Conference whose decision thereon shall be final; provided that any such decision of the Conference shall not invalidate anything done or suffered by virtue of any such decision of the National Executive Committee.
- 15.2** (1) No meeting and no vote, act or proceeding at any meeting of National Conference or in relation to a ballot or card vote or at any meeting of the National Executive Committee or of any committee appointed by the National Executive Committee shall be rendered void or voidable by reason only that:
- (a) it is afterwards discovered that there was a defect in the appointment, election or nomination of any person attending such a meeting or so voting or acting or by reason of the fact that any person had become disqualified from attending, or voting at, the meeting; or
  - (b) there was some accidental omission to give due notice to any person, or any person failed to receive such a notice; or
  - (c) there was not issued to any person any ballot paper or card which should have been issued or any person failed to receive such a paper or card.



- 15.3** (1) The Union shall be wound up only by decision of a Special Conference in favour of which decision there were cast, on a card vote, at least two-thirds of the total votes cast thereon, followed by a vote in favour of such a proposal by 60% of the total membership of the Union in a postal ballot.
- (2) The Special Conference by which such a decision is made or any subsequent National Conference may appoint two or more persons to carry out such winding-up and all or any matters consequent thereon, and may vote to these persons such remuneration or honoraria as it may determine.
- (3) If upon the winding-up of the Union there remain after satisfaction of all its liabilities any property, such property may be given or transferred to such other institution or association having objects wholly or partly similar to those of the Union or shall be disposed of in such other manner as may be determined by the final National Conference.
- 15.4** A notice may be served by any Committee or by its Secretary upon any member either personally or by being sent pre-paid through the post addressed to such person at their address as registered with the Union. Any notice served by post shall be deemed to have been served on the fifth day succeeding that on which it was posted, and in proving such service, it shall be sufficient to prove that the notice was properly addressed and posted.
- 15.5** The Rules of the Union which were in operation immediately prior to the date at which these Rules came into operation are hereby revoked.
- 15.6** (1) Nothing in these Rules shall affect any order, bye-law, regulation, undertaking, notice, approval, certificate, direction or determination given or made, or any election or appointment made, or any other thing done under or for the purpose of the Rules revoked by these Rules but any such order, bye-law, regulation, undertaking, notice, approval, certificate, direction, determination, election, appointment or thing shall, if in force at the date on which these Rules come into operation, continue in force and shall so far as it could have been made, effected, given or done under these Rules have effect as if made, effected, given or done under the corresponding provision of these Rules.
- (2) Any document referring to any rule revoked by these Rules shall be construed as referring to the corresponding provisions of these Rules.
- (8) National Conference means the National Conference of the Union as provided for in Part 8;
- (9) National Executive Committee means the National Executive Committee of the Union provided for in Part 9;
- (10) National President means the President elected in accordance with Part 9;
- (11) National Rules means these Rules;
- (12) President means the President elected in accordance with Part 9;
- (13) Presidential Team means the President, Vice President and Deputy Vice President elected in accordance with Part 9;
- (14) Professional Group means a professional group established in accordance with Part 7;
- (15) Sectors means Sectors established under Part 6;
- (16) Standing Orders Committee means the committee established in accordance with Rule 8.21;
- (17) Special Conference means a Special Conference called in accordance with Rule 8.20;
- (18) Transfer of Engagements means a transfer of engagements within the meaning of section 97(2) of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (19) Trustee means a trustee of the union appointed in accordance with Part 11;
- (20) Union Headquarters means the registered office for the time being of the Union in accordance with Rule 1.1;
- (21) Working Member shall have the meaning attributed by Rule 2.4(1)
- (22) Unemployed Member shall have the meaning attributed by Rule 2.4(2).
- 16.2** Save as otherwise provided in these Rules any requirement of these Rules as to the giving of notice shall be deemed to have been complied with if a letter containing the notice be posted to the person to whom the notice is to be given in a properly pre-paid envelope addressed to the person's last known residence or place of business and any notice so given shall be deemed to have been received by the person to whom it was addressed on the date on which the letter containing it would have been delivered in the ordinary course of post. Provided that (a) in any case in which notice is required to be given to a Branch, the foregoing provisions of this paragraph shall have effect as if for references to a person there were substituted references to the secretary of the Branch or, where the notice relates wholly or mainly to subscriptions or other financial matters, to the treasurer of the Branch; (b) where the last day prescribed by these Rules for the giving of any notice could be a bank holiday or other public holiday it shall suffice if the notice is given on the first working day thereafter.
- 16.3** The terms 'signed by' and 'signature' used in these Rules include the use of electronic or digital forms of signature where these conform to technical standards laid down by the National Executive Committee.
- 16.4** References in these Rules to a Rule or Part shall be construed as a reference to that Rule or these Rules of that Part of these Rules.

## Part 16: Interpretation

- 16.1** Except where the context indicates to the contrary, all words denoting one gender shall be deemed to include the other gender and all words denoting the singular shall be deemed to include the plural and vice versa, and the following expressions shall have the following meanings:
- (1) Retired Member has the meaning attributed by Rule 2.4(3);
- (2) Branch means a Branch of the Union within the meaning of Part 4;
- (3) Branch Rules means Rules adopted by a Branch under Part 4;
- (4) Conference means (unless the context otherwise requires) any National Conference or Special Conference as provided for in Part 8;
- (5) Employer Based Group means an employer based group established in accordance with Part 7;
- (6) General Secretary means the General Secretary for the time being of the Union;
- (7) National Appeals Committee means the committee provided for by the Disciplinary Regulations at Appendix 1 to these Rules;

## Part 17: Political fund

- 17.1** The objects of Prospect shall include the furtherance of the political objects to which section 72 of the amended Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies. These objects are:
- (1) The expenditure of money:
- (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
- (b) on the provision of any service or property for use by or on behalf of any political party;

- (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the union in connection with any election to a political office;
- (d) on the maintenance of any holder of a political office;
- (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
- (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

- (2) Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with their attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.
- (3) In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.
- (4) In these objects -

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

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

"electors" means electors at any election to a political office;

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

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

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

**17.2** Any payments in the furtherance of such political objects shall be made out of a separate fund of the union (hereinafter called the political fund).

- (1) The Trustees of Prospect political fund shall be the Trustees of Prospect as appointed in Rule 11.5.
- (2) Notwithstanding the provisions of Rule 13.1, the affiliation of Prospect to a political party will be subject to prior Conference approval following a full ballot of the membership, such ballot being authorised by Conference alone.
- (3) Notwithstanding the provisions of Rule 11.2, any contributions to the fund of a political party will be subject to prior Conference approval following a full ballot of the membership, such ballot being authorised by Conference alone.

**17.3** The particular rules which apply to those people that joined the Union on or after 1 March 2018 and to political funds set up after 1 March 2018 are set out in Schedule 1 to these rules together with the particular rules which apply to Northern Ireland members.

**17.4** The particular rules which apply to those people that joined the Union before 1 March 2018 and to political funds set up before 1 March 2018 are set out in Schedule 2 to these rules.

**17.5** For the purpose of enabling each member of the union who may pay a political contribution to know in respect of any such contribution, what portion, if any, of the sum payable by them

is a contribution to the political fund of the Union, it is hereby provided that:

- (1) For members who have joined the Union before 1 March 2018, in accordance with Schedule 2 Clause 6, the contribution to the political fund is 5 pence per month (for those non-exempt members who pay their general subscription monthly) or 60 pence per annum payable on the first day of January each year.
- (2) For members who join the Union on or after 1 March 2018, the membership subscription rate payable under Rules 2.13-2.18 shall be deemed not to include any sum payable by them as a contribution to the political fund of the Union.
  - a) Such members in paragraph 17.5.2 who decide to opt in to make contributions to the political fund shall be required to pay a sum in addition to the membership subscription payable under Rules 2.13 – 2.18, equivalent to 5 pence per month (for those members who pay their general subscription monthly) or 60 pence per annum payable on the first day of January each year.
  - b) The frequency and manner in which the political fund contribution is collected shall be decided by the NEC.
  - c) Any member who is exempt shall be relieved from paying the sum of 5 pence per month or 60 pence per annum in addition to the membership subscription payable. They will only be required to pay the membership subscription as provided for under Rules 2.13-2.18 and shall not be entitled to any reduction in membership subscription or otherwise receive a rebate.

**17.6** A member who is exempt from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of them being so exempt.

**17.7** If any member alleges that they are aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to section 82 of the 1992 Act, they may complain to the Certification Officer, and the Certification Officer, after making such enquiries as they think fit and after giving the complainant and the union an opportunity of being heard, may, if they consider that such a breach has been committed, make such order for remedying the breach as they think just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the 1992 Act, be enforced in the manner provided for in section 82(4) of the 1992 Act.

**17.8** Contribution to the political fund of the union shall not be made a condition for admission to the union.

**17.9** The union shall include in the annual return that is submitted to the Certification Officer details of political expenditure as required by section 32ZB of the 1992 Act.

**17.10** The union shall ensure that a copy of the political fund rules is available, free of charge, to any member of the union who requests a copy.

## Rule for a ballot to maintain a political fund

**17.11** Rule for a ballot under section 74 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).

- (1) The National Executive Committee (NEC) shall be responsible to the Union for securing that the ballot which is held to establish a political fund is conducted in accordance with this rule. This responsibility cannot be delegated, even where the responsibility for carrying out a particular duty falls upon a person not subject to the rules of the Union.
- (2) A ballot shall not be taken to have been conducted by the Union in accordance with this rule if, in any particular, a requirement imposed by or under any enactment in relation to the ballot has been contravened.

## Interpretation

- (3) In this rule, unless the context otherwise requires: “the Act” means the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended);
- “the Certification Officer” means the Certification Officer for Trade Unions and Employer’s Association whose address is Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8JX;
- “dispatch envelope” means the envelope (in the form required by these rules) in which the voting paper and return envelope are dispatched to the member;
- “executive” means the National Executive Committee;
- “independent person” means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of section 77A of the Act and this rule;
- “person” in relation to the position of an independent person or a scrutineer, includes an incorporated and unincorporated body of persons;
- “proper address” in relation to any member means their home address or other address which they have requested the Union in writing to treat as their postal address under section 24(5) of the Act;
- “return envelope” means an envelope in the form required by this rule;
- “scrutineer” means the independent person appointed by the Union to that position in relation to the ballot under section 75 of the Act and this rule;
- “the period specified before disposal” means the end of the period of one year beginning with the day of the announcement by the Union of the result of the ballot or, if within that period an application is made under section 79 (complaint of failure to comply with the ballot rules) of the Act, until the Certification Officer or the court authorises them to dispose of the papers or, as the case may be, records;
- “voting paper” means a voting paper in the form required by this rule;

## Purpose of this Rule

- (4) This rule is adopted for the purposes of a ballot under section 74 of the Act and apply only to such a ballot.

## Copy of this Rule to be available to Members

- (5) The NEC shall ensure that a copy of this rule is supplied, free of charge, to any member of the Union who requests a copy.

## Appointment of a Scrutineer where the Scrutineer acts as the independent person

- (6) The NEC shall, before the ballot is held, appoint a scrutineer to carry out the functions in relation to the ballot as are required under the Act, to act as the independent person both (under section 77A of the 1992 Act) in relation to the ballot and to carry out such additional functions as are specified in the appointment.
- (7) Before making the appointment referred to in sub rule 17.11(6) the NEC shall satisfy itself that the person in question:
- (a) satisfies the conditions which are for the time being specified by the Secretary of State pursuant to section 75(2) of the Act or is a person specified in an order made under that section (the conditions and the persons specified by the Secretary of State were, at the time of the adoption of this rule, contained in the Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order 2010(SI 2010/436)); and
- (b) that there are no grounds for believing that the person in question will carry out any function conferred on them in relation to the ballot otherwise than competently; or that their independence in relation to the Union or in relation to the ballot might reasonably be called into question.

## Terms of the Appointment

- (8) The terms of the appointment shall require the scrutineer:
- (a) to supervise the production of the voting papers and to undertake the storage and distribution of the voting papers and the counting of votes cast.
- (b) to be the person to whom the voting papers are returned by those voting;
- (c) to inspect the register of names and addresses of members of the Union or to examine the copy of the register as at the relevant date which is supplied to them in accordance with section 75(5A)(a) of the Act whenever it appears to them appropriate to do so and in particular where the conditions specified in subsection (3A) of the Act are satisfied;
- (d) take such steps as appear to be appropriate to the scrutineer for the purpose of enabling them to make a report under this rule;
- (e) to make that report to the Union as soon as is reasonably practicable after the last date for the return of voting papers;
- (f) to retain custody of all voting papers returned for the purposes of the ballot, and the relevant copy of the register of names and addresses of members entitled to vote and supplied to them by the Union for the period specified before disposal. The Scrutineer shall be responsible for the safe custody of all voting papers, and envelopes at all times when in their possession and shall ensure that voting papers and return envelopes in their possession are kept in a secure place;
- (g) to carry out such other functions in relation to the ballot as are required of them under this rule or otherwise, as the executive considers appropriate;
- (h) to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal;
- (i) to respect the duty of confidentiality in respect of the register; and
- (j) to carry out these tasks in a manner which minimises the risk of any contravention of requirements imposed by or under any enactment or these rules or the occurrence of any unfairness or malpractice.

## Notice of Appointment

- (9) Before the scrutineer begins to carry out any of these functions the NEC shall either:
- (a) send a notice stating the name of the scrutineer to every member of the Union to whom it is reasonably practicable to send such a notice; or
- (b) take all such other steps for notifying members of the Union of the name of the scrutineer as it is the practice of the Union to take when matters of general interest to all its members need to be brought to their attention such notice or notification may invite members to inform the Union of any change of address and advise members of the dates between which the ballot will be held.

## Union’s Duty Towards the Scrutineer

- (10) The NEC shall ensure that nothing in the terms of the scrutineer’s appointment (including any additional functions specified in the appointment) is such as to make it reasonable for any person to call into question the scrutineer’s independence in relation to the Union.
- (11) The NEC shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on them by the terms of the appointment which would make it reasonable for any person to call into question the scrutineer’s independence in relation to the Union.
- (12) The NEC shall ensure that all reasonable requests made to the Union by the scrutineer for the purpose of or in connection with the carrying out of the functions of the scrutineer are complied with.

- (13) The Scrutineer shall be responsible for the safe custody of all voting papers, and envelopes at all times when in their possession and shall ensure that voting papers and return envelopes in their possession are kept in a secure place.

#### **Ballot Material**

- (14) The number of voting papers printed, and the number of dispatch and return envelopes produced, shall be sufficient for the holding of the ballot in accordance with this rule.
- (15) Save as expressly provided by this rule, nothing shall be written or printed and no mark shall be made on any part of the voting paper, dispatch envelope or return envelope before they are sent to members.

#### **Dispatch Envelopes**

- (16) The dispatch envelope:
- (a) shall be addressed to the member entitled to vote;
- (b) shall state that if the envelope is undelivered to the member it should be returned to the scrutineer and give their name and address;
- (c) shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and
- (d) in the event of the envelope containing material other than the material relating to the ballot, the envelope shall have printed on it prominently the words "voting paper".

#### **Voting Papers**

- (17) Every voting paper shall be in or substantially in accordance with the form set out in Appendix 1 to this rule and:
- (a) shall clearly specify the name of the scrutineer, the address to which, and the date by which, it is to be returned;
- (b) shall be marked with one of a series of consecutive whole numbers, everyone of which is used in giving a different number (in that series) to each voting paper printed or otherwise produced for the purposes of the ballot;
- (c) may have printed on it the logo or emblem of the Union;
- (d) may have printed on it or attached to it an explanatory statement.

#### **Return Envelopes**

- (18) Every return envelope:
- (a) shall be capable of being sealed;
- (b) shall be addressed to the scrutineer;
- (c) shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and
- (d) may have printed on it;
- (i) the name of the Union;
- (ii) the logo or emblem of the Union; and
- (iii) the words "voting paper".

#### **Date of Ballot**

- (19) The NEC shall determine the date:
- (a) by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date on which voting papers may be returned to the scrutineer;
- (b) of the last date for receipt of completed voting papers by the scrutineer; and
- (c) on which the counting of votes is to commence.

#### **Conduct of the Ballot**

- (20) Entitlement to vote in the ballot shall be accorded equally to all members. No member shall be entitled to more than one vote.

- (21) The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.
- (22) So far as is reasonably practicable, every member who is entitled to vote in the ballot shall, in accordance with this rule:
- (a) be sent a voting paper by post in such time so as to be received on or before the opening day of the ballot; and
- (b) be given a convenient opportunity to vote by post.
- (23) Every member who is entitled to vote in the ballot shall:
- (a) be allowed to vote without interference from, or constraint imposed by the Union or any of its members, officials or employees; and
- (b) so far as is reasonably practicable be able to do so without incurring any direct cost to the member.
- (24) Every member who is entitled to vote in the ballot shall have sent to them in a sealed dispatch envelope, at their proper address, by post:
- (a) a voting paper; and
- (b) a return envelope addressed to the scrutineer.
- (25) When in particular circumstances relating to a member it is not or is no longer reasonably practicable for them to be sent a voting paper and return envelope by the date determined in accordance with these ballot rules, a voting paper and return envelope may 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.
- (26) The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. This record shall be kept by the scrutineer for the period specified before disposal.

#### **Manner of Voting**

- (27) Every member who wishes to vote must return their voting paper by post duly marked and in the return envelope provided, to arrive at the address of the scrutineer on or before the date determined in accordance with these ballot rules.
- (28) The scrutineer shall store in a secure place any voting papers returned to them undelivered and shall keep a record of any voting paper so returned.
- (29) The scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and during any period provided for in this rule when voting papers are required to be retained by them and shall at all times take all reasonable steps to secure their safe custody so as to minimise the risk of any contravention of the requirements imposed by or under any enactment or this rule or the occurrence of any unfairness or malpractice.

#### **Counting of the Ballot**

- (30) The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the scrutineer. Any inaccuracy in counting is to be disregarded for the purpose of this rule if it is accidental or on a scale which could not affect the results of the ballot.
- (31) The scrutineer shall before counting begins:
- (a) place the unused voting papers in a secure place; and
- (b) keep a record of the number of voting papers so stored and a record of any voting papers issued under sub rule 17.11 (29).
- (32) No person may be present at the count other than:
- (a) the scrutineer;
- (b) those acting under the supervision of the scrutineer; and
- (c) those present with the consent of the scrutineer.
- (33) At the date appointed for the commencement of the counting of the votes, the scrutineer shall undertake

the opening of the return envelopes received and the counting of votes.

- (34) The scrutineer or if more than one of them the majority of them shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper "rejected".
- (35) Those voting papers which are not rejected shall be counted.
- (36) After the count the scrutineer shall retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal.

#### Scrutineer's Report

- (37) As soon as is reasonably practicable after the last date for the return of voting papers the scrutineer shall make a report ("the scrutineer's report") to the Union in accordance with this rule. The scrutineer's report shall state:
  - (a) the number of voting papers distributed for the purposes of the ballot;
  - (b) the number of voting papers returned to the scrutineer by the members;
  - (c) the number of valid votes cast in the ballot for and the number of valid votes cast against the resolution;
  - (d) the number of spoiled or otherwise invalid voting papers returned;
  - (e) the fact that the scrutineer was appointed as the independent person or persons;
  - (f) whether the scrutineer:
    - (i) is satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment of this rule in relation to the ballot;
    - (ii) is satisfied that the arrangements made (whether by them or another person) with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any unfairness or malpractice might occur;
    - (iii) is satisfied that they have been able to carry out their functions without any interference; and if they are not satisfied as to any of the above matters, the report shall give particulars of their reasons for not being satisfied as to that matter
    - (iv) has inspected the register of names and addresses of members of the Union or has examined a copy of the register supplied to them under this rule.
- (38) If the scrutineer has inspected the register in accordance with these ballot rules the report shall state whether:
  - (a) whether in the case of each inspection or examination they were acting on a request by a member of the Union or at their own instance, and say whether they declined to act on such a request; and
  - (b) whether any inspection of the register or any examination or copy of the register reveals any matters which they consider should be drawn to the attention of the Union in order to assist in securing that the register is accurate and up-to-date, but shall not state the name of any member who has requested this inspection or examination.

#### Copy of the Scrutineer's Report to be sent to the Certification Officer

- (39) A copy of the scrutineer's report shall be sent by the Union to the Certification Officer as soon as is reasonably practicable.

#### Publicising the Result of the Ballot

- (40) The result of the ballot shall not be published until the Union has received the scrutineer's report.
- (41) Within three months from the date on which the Union receives the scrutineer's report the executive shall:
  - (a) send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or
  - (b) take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as is the practice of the Union to take when matters of general interest to all its members need to be brought to their attention.
- (42) The executive shall ensure that any copy sent or notification given under sub rule 17.11 (37) is accompanied by a statement that the Union will on request supply the member with a copy of the report either:
  - (a) free of charge; or
  - (b) on payment of such reasonable fee as may be specified in the notification; and ensure that a member who makes such a request to the Union is supplied with a copy on payment of such a fee (if any) as has been notified to them.

## Appendix 1

### Voting paper

Ballot paper number: [ ]

*Prospect*

THE RESOLUTION is that the political objects set out in Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (reproduced overleaf) be approved as an object of the Union.

#### Do you vote in favour of the Resolution?

**YES**

**NO**

You must place a cross on one, and only one, of the boxes provided.

Place the voting paper in the addressed envelope (no stamp required) and return it to the Scrutineer to arrive before [ ]. A voting paper received after this date will not be counted. Please do not sign or make any other mark on the paper [or include anything else with your voting paper].

Name of Scrutineer: Electoral Reform Ballot Services Ltd

Address to which voting paper is to be sent:  
33 Clarendon Road, London N8 0NW

## Appendix 1 (reverse)

### Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992:

This section applies to the following political objects:

The expenditure of money;

- (a) on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
- (b) on the provision of any service or property for use by or on behalf of any political party;
- (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the Union in connection with any election to a political office;
- (d) on the maintenance of any holder of a political office;
- (e) on the holding of any Conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
- (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political

party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a Conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with their attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the Conference or meeting.

In determining, for the purposes of paragraphs (a) to (f) above, whether the trade Union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the Union.

In these objects:

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

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

"electors" means electors at any election to a political office;

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

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

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

## Appendix 2

### Prospect

#### Explanatory Statement

This ballot gives you the opportunity to vote on whether Prospect should be able to spend money on political purposes. The law says it must have a political fund to do this.

To set up a political fund Prospect must ballot all of its members.

Prospect wishes to set up a political fund and seeks your approval.

The political purposes on which money in a political fund may be spent are governed by Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992. This is printed on the back of the voting paper.

This ballot is about setting up the Prospect political fund. It is not about whether you contribute to the fund. All members have the right to vote and the right not to contribute to the fund.

If you agree that the union should continue to have a political fund vote 'yes' on the resolution enclosed. If you disagree vote 'no'.

### Schedule 1 – Rules that apply to members who joined the Union on or after 1 March 2018 and to political funds set up after 1 March 2018.

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

1. A member cannot be required to make a contribution to the political fund of the Union unless they have given notice of their willingness to contribute to that fund (an "opt-in notice").
2. A member of the Union who has given an opt-in notice may withdraw that notice by giving notice to the union (a "withdrawal notice").
3. A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.
4. A member of the Union may give an opt-in notice or a withdrawal notice:-
  - (a) by delivering the notice (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
  - (b) by sending it by e-mail to the following email address: [membership@prospect.org.uk](mailto:membership@prospect.org.uk).

- (c) by completing an electronic form provided by the union which sets out the notice and sending it to the union by electronic means with instructions by the union.
- (d) by any other electronic means prescribed under the 1992 Act (as inserted by the 2016 Act)

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

5. The Union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the Union is sent to the Certification Officer, all the members of the union are notified of their right to give a withdrawal notice.
6. Such notification may be given:
  - (a) by sending individual copies of it to members; or
  - (b) by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.
7. The notification may be included with the statement required to be given by section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992.

#### Overseas members of the union will not be sent the notification.

8. The Union shall send to the Certification Officer a copy of the notification which is provided to its members in pursuance of this section as soon as is reasonably practicable after it is so provided.
9. Where the same form of notification is not provided to all the members of the Union, the Union shall send to the Certification Officer a copy of each form of notification provided to any of them.
10. If any member alleges that they are aggrieved by a breach of any of these rules for giving information to members about opting into the political fund, being a rule or rules made pursuant to section 84A of the 1992 Act, they may complain to the Certification Officer. Where the Certification Officer is satisfied that the union has failed to comply with a requirement of section 84A of the 1992 Act the Officer may make such order for remedying the failure as they think just under the circumstances. Before deciding the matter the Certification Officer:
  - (a) may make such enquiries as the Officer thinks fit;
  - (b) must give the Union, and any member of the Union who made a complaint to the Officer regarding the matter, an opportunity to make written representations; and
  - (c) may give the union, and any such member as is mentioned in clause (b), an opportunity to make oral representations.

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

11. The Union shall give effect to each member's decision not to contribute to the political fund of the Union. For members joining the Union on or after 1 March 2018 this means that they will not be required to pay 5 pence per month or 60 pence per annum in addition to the subscription payable under Rules 2.13 – 2.18.
12. Any form (including an electronic form) that a person has to complete in order to become a member of the union shall include:-
  - (a) a statement to the effect that the person may opt to be a contributor to the fund; and
  - (b) a statement setting to the effect that a person who chooses not to contribute to the political fund shall not, by reason of not contributing, be excluded from any benefits of the union or be placed in any respect either directly or indirectly under a disability or at a disadvantage as compared with other members of the union (except in relation to control of the political fund).

## Political Fund (Northern Ireland)

**13** In the application of the rules to Northern Ireland the following modifications shall have effect

**13.1** Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, no member of Prospect in Northern Ireland shall be required to make any contribution to the political fund of Prospect unless that member has delivered, as provided in Schedule 1 Clause 1 at Prospect headquarters, or to any Branch Secretary of Prospect, a notice in writing, in the form set out in Schedule 1 Clause 1 of a willingness to contribute to that fund, and has not withdrawn that notice in the manner provided in Schedule 1 Clause 2. Every member of Prospect who has not delivered such a notice or who, having delivered such a notice, has withdrawn it in manner provided in Schedule 2 Clause 4 Rule is to be deemed for the purpose of these rules to be a member who is exempt from the obligation to contribute to the political fund of Prospect.

**13.2** The form of notice of willingness to contribute to the political fund of Prospect is as follows:

### FORM OF POLITICAL FUND CONTRIBUTION NOTICE FOR NORTHERN IRELAND MEMBERS

*Prospect*

Name of member's branch.....

Political Fund .....

(Contribution notice) .....

I HEREBY give notice that I am willing, and agree to contribute to the political fund of Prospect and I understand that I shall, in consequence, be liable to contribute to that fund and shall continue to be so liable unless I deliver at Prospect headquarters, or to any Branch office of Prospect, a written notice of withdrawal; I also understand that after delivering such a notice of withdrawal I shall continue to be liable to contribute to the political fund until the next following first day of January.

Signature.....

Number of Branch .....

Address .....

Date ..... Membership No .....

**13.3** If at any time a member of Prospect who has delivered such a notice as is provided for in Schedule 2 Clauses 2 and 3 gives notice of withdrawal thereof delivered as provided in Schedule 2 Clause 5 at Prospect headquarters, or to any Branch office of Prospect, that member shall be deemed to have withdrawn the notice as from the next following first day of January.

**13.4** The notices referred to in Schedule 2 Clauses 2, 3 and 4 may be delivered personally by the member or by any authorised agent of the member and any notice shall be deemed to have been delivered at Prospect headquarters, or to any Branch office of Prospect, if it has been sent by post properly addressed to that office.

**13.5** The National Executive Committee shall give effect to the statutory exemption of Northern Ireland members to contribute to the political fund of Prospect by making a separate levy of contributions to that fund from the members of Prospect who are not exempt, namely 5p per month from all non-exempt members who pay their general subscription monthly or 60p per annum payable on the first day of January each year from all other non-exempt members. Notwithstanding any other provision as to the alteration of the rules, this rule may be altered from time to time as to the amount payable by way of levy by a simple majority vote of Conference.

No levy shall come into force as respects a new member who has agreed to the political fund until the expiration of one month from that member being supplied with a copy of these rules under Schedule 2 Clause 9 hereof on admission to Prospect.

**13.6** If any Northern Ireland member alleges being aggrieved by a breach of any of the rules made pursuant to Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, that member may complain to the Northern Ireland Certification Officer, 10-16 Gordon Street, Belfast, BT1 2LG, under Article 57 (2) to (4) of that Order.

If after giving the complainant and a representative of the Union an opportunity to be heard the Certification Officer considers that a breach has been committed, the Certification Officer may make an order for remedying it as the Certification Officer thinks just in the circumstances. Under Article 70 (4) (b) of The Industrial Relations (Northern Ireland) Order 1992 69 an appeal against any decision of the Certification Officer may be made to the Northern Ireland Court of Appeal on a question of law.

Moreover, if any Northern Ireland member alleges being aggrieved by a breach of the political fund rules made pursuant to Section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992, that member may complain to the GB Certification Officer, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8JX. After giving the complainant and a representative of the Union an opportunity of being heard, the GB Certification Officer considers that a breach has been committed, the GB Certification Officer may make an order for remedying it as the GB Certification Officer thinks is just in the circumstances. Any such order of the GB Certification Officer is subject to the right of appeal provided for by Section 95 of the 1992 Act."

## Schedule 2 – Rules that apply to members that joined the Union before 1 March 2018 and political funds set up before 1 March 2018.

### Notice to Members

**1.** The National Executive Committee, as soon as practicable after the adoption by ballot of a resolution of Prospect approving the furtherance of such political objects as an object of Prospect, shall cause a notice in the following form to be given to each member of Prospect in accordance with this rule:

"Trade Union and Labour Relations (Consolidation) Act 1992

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of Prospect has been adopted by a ballot under the Act.

Any payments in the furtherance of those objects will be made out of a separate fund, the political fund of Prospect, but every member of Prospect has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from, Prospect headquarters, or from any Branch Secretary of Prospect or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8JX.

This form when filled in, or a written request in a form to the like effect, should be handed or sent to Prospect headquarters."

The notice shall be published in such manner, whether in Prospect journal, report, website or otherwise, as notices are usually given by Prospect or its branches to its members, and shall also be kept posted for at least twelve months on the Prospect website. Prospect shall supply a copy of the notice to any member on request. The National Executive Committee shall provide the secretary of each branch with a copy of the notice.

### Request for Exemption

**2** Any member of Prospect may at any time give notice on the form of exemption notice referred to in Schedule 2 Clause 3, or by written request in a form to the like effect, that they object to contributing to the political fund. A form of exemption notice may be obtained by, or on behalf of, any member, either by application at, or by post from, Prospect headquarters, or from any Branch Secretary of Prospect or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8JX.

3 The form of exemption notice shall be as follows:

Prospect

Political Fund Exemption Notice

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

Signature.....

Number of Branch .....

Address .....

Date ..... Membership No .....

4 Any member may obtain exemption by sending such notice to the General Secretary and, on receiving it, the General Secretary shall send an acknowledgement of its receipt to the member at the address upon the notice and shall process the exemption as soon as reasonably practicable.

5 On giving such notice, a member shall be exempt, so as long as that notice is not withdrawn, from contributing to the political fund of Prospect as from the date when the next payment is due or from the first day of January next after the notice is given, whichever is the sooner, or in the case of a notice given within one month after the notice given to members under Schedule 2 Clause 1 hereof or after the date on which a new member admitted to Prospect is supplied with a copy of these rules under Schedule 2 Clause 9 hereof, as from the date on which the member's notice is given.

6 The National Executive Committee shall give effect to the exemption of members to contribute to the political fund of Prospect by making a separate levy of contributions to that fund from the members of Prospect who are not exempt, namely, 5p per month from all non- exempt members who pay their general subscription monthly or 60p per annum payable on the first day of January of each year from all other non-exempt members. Notwithstanding any other provisions as to the alteration of the rules, this rule may be altered from time to time as to the amount payable by way of levy by a simple majority vote of Conference. No monies of Prospect other than the amount raised by such separate levy shall be carried to the fund.

The first levy shall not come into force until the expiration of one month from the publication of the notice to members under Schedule 2 Clause 1 hereof, nor shall any levy come into force as respects a new member until the expiration of one month from the member being supplied with a copy of these rules under Schedule 2 Clause 1 hereof following admission to Prospect.

7 If any member alleges being aggrieved by a breach of any of the rules for the political fund, being a rule or rules made pursuant to Section 82 of the Act, that member may complain to the Certification Officer and the Certification Officer, after giving the complainant and an authorised representative of Prospect an opportunity of being heard, may, if the Certification Officer considers that such a breach has been committed, make such order for remedying the breach as the Certification Officer thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by Section 95 of the Act, be enforced in the manner provided for in Section 82(4) of the Act.

8 Any member may withdraw their notice of exemption on notifying their desire to that effect to the General Secretary, who shall thereupon send such member an acknowledgement of receipt of the notification.

9 The National Executive Committee shall cause to be printed, as soon as practicable after the approval of these rules for the political fund, a number of copies thereof having at the end a copy of the certificate of approval sufficient for the members of Prospect, and further number for new members. The General Secretary of Prospect shall take steps to secure that every member of Prospect so far as practicable, receives a copy of these rules. Any member shall be supplied with a copy of these rules by application either to the General Secretary of Prospect or any Branch office of Prospect. A copy thereof shall

also be supplied forthwith to every new member on admission to Prospect.

## Appendix I

### Disciplinary Regulations

1.1 Subject to the provisions of the Union's Rules, the National Executive Committee may by resolution reprimand and/or fine and/or remove from office and/or prohibit from holding office for such specified period as it thinks fit or suspend from membership for such specified period as it thinks fit or expel from membership any member if in its opinion:

- (1) that member has individually or in concert with others (whether in connection with the business of a Section or Branch or of the Union or otherwise) taken any action or been guilty of any conduct which is derogatory to the interests of the Union; or
- (2) that member has persistently failed to comply in any respect with the Union's Rules.

1.2 In particular, and without prejudice to the general proposition of Regulation 1.1, the following specific grounds shall apply:

- (1) that the member gained admission by supplying misleading information on their application form;
- (2) that the member injured or attempted to injure the Union;
- (3) that the member worked or acted contrary to the interests of the Union or its members;
- (4) that the member attempted to break up or dissolve the Union otherwise than allowed by the Rules;
- (5) that the member brought the Union into discredit;
- (6) that the member refused to comply with an order or decision of any council or committee having jurisdiction over the member in accordance with these Rules;
- (7) that the member obtained or attempted to obtain any benefits of the Union set out in these Rules by misrepresentation;
- (8) that the member's conduct was inconsistent with the duties of a member of the Union;
- (9) that being an Officer of the Union the member refused in the opinion of the National Executive Committee to perform the duties imposed upon them by these Rules.

1.3 A resolution under Regulation 1.1 may be passed only after the person shall have been informed of the complaint and afforded an opportunity of making representations on the matter to the National Executive Committee; and in accordance with such other procedure as the National Executive Committee may determine.

1.4 Notice of the passing of such a resolution shall be given forthwith to the person to whom it relates and the notice shall inform the person of the right to refer the matter to the Appeal Committee in accordance with Regulation 5.1.

1.5 A resolution by the National Executive Committee in accordance with this Regulation shall take effect on the date on which it is passed save that where in a case of expulsion the person concerned gives notice of appeal the person shall be suspended from membership pending the disposal of the appeal. Save as provided in Regulation 6.1 the decision of the National Executive Committee shall be final.

2.1 Where a complaint is made to a Branch or the Retired Members' Group that a member of that Branch or the Retired Members' Group has acted in a manner as set out in parts (1) or (2) of Regulation 1.1 the Branch Committee or the Retired Members' Group shall investigate the complaint.

2.2 The person concerned shall be informed of the complaint and afforded an opportunity of making representations on the matter to the Branch Committee or the Retired Members' Group.



- 2.3** If the Branch Committee or the Retired Members' Group is satisfied that there is a prima facie case established against the person, the Branch Committee or the Retired Members' Group shall refer the matter together with all relevant material relating thereto to the National Executive Committee for consideration under Regulation 1.1. If it is not so satisfied, the complaint shall be dismissed.
- 3.1** There shall be an Appeal Committee consisting of 5 members of the Union nominated and appointed by National Conference. No member of the National Executive Committee shall also be a member of the Appeal Committee. In the event of a casual vacancy occurring the National Executive Committee shall have power to appoint a person to fill such vacancy until the next National Conference. The Appeal Committee shall draw up standing orders for the conduct of appeals which shall be published and which shall be binding on the parties thereto and shall have power to decide all matters in relation to appeals procedure not specifically provided for in these Regulations. The Appeal Committee may act by any 3 of its members, such number being a quorum which may exercise all the powers of the full Committee.
- 3.2** Each meeting of the Appeal Committee shall appoint its own Chair and the appeal shall be decided by a majority vote of the members of the Committee present throughout the hearing but the Chair shall have a casting vote in case of equality.
- 4.1** There shall be a right of appeal to the Appeal Committee in the following cases:
- (1) where the National Executive Committee has decided that a member shall be expelled from membership, or is ineligible for membership under Rule 2.1, and that person is dissatisfied with the decision; an appeal under this Regulation shall however be limited to the question of whether the National Executive Committee's decision is or is not correct in relation to the appellant and nothing in these Rules and Regulations shall be construed as conferring upon the Appeal Committee any power to vary or override any determination previously made by the National Executive Committee;
  - (2) where any disciplinary action has been taken against any member under Rule.
- 5.1** A person wishing to appeal to the Appeal Committee shall give notice of such desire in writing to the General Secretary within 4 weeks of being notified of the decision being appealed against, stating the grounds of such appeal. The said period of 4 weeks shall begin to run as from the date when the notification has been given to the member or if posted by first class mail, as from the day following the date of posting, but the Appeal Committee shall have power in its discretion to extend this period. The General Secretary shall furnish the Appeal Committee, the National Executive Committee and the appellant with a full copy of the evidence considered by the National Executive Committee and a copy of the current standing orders within 2 weeks of receipt of such notice of appeal.
- 5.2** The Appeal Committee may consider any written representations made by the appellant in support of the appeal or by the National Executive Committee opposing the same. The Appeal Committee may in its discretion allow the appellant the opportunity of making oral representations to it; in which case the National Executive Committee shall be given similar opportunity to reply. In this event, the appellant shall have the right to make the final address and be assisted by a friend or colleague.
- 6.1** The Appeal Committee shall only be entitled to annul or uphold the decision of the National Executive Committee but have no right otherwise to amend or vary the same. If the Appeal Committee uphold the decision of the National Executive Committee they may require the appellant to pay the whole or such part of any fine as it shall in its sole discretion consider just and reasonable having regard to all circumstances of the case, and to the expenses involved in the appeal incurred by the Union.
- 6.2** The decision of the Appeal Committee shall be final and binding upon the Union and its members and if an appeal against expulsion or suspension is allowed the decision shall have the effect of re-admitting the appellant to membership or as the case may be terminating the suspension as from the date of such decision or (where an appeal against suspension has been allowed in part only) from the date specified in such decision:  
provided that such a decision:
- (1) shall be without prejudice to the power of the National Executive Committee to suspend or expel in accordance with these Regulations in respect of any subsequent event or discovery concerning the member;
  - (2) shall not have the effect of requiring the member to pay a subscription for any year for which a subscription has already been paid.
- 6.3** Suspension in accordance with the provisions of these Regulations shall not relieve the member of any duties thereby imposed (including liability for the payment of any subscription to the Union) but the member shall not be entitled to take part in the business or affairs of the Union or of any committee thereof or of the Branch thereof to which the person belongs or of any committee of any such Branch and shall so long as the suspension lasts cease to occupy any office, position or appointment in any such committee or Branch or committee of any such Branch.

## Codes of conduct for elections

### Code of conduct for General Secretary election

1. This Code of Conduct is designed to ensure fairness and equality of opportunity between one candidate and another.
2. Each candidate will be given a copy of the Code and will be required to give a written undertaking that they will abide by the terms of the Code.

### Nomination/Selection of Candidates

3. Rule 10.2(2) will operate where the NEC are not nominating an incumbent General Secretary, in which case the National Executive Committee shall select a candidate for their nomination in the election after advertising for candidates for such nomination to members of the Institution.
4. Candidates for the election must be a Working or Unemployed Member, or an employee of the Union or any other person except as detailed in Rule 10.2(6), and must be nominated by the National Executive Committee or by a Branch of the Union (in the latter case in such a manner as the National Executive Committee shall determine) provided that, in the event of the position of General Secretary becoming vacant due to death, resignation, dismissal or retirement of an incumbent General Secretary, the National Executive Committee may choose to advertise for and select a candidate who is neither a Working or Unemployed Member nor an employee of the Union to be the National Executive Committee's nominee in the election held to fill the vacant position. The nomination shall in all cases be accompanied by an undertaking signed by the nominee to act in all respects in accordance with the Code of Conduct from time to time laid down by the National Conference and to accept office if so elected on the terms and conditions laid down by the National Executive Committee in accordance with these Rules if so elected.

### Candidates' Statements

5. Each candidate will be requested to provide a photograph and may make a statement which, including biographical details, must not exceed one thousand words. The statement and photograph (if one is to be received) must be received by the closing date and time for the receipt of nominations.
6. The statements of all candidates shall be issued to all members eligible to vote in the election.

## **Election Campaigns**

7. No Union funds or other resources shall be used by any candidate or by any candidate's supporters in the promotion of their nomination/candidacy, other than that required for the official circulation of the authorised candidate's election statement. Similarly, no Union funds or other resources shall be used by any candidates or any candidate's supporters in denigrating any other candidates.
8. Candidates shall not spend any of their own funds, nor shall they or their supporters use any funds, or official resources, in any election campaign. This shall include spending on travel, subsistence, entertainment, stationery, postage, telephone, or use of faxes or e-mail, with the object of promoting any nomination/candidacy.
9. Candidates shall not attend Branch or workplace meetings for the purpose of canvassing for nominations or votes but this shall not prevent them carrying out their normal responsibilities as representatives of members.
10. Branches may advise their members of the name of the candidate in an election who has been nominated by that Branch. Branches may also advise members to participate in a ballot (to "use their vote"); but branches must not make any other comment on any other aspect of a candidate, whether nominated by them or not.

## **Membership Ballot**

11. The General Secretary of the Union shall be elected in a ballot of the membership for a period of five years, the term of office of five years being calculated from the date of election.
12. There shall be no requirement to hold a ballot at an uncontested election.

## **Breaches of the Code**

13. Any member may complain of a breach of the Code.
14. Such complaints will be investigated by the Appeal Committee appointed by National Conference to deal with appeals against disciplinary action taken by the National Executive Committee.
15. Any complaint that there has been a violation of this Code must be submitted not later than seven days after the declaration of the result of the election and the Appeal Committee will arrange to complete the process of considering the complaint within three weeks from the date of receiving the complaint.
16. If the Appeal Committee upholds the complaint that the candidate by their own acts or by the acts of any other person has caused a violation of the Code the candidate may be debarred from the election and/or their election may be declared null and void.
17. The decision of the Appeal Committee shall be final.

## **Code of conduct for National Executive Committee and Presidential Team elections**

1. This Code of Conduct is designed to ensure fairness and equality of opportunity between one candidate and another.
2. Each candidate will be given a copy of the Code and will be required to give a written undertaking that they will abide by the terms of the Code.
3. Prospective candidates seeking nomination may make a statement which, including biographical details, must not exceed five hundred words in the case of elections for voting members of the National Executive Committee and for election of the Presidential Team. Statements must be submitted to the General Secretary by the deadline notified.
4. The statements of all prospective candidates, where available, shall be placed on the Prospect website prior to the closing

date for nominations to enable Branches to consider who, if any, they may wish to nominate. Prospective candidates may also ask Branches directly for nominations.

5. Failure to provide a statement does not preclude a prospective candidate from being nominated.

## **Nomination Procedure**

6. Branches will submit formal nominations by the deadline notified.

## **Candidates' Statements**

7. Each candidate will be invited to provide a photograph taken within the 12 months preceding the date of nomination, and may make a statement which, including biographical details, must not exceed five hundred words in the case of elections for voting members of the National Executive Committee and for election of the Presidential Team. The statement and recent photograph must be received by the closing date and time for the receipt of nominations.
8. The statements of all candidates shall be issued to all members eligible to vote in the election.

## **Election Campaigns**

9. No funds of the amalgamated union or other resources shall be used by any candidate or by a candidate's supporters in the promotion of their nomination/candidacy, other than required for the official circulation of the authorised candidate's election statement. Similarly, no amalgamated union funds or other resources shall be used by any candidate or any candidate's supporters in denigrating any other candidate. Any civil or criminal liability in respect of publishing or copying an election address which has been prepared in accordance with the statutory requirements rests solely with the candidate concerned.
10. Candidates shall not spend any of their own funds, nor shall they or their supporters use any funds, or official resources, in an election campaign. This shall include spending on travel, subsistence, entertainment, stationery, postage, telephone, or use of faxes or e-mail, with the object of promoting any nomination/candidacy.
11. Candidates should not attend Branch or work-place meetings for the purpose of canvassing for nominations or votes, but this shall not prevent them carrying out their normal responsibilities as representatives of members.
12. Branches may advise their members of the names of those candidates in an election who have been nominated by that branch. Branches may also advise members to participate in a ballot (to "use their vote"); but branches must not make any other comment on any other aspects of candidates, whether nominated by them or not.

## **Breaches of the Code**

13. Any member may complain of a breach of the Code.
14. Such complaints will be investigated by the Appeal Committee, appointed by Conference to deal with appeals against disciplinary action taken by the National Executive Committee.
15. Any complaint that there has been a violation of this Code must be submitted within seven days of the declaration of the result of the election and the Appeal Committee will arrange to complete the process of considering the complaint within three weeks from the date of receiving the complaint.
16. If the Appeal Committee upholds the complaint that the candidate by their own act or by the acts of any other person has caused a violation of the Code, the candidate may be debarred from the election and/or their election may be declared null and void.
17. The decision of the Appeal Committee shall be final.

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