

RULE BOOK

2027

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PART I
NAME, OBJECTS AND MEMBERSHIP

Name

1.

a. The name of the union shall be the FDA.

Office

2.

a. Its head office shall be at such place as may from time to time be decided by the Executive Committee.

Objects

3.

a. The objects of the union shall be:

i. To regulate relations, and seek to establish good relations, between members and their employers, to secure the settlement of disputes arising from members' employment, and to participate in joint negotiating machinery;

ii. to protect, promote and represent the interests of its members, in particular as regards their careers and conditions of service, and in matters of common concern;

iii. to promote and work with other interested parties, individuals, and organisations to maintain and improve the efficiency and quality of services to the public;

iv. to provide legal advice and/or assistance to its members at the discretion of, and on such terms as may be determined by, the Executive Committee in matters concerning their employment or for securing compensation for members (or in the case of the death of a member, their dependents) who suffer injury in the course of their employment or travelling to or from work;

v. to make available such financial, personal legal and other services, as the Executive Committee may determine, to members and their families;

vi. to enter into such arrangements as in the opinion of the Executive Committee will further the interests of the union; and

vii. to do any such other things as the Executive Committee consider to be in the interests of the members or likely, directly or indirectly, to benefit the union or any member of it or which may be incidental or conducive to the attainment of any of the above objects.

b. None of the objects set out in these Rules shall be restrictively construed but shall be given the widest interpretation.

c. The union is committed to the promotion of equality for all and actively opposes all forms of harassment, prejudice and unfair discrimination.

d. The union shall have power to acquire, lease, mortgage, dispose of or otherwise use property to further the objects of the union, and to borrow and raise money and to

secure the repayment of any money borrowed, raised or owing, in such manner as may be determined by the Executive Committee.

Eligibility for Membership

4.

a. A person shall be qualified for membership of the union if they are:

   i. employed by a government department or agency in unified grades 7 or above or, where such grades shall cease to exist or shall not apply, the equivalent of these grades as determined by the Executive Committee, or

   ii. are in employment of, in the opinion of the Executive Committee, similar status category or function to the above (including these employed in a direct entry grade) by either a government department or agency, by another public body or by a class of private body designated by the Executive Committee.

   iii. are in employment with the Diplomatic Service or in the Foreign, Commonwealth and Development Office.

   iv. are in any group or class of employee or worker, where pursuant to a determination of the Executive Committee, membership is to be made available under an affiliation and/or joint membership arrangement with another union (or unions).

   v. employed by a Government department or agency as a Higher Executive Officer or Senior Executive Officer or, in the opinion of the Executive Committee, are employed in a direct entry grade, or, where such grades cease to exist or shall not apply, the equivalent as determined by the Executive Committee, and are not otherwise qualified for membership under sub-paragraphs (i)-(iv) above.

b. When a member ceases to qualify for membership under Rule 4(a) membership shall terminate forthwith.

c. Where a member ceases to be eligible for membership under Rule 4(a) as a result of action taken by the member's employer and where, in the opinion of the Executive Committee, that member should receive (or continue to receive) the support of the union (including, but not limited to, payment of legal expenses) in relation to matters arising prior to or on the termination of the member's employment, the executive may make it a condition of any or any continuing support that notwithstanding Rule 4(c) the member continues to pay subscriptions at the rate they were paying immediately prior to their ceasing to have eligibility under Rule 4(a) or at the rate determined in accordance with Rule 45 (whichever is higher) until such time as such support ceases.

d. Where any doubt arises as to whether a person is qualified to be a member, the decision of the Executive Committee shall be final.

5.

a. Any member in the Her Majesty's Revenue and Customs who is eligible for membership by virtue of Rule 4(a) shall also be a member of the Section of the union known as the Association of Revenue and Customs (hereinafter referred to as 'ARC').

b. Notwithstanding Rule 5(a), for all purposes other than Rules 13, 35 and 49(a), any such member may, in addition be a member of any other Section whose rules entitle them to membership.

Application for Membership

6.

a. Applications for membership shall be made in writing to the General Secretary, in a form prescribed by the Executive Committee.

b. The Executive Committee may from time-to-time delegate to section and branch committees responsibility for determining some or all applications and may issue instructions and guidance for this purpose. When such authority has been delegated, applications should be delivered to a section or branch committee who shall notify the General Secretary in writing of their decision.

c. Any person accepted into membership of the union shall be notified of such acceptance by the General Secretary in writing and upon such acceptance shall be deemed to agree to abide by these rules.

d. An application for membership from an applicant eligible for membership may be refused on the grounds of the applicant's misconduct including where the applicant has previously been expelled from any trade union for misconduct or in order to comply with a finding of a Trades Union Congress Disputes Committee, or on the grounds that they are members of any organisation opposed to the objects of the union.

e. Any person refused admission to the union shall be notified accordingly in writing by the General Secretary, and any appeal against such a decision may be made in writing to the Executive Committee.

f. On being accepted into membership of the union, a member shall be allocated to a constituency in accordance with Rule 13(c) by the General Secretary and notified forthwith in writing of such allocation. There shall be a right of appeal from the decision of the General Secretary to the Rule Appeals Tribunal provided written notice to that effect is given to the General Secretary within 28 days of the date upon which notification of such allocation was sent to the member.

Associates

7.

a. Any person who has been a member but no longer qualifies for membership under rule 4(a) may become an Associate of the union. The monthly rate of subscription for an Associate shall be such amount as may from time to time be determined by a two-thirds majority of the delegates voting at Delegate Conference.

b. An Associate will be eligible for such benefits as the Executive Committee shall from time to time determine but shall not have a vote in any ballot held by the union.

c. If an Associate again becomes eligible for membership under rule 4 (a), they shall no longer be eligible to be an Associate.

d. Throughout these Rules any reference to “members” or “membership” should not be taken

e. to include Associates unless it is explicitly stated that it so does.

f. Notwithstanding rules 7(a), the Executive Committee may in its absolute discretion admit a member to become an Associate free of subscription and admit a person who has not been a member as an Associate.

g. Retired HM Inspectors of Schools in England and Wales who were associate members of the Association of HM Inspectors of Schools prior to the transfer of engagements shall continue to receive such rights and privileges as they were receiving before the transfer.

h. This rule shall not impact on the ability of a former member of ARC becoming an Associate of ARC under the rules of that section.

Associates: transitional provision

8.

a. Any person who was prior to 01 January 2016 an Honorary Associate or Retired Member of the union shall, as from 01 January 2016 become an Associate of the union. Such a person shall be entitled to receive copies of papers circulated to all members (except the notices referred to in Rule 17 and the notice referred to in the second sentence of Rule 33(a)).

b. Where such a person had been admitted into retired membership or as an Honorary Associate either on the payment of a single subscription or on the basis that they not be required to pay any subscription, they shall not be required to pay any contribution under rule 7.

c. Where the rules of any section refer to an Honorary Associate or Retired Member of FDA (in contrast to an Honorary Associate or retired member of the section), then those rules shall be read as referring to an Associate.

Resignation

9. Members may resign from the union by giving notice in writing to the General Secretary of the union at the head office and, if paying the union subscription by deduction from salary, must also request the paying authority to cease making such deductions. An Associate may resign from the union by giving notice in writing to the General Secretary of the union at the head office. Any person who ceases to be a member of the union under this or any other rule shall cease to have any rights in regard to its proceedings, or any claim upon it.

Suspension or Termination

10.

a. The Executive Committee may resolve to investigate the conduct of any member (which for the purposes of this rule shall be read to include Associates) who appears to have either:

i. misused the funds of the union; or

ii. purported to represent the views of the union without express authority; or

iii. contravened these rules or the rules of a section in any way; or

iv. acted in a manner prejudicial to the interests of the union; or

v. harassed another member or discriminated against another member in a union context on the grounds of a protected characteristic under the Equality Act 2010.

If the Executive Committee so resolves, the General Secretary will thereafter carry out an investigation and, within 7 days of that decision, will notify the member whose conduct is being investigated of the Executive Committee's decision to investigate and of the reasons for that decision. At the conclusion of the investigation the General Secretary will report to a specially appointed sub-committee (hereinafter referred to in this rule as "the Discipline Committee") of three members of the Executive Committee representing at least two different constituencies who will, after giving the member an opportunity to make representations to them, determine whether the member is in breach of 10 (a). The Discipline Committee shall determine its own procedures, but when giving the member an opportunity to make representations the member shall be entitled to be accompanied by a representative of their choice who must be a member of the union. In the event that, after the forming of the Discipline Committee but before it has discharged all of the functions allocated to it under this rule, one or more of the members of the Discipline Committee cease to be members of the Executive Committee the Discipline Committee shall continue to operate as if, for the purposes of this rule, those individuals were members of the Executive Committee.

b. If the member is found to have breached (i), (ii), (iii), (iv) and/or (v) the Discipline Committee shall determine any penalty to be imposed. It shall be open to the Discipline Committee to determine that no further action shall be taken, or to advise the member concerned as to his or her conduct.

c. The member will be advised of the decision of the Discipline Committee within 14 days by written notice sent to the last known address of the member by registered post. The Executive Committee shall also be advised of the decision of the Discipline Committee. The notice will advise the member of the right of appeal under Rule 10(e).

d. The penalties which may be imposed are (in order of increasing severity) as follows:-

i. reprimand;

ii. suspension for a stated period from elected office;

iii. suspension from the rights and benefits of the membership of the union for a stated period during which period the member shall remain a member liable to pay contributions but shall not for the period of suspension be entitled to participate in the affairs of the union. In addition the member shall not during the period of suspension be entitled to the assistance or support of the union or any of its officials in respect of any matter, or subsequently in relation to a matter which arose during that period;

iv. expulsion from membership.

e. A person shall have a right of appeal from the decision of the Disciplinary Committee. The appeal will be heard by an independent tribunal of three persons nominated by ACAS, or in the event that no such organisation exists by such other person (not being a member of the FDA) or body as the Executive Committee may agree.

The member shall notify the FDA General Secretary of the grounds of their appeal within 28 days of the date that the Discipline Committee's decision is sent to the member.

The Appeals Tribunal shall hear and decide on the appeal as quickly as is reasonably practicable, and shall determine its own procedures.

Unless and until altered by the Appeals Tribunal, the decision of the Disciplinary Committee shall remain in force.

The Executive Committee shall determine its representation at the Appeals Tribunal hearing(s), and the member shall be entitled to be accompanied by a representative of their choice who must be a member of the union.

The Appeals Tribunal shall not hear any evidence that was not available at the hearings of the Disciplinary Committee, unless it is convinced that it was not reasonably possible that such material could have been made available to that original hearing, or unless it would be manifestly unjust not to do so.

The Appeals Tribunal may alter, annul or confirm the decisions of the Disciplinary Committee, and their decision shall be final. However the Appeals Tribunal may not impose a penalty more severe than that imposed by the Disciplinary Committee.

Within 14 days of the decision, the General Secretary will notify in writing the member of the decision of the Appeals Tribunal, which decision shall be final and binding. The Executive Committee shall also be advised of the decision of the Appeals Tribunal.

f. No member of the Executive Committee, who has been involved as a member of a Section Committee or otherwise in the investigation of the conduct of a member prior to the Executive Committee considering a resolution to investigate pursuant to Rule 10(a), may be a member of the Discipline Committee.

g. From time to time, the General Secretary may become aware of circumstances in which an individual member may have acted or omitted to act so as to render them likely to be subject to an investigation under Rule 10 (a) (i-v). In that event, after consultation with the President (or, in the event that the President is the member concerned, with both Vice-Presidents), s/he may suspend the member concerned from any or some position(s) of responsibility within the union, pending a full report to the next meeting of the Executive Committee concerning the circumstances of the suspension. The Executive Committee may lift the suspension(s) or decide that they continue until such time as the Executive Committee may determine or the decision of the Discipline Committee, whichever is the sooner. The member is entitled to stand for re-election for the position(s) from which they have been suspended during the period of any suspension, but may not take up that position of responsibility until the suspension has come to an end. Suspension under this sub-rule is not intended as a disciplinary penalty, nor does it imply that any particular course of action will subsequently be adopted, nor are any inferences to be drawn from its imposition. The member shall be given written notification of any such suspension as soon as is reasonably practicable.

h. No decision made under this rule shall be invalidated as a result of any inadvertent failure on behalf of the Executive Committee or the General Secretary to provide

information in the timescales specified provided reasonable endeavours are used to provide this information as soon as possible thereafter.

i. For any investigation which the Executive Committee either first resolved to instigate, or first considered whether to instigate, under this rule, prior to the 2009 Annual Delegate Conference, the terms of this rule in force prior to that conference will continue to apply.

Affiliations to the Union

11. Other associations may, with the consent of a Delegate Conference, affiliate to the union. An affiliated association shall pay an annual contribution determined from time to time by agreement between the Executive Committee and the affiliated association. Any such agreement, or alteration to such agreement, shall be reported to the next Annual Delegate Conference. The names of each affiliated association and the amount of their annual contribution shall be included each year in the annual report of the Executive Committee (see Rule 42).

PART II
EXECUTIVE COMMITTEE AND OFFICERS OF THE UNION

President

12.

a. The President of the union shall be elected by the whole membership in the manner prescribed in Rules 16 to 18 and shall preside at Delegate Conference and Executive Committee meetings, and at any special meetings called by the Executive Committee. In the absence of the President Rule 14(b) shall apply.

b. In the event of a constituency member being elected President, that person shall forthwith vacate the post of constituency member. In the event of a member being elected to hold office as both President and constituency member from the same date, the member shall forthwith resign from the post of constituency member thus creating a vacancy. The President may not stand for election as a constituency member unless that person's term of office will have expired on or before the date upon which the term of office as constituency member is to commence.

c. Where the President ceases to be a member of the union the President shall cease to hold office.

Executive Committee

13.

a. The Executive Committee shall from June 2015 comprise the President and members (referred to as "the constituency members") representing the following constituencies:

Administrators, Economists and Accountants

Crown Prosecution Service

Ofsted

Education Scotland

Association of Revenue and Customs

Lawyers

Culture

Northern Ireland Section

Statisticians

Procurators

Fiscal Society

Association for Development and Diplomacy

Managers in Partnership

Fast Stream

Devolved Wales

Keystone

Scottish Government and Associated Bodies

The number of constituency members to be elected to represent each constituency in accordance with Rule 16 shall be calculated by dividing 23 by the total membership of the union (less the membership of Managers in Partnership and of Keystone) as at the 31 December in the year preceding the election and multiplying the result by the total membership of the constituency as at that same date provided always that:

i. fractions of 0.5 and greater will be rounded up to provide for a whole seat.

ii. no constituency shall be allocated less than one seat.

iii. the preceding formula shall not apply to Managers in Partnership, the members of which shall elect four constituency members to the Executive Committees.

iv. The preceding formula shall not apply to Keystone, the members of which shall elect four constituency members to the Executive Committee.

b. No further constituencies shall normally be created unless it is expected that there will be at least 350 members in the proposed constituency.

c. All the membership of the union shall be divided into constituencies as follows:

i. those members in the unified grades of 7 and above, (other than those described in sub-paragraphs (ii) to (ix) below), those in the Economist group and those in the Government Accountancy Service shall comprise the Administrators, Economists and Accountants constituency;

ii. those members in the Crown Prosecution Service in the grades of Crown Prosecutor and above shall comprise the Crown Prosecution Service constituency;

iii. those members being employed in Ofsted shall comprise the Ofsted constituency;

iv. those members being HM Inspectors of Schools in Scotland shall comprise the Education Scotland constituency;

v. those members in ARC shall comprise the Association of Revenue and Customs constituency;

vi. those members of the legal class (including lawyers in grades 3 and above who are not members of any other constituency) shall comprise the Lawyers constituency.

vii. those members who work in national museums, galleries, libraries and record offices shall comprise the Culture constituency;

viii. those members in the Northern Ireland Civil Service shall comprise the Northern Ireland Senior Officers constituency; and

ix. those members in the Statistician group shall comprise the Statisticians constituency;

x. those members in the Procurator Fiscal Service shall comprise the Procurators Fiscal Society;

xi. those members who are employed within the Diplomatic Service shall comprise the Diplomatic Service constituency;

xii. those members who are managers within the NHS shall comprise Managers in Partnership;

xiii. those members in Fast Stream grades (other than those described in sub-paragraphs (ii) to (ix) above) shall comprise the Fast Stream constituency; and

xiv. those members employed by the Welsh Government and bodies sponsored by the Welsh Government shall comprise the Devolved Wales constituency.

xv. those members who qualify for membership under Rule 4(a) (v) shall comprise Keystone.

xvi. those members employed by the Scottish Government and bodies sponsored by the Scottish Government (excluding those in constituencies iv and x above) shall comprise the Scottish Government and Associated Bodies constituency

d. In the event that a member or a group of members has been allocated to a constituency which, in the opinion of the Executive Committee, is no longer appropriate, the General Secretary shall as directed by the Executive Committee to re-allocate the member or group of members to such other constituency as the Executive Committee shall consider appropriate and shall give the member or group of members 28 days prior written notice of the re-allocation. There shall be a right of appeal from such re-allocation of the General Secretary to the Rules Appeals Tribunal provided that written notice to that effect is given to the General Secretary within 28 days upon which notification of such re-allocation was sent to the member or group of members and the effect of the service of such notice of appeal will be to postpone any such re-allocation until after the appeal has been heard.

e. Notwithstanding sub-paragraphs (c)(i)-(iv) and (vi)-(x) above, all members in Her Majesty's Revenue and Customs shall comprise the constituency described in sub-paragraph (c)(v) except those members eligible for membership only under Rule 4(a)(v).

f. Notwithstanding sub-paragraphs (c) (i) – (x) and (xiii) above, all members employed by the Welsh Government and bodies sponsored by the Welsh Government, shall comprise the constituency described in sub-paragraph (c) (xiv), except those members eligible for membership under Rule 4(a)(v).

g. Notwithstanding sub-paragraphs (c) (i) – (iii), (v-ix) and (xiii-xiv) above, all members employed by the Scottish Government and sponsored bodies (excluding those in constituencies iv and x above), shall comprise the constituency described in sub-paragraph (c) (xvi), except those members eligible for membership under Rule 4(a)(v).

Vice-Presidents

14.

a. The Executive Committee shall elect from amongst their members two Vice-Presidents to hold office for a period of two years from the first Executive Committee meeting of the year of the election and ending on 31 May in the year but one following, one of whom shall preside at Delegate Conferences, Special Delegate Conferences and at meetings of the Executive Committee Executive Committee in the absence of the President. A Vice-President's election shall not cause a vacancy to occur among the elected members. Either Vice-President shall be removed from office if a resolution to this effect is passed by a two-thirds majority of the members of the Executive Committee present and voting at a meeting of which due notice was given.

b. If both Vice-Presidents are present at a meeting from which the President is absent the chair shall be taken by the Vice-President with the longer period of consecutive service on the Executive Committee immediately prior to the meeting. If both have the same length of service then the chair shall be taken by agreement between them. In the absence of agreement lots shall be drawn.

c. A Vice President shall cease to hold office if said Vice President ceases to be a member of the Executive Committee.

d. In the event that a vacancy arises in the position of either Vice President the Executive Committee shall fill the vacancy from amongst their members.

Honorary Treasurer

15.

a. The Executive Committee shall elect from amongst its members an Honorary Treasurer to hold office for a period of two years from the first Executive Committee meeting of the year of the election and ending on 31 May in the year but one following. The election of the Honorary Treasurer shall not cause a vacancy to occur among the elected members. The Honorary Treasurer shall be removed from office if a resolution to this effect is passed by a two-thirds majority of the members of the Executive Committee present and voting at a meeting of which due notice was given.

b. The Honorary Treasurer shall be responsible for all monies received at the union's registered office and shall make arrangements for proper accounting records to be kept and for the preparation of financial statements for the Annual Delegate Conference and for the Executive Committee as frequently as they desire. The Honorary Treasurer shall arrange for the payment of accounts and other financial commitments.

c. The Honorary Treasurer shall cease to hold office if the Honorary Treasurer ceases to be a member of the Executive Committee.

d. In the event that a vacancy arises in the position of Honorary Treasurer the Executive Committee shall fill the vacancy from amongst their members.

Period of Office

16.

a. The President shall be elected to hold office for a period of two years commencing on 1 June of the year of the election and ending on 31 May in the year but one following.

b. The constituency members representing each of the constituencies set out in Rule 13 shall be elected to hold office for a term of 2 years commencing on 1 June in the year of the election and ending on 31 May of the year but one following.

c. Upon expiry of their term of office the President becomes the Immediate Past President and will remain entitled to attend Executive Committee meetings, albeit not entitled to vote, until the sooner of:

   i. the results be declared of an election or by-election of a constituency member in the constituency in which the Immediate Past President is or was eligible to be a candidate;

   ii. the Immediate Past President ceasing to be a full member of the union; or

   iii. the expiry of one year after their ceasing to be President.

Nominations for Executive Committee and President

17.

a. In February (at two yearly intervals), the General Secretary shall publish to the membership a notice calling for nominations from amongst the membership in each constituency for the number of constituency members which are due to be elected on 1 June in that year, encouraging all members to consider seeking nomination for their relevant constituency, particularly those from groups currently under-represented on the Executive Committee. Such nominations may only be made from amongst the members in each constituency and shall be made in writing to the General Secretary of the union by either at least two members of the constituency for which the nomination is made or by a committee or council of a section comprising members in the constituency (in which case such nomination shall be signed by two members of the committee or council of that section). Such nomination will be accompanied by the written agreement of the member nominated to serve if elected. No member or Section Committee or council may nominate more persons than there are positions falling vacant. The General Secretary shall specify in the notice a date by which nominations must be received and this date shall be at least 28 days after the date of the notice calling for nominations.

b. In February (at two yearly intervals) the General Secretary shall publish a notice calling for nominations from amongst the whole membership for the post of President. Such a nomination shall be made in writing to the General Secretary by at least thirty members, from at least three different constituencies, with no less than five members from each of those constituencies. A nomination shall be accompanied by the written agreement of the member nominated to serve if elected. The General Secretary shall

specify in the notice a date by which nominations must be received and this date shall be at least 28 days after the date of the notice calling for nominations.

Elections

18.

a. If more than one nomination is received for the position of President, there shall be a ballot in which all members shall be entitled to vote.

If there are more nominations than there are vacancies in any constituency there shall be a ballot in which all eligible members within the relevant constituency shall be entitled to vote.

For the purpose of a constituency election, a member shall be deemed eligible to vote in the constituency to which they belong 7 days prior to the issuing of voting papers pursuant to Rule 18c.

b. Each candidate nominated in accordance with Rule 17 may submit a personal address of no more than 400 words to the General Secretary by a date set by the General Secretary (said date being no earlier than 7 days following the closing date for nominations). The General Secretary will arrange for all personal addresses received from candidates nominated for any election to be published with the voting papers.

c. The General Secretary, no later than 20 April each year, shall arrange for the issue of a voting paper either electronically or by post to each eligible member entitled to vote in an election being conducted that year in accordance with Rule 16 to 18.

The voting paper will show only the name, grade, branch or centre of the members nominated for election as President or for a constituency.

The voting paper shall be accompanied by;

i. a copy of the personal address (if any) of the candidates

ii. a statement indicating the number of Executive Committee meetings held and the attendance of each candidate seeking re-election since the last election of that candidate

d. To be valid in any such election the ballot paper shall be returned to the Independent Scrutineers in the envelope provided (which shall carry an identifying mark indicating whether it is for an election for president of a constituency) on or before 20 May of the year of the ballot to which it relates.

e. The Executive Committee will appoint a properly qualified Scrutineer to carry out the following functions:

i. To supervise the production and distribution of all postal and electronic voting papers.

ii. To receive all voting papers returned by members.

iii. To take steps as would appear appropriate to 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 will be published in accordance with sub-clause (h) hereof.

iv. To retain custody of all voting papers returned for a period deemed appropriate by the Scrutineer.

f. Voting

i. Where there are only two candidates, members will indicate their preferred candidate by placing a cross (X) against one name on the ballot paper and the count shall be conducted under the Single Non-Transferable Voting system.

ii. Where there are more than two candidates in any election, members voting will be invited to indicate their preference for candidates by entering 1, 2, 3, 4,..... etc., against their names on the voting paper. A preference need not be entered against all candidates; voters may only cast one vote per candidate and vote for as many or as few candidates as they wish. The count shall be conducted under the Single Transferable Vote system.

g. The votes shall be counted under the supervision of the Independent Scrutineer who shall make the report referred to in sub-Rule 18(e)(iii) above. The Independent Scrutineers shall, before 1 June each year a date set by the General Secretary, send such report on the election to the union who shall thereafter as soon as possible publish the report to members.

h. The Executive Committee may determine that any ballot conducted under the rules of the Union and/or under any statutory provision may be conducted:

i. by post

ii. electronically

iii. a combination of the above subject to compliance with any applicable statutory requirements. The Executive Committee may issue regulations governing how any ballot be conducted.

Removal from Office

19. The President may be removed from office if a resolution to this effect is passed by a two-thirds majority of the delegates present and voting at a Special Delegate Conference of the union called for this purpose (see Rule 36). The Scrutineers (see Rule 37) and Agenda Committee may be similarly removed from office. A constituency member may be removed from office if a requisition to that effect is submitted to the General Secretary by at least 20 per cent of the constituency from which the member was elected and if two-thirds of the members in that constituency voting in a postal ballot then so decide. A constituency member shall automatically be removed from office if they cease to be a member of the union.

Filling of Vacancies

20.

a. Subject to Rule 13(a), in the event of a vacancy occurring (for whatever reason) amongst the constituency members or in the event of a vacancy occurring (for whatever reason) in the post of President, the General Secretary shall forthwith institute an election for the filling of the vacancy in accordance with Rule 20(b). In the event that all the seats for a particular constituency on the Executive Committee are not filled immediately after an election held pursuant to rules 16 to 18 for the

constituency members of that constituency then the General Secretary shall forthwith fill the vacancy in accordance with Rule 20(b).

b. The General Secretary shall as appropriate give notice to the whole membership or the membership of the constituency inviting nominations encouraging all members to consider seeking nomination for their relevant constituency, particularly those from groups currently under-represented on the Executive Committee. The General Secretary shall specify in the notice a date by which nominations and personal addresses of candidates must be received and this date shall be at least 28 days and no more than 45 days after the date of the Notice calling for nominations except as otherwise provided in this sub-rule, the election shall be held in accordance with Rule 18. The ballot paper and personal address shall be distributed as appropriate not more than 21 days after the close of nominations with the closing date for the receipt of ballot papers being at least 28 days and no more than 45 days from the date of distribution of the ballot paper. The Scrutineers shall not less than 14 days after the closing date for the receipt of ballot papers send their report on the election to the President, to all section and branch Secretaries and to those nominated.

c. In the event of a vacancy occurring on or after 1 November in the year preceding an election for President or for the constituency in which the vacancy arises, then the vacancy thus created shall not be filled.

d. In the event of a constituency member or President being elected to fill a vacancy in accordance with this rule, their period of office on the Executive Committee shall be until the end of the period of office of the President or constituency member (as appropriate) whose vacating office (for whatever reason) caused the vacancy.

Attendance of non-elected members at Executive Committee Meetings

21. The Executive Committee may invite such person or persons as it sees fit to attend and speak at meetings of the Executive Committee for the purpose of providing the Committee with factual information or with technical or professional advice with respect to matters incidental to the carrying out by the Executive Committee of its functions.

General Secretary and Staff arrangements

22.

a. The Executive Committee will appoint such permanent staff as it considers necessary and shall decide the rates of salary and other conditions of service for such employees of the union.

b. The Executive Committee shall make arrangements, and determine the timetable, for the election of a person as General Secretary, as may from time to time be required by legislation provided that:

   i. the Executive Committee may nominate any person (whether or not a member); and

   ii. any member can be nominated by no less than thirty members, from at least five different constituencies, with no less than five members from each of those constituencies.

c. The Senior Official will be the General Secretary who will be directly responsible to the Executive Committee, shall attend all meetings of the Executive Committee and Delegate Conferences, prepare minutes, attend to correspondence and, under the direction of the Honorary Treasurer, arrange for the necessary accounting records to be kept and payments made.

d. All other permanent staff appointed shall be under the control of the General Secretary.

e. The General Secretary and other permanent staff may be removed from employment by the Executive Committee. The General Secretary will have such right of appeal as shall be determined under their contract of employment. Other staff will have the right of appeal in person to the Executive Committee.

PART III
POWERS AND PROCEDURES OF THE EXECUTIVE COMMITTEE

Executive Committee

23. The Executive Committee shall be the governing body of the union. It:

a. shall conduct the business of the union in conformity with the policies laid down by Delegate Conferences;

b. shall deal with all business arising between Delegate Conferences;

c. shall be responsible for the correct administration of funds dealt with at the head office which may only be used to further the objects of the union as set out in Rule 3;

d. may invest any funds of the union in whatever way it thinks desirable;

e. will exercise, through the General Secretary, control of the staff of the union;

f. may suspend or expel members (see Rule 10);

g. shall have power to indemnify any member of the Executive Committee or staff and any branch or section official out of the funds and property of the union from and against all costs and charges, losses, damages and expenses whatsoever, sustained, incurred or be put to, by reason of respectively accepting office or acting in execution of duties, powers or discretions, imposed upon or given by these rules, unless the same shall happen through lack of good faith, or wilful neglect or default.

h. may make such regulations as they may from time to time determine, on any matter not provided by within these rules and which may include, without prejudice to the generality of the foregoing, the terms upon which benefits to members are to be made available.

i. may take any lawful action consistent with the objects and rules of the union to further the interests of members.

These powers are subject to the provisions of Rules 25(a) and 25(b) and without prejudice to the generality of the foregoing nothing contained in this rule shall authorise the Executive Committee to invest, administer or in any manner whatsoever to deal with such funds and/or income as belong to and constitute the property of the

sections constituted by Ofsted, OHMCI (Wales), Education Scotland and the Association of Revenue and Customs by reason of Rules 25(a) and 25(b).

Industrial Action etc.

24.

a. Industrial action, whether strike action or action short of strike, shall be called only by the General Secretary acting on the authority of the Executive Committee.

b. A ballot for industrial action may only be authorised by the Executive Committee who may do so if in its opinion such is called for and other steps for resolving differences have been exhausted or are inappropriate in the circumstances.

c. Before conducting such a ballot, the Executive Committee shall take such steps to consult Branch Convenors and Secretaries, as the Executive Committee consider appropriate.

d. The Executive Committee may recommend the taking by members of action falling short of industrial action but shall previously ascertain the strength of support for such action through Branch Convenors and Secretaries (or, in the case of action affecting only part of the membership, through relevant Branch Convenors and Secretaries).

e. The Executive Committee may at any time withdraw a recommendation to, or authority for, members to take strike action (or action short of industrial action).

Section Funds

25.

a. Notwithstanding anything contained in these Rules, the General Fund of the Association for Development and Diplomacy section, the Association of HM Inspector of Schools in England and Wales and Education Scotland at the date of registration of the transfer of engagements and any income arising there from time to time, whether before or after the registration aforesaid, shall not be or become the funds or property of the FDA but shall be and become the funds or property of the respective Sections of the union constituted by the Association for Development and Diplomacy Section, HM Inspectors of Schools in England and Wales and by Education Scotland and shall vest in the Section Committees or trustees thereof, in accordance with the respective Section rules. The FDA shall have no rights in or over the said funds and/or income and shall have no powers to administer, apply, expend, transfer, alienate, audit, invest or deal in any manner whatsoever with the said funds and/or income or to restrain in any way whatsoever the administration, application, expenditure, transfer alienation, audit, investment or any dealings whatsoever with the said funds and/or income by the Sections. Reference in this Rule to the sections constituted as Association for Development and Diplomacy section and HM Inspectors of Schools in England and Wales shall include those Sections' successors.

b. Notwithstanding anything contained in these rules, the general funds of ARC (either at or after the date of registration of the transfer of engagements) and any income arising therefrom from time to time shall not be or become the funds or property of the FDA but shall be and become the funds of property of ARC and shall vest in the Trustees of ARC. The FDA shall have no rights in or over the said funds and/or income and shall have no powers to administer, apply, expend, transfer, alienate, audit, invest

or deal in any matter whatsoever with the said funds and/or income or to restrain in any way whatsoever the administration, application, expenditure, transfer, alienation, audit, investment or any dealings whatsoever with the said funds and/or income by the ARC.

Meetings

26.

a. The Executive Committee shall meet as the President or it decides but all members of the Executive Committee shall receive at least three days notice of such a meeting. It shall be the responsibility of the General Secretary to advise all members of the Executive Committee of such meetings. The non-receipt of the notice of an Executive Committee meeting by any member of the Executive Committee shall not invalidate that meeting.

Quorum

27.

a. The Quorum for meetings of the Executive Committee shall be half the voting members of the Executive Committee (see Rule 29). If fewer than half of the voting members of the Executive Committee are present, the quorum shall be 40% of the voting members, subject to at least four constituencies being represented by voting members at the meeting

Procedures

28.

a. The Executive Committee may determine its own rules of procedure.

Voting at Executive Committee Meetings

29. At meetings of the Executive Committee, the President and constituency members shall have one vote. The person presiding shall also have a casting vote.

Sub-Committees

30.

a. The Executive Committee may appoint sub-committees or special committees for particular purposes. Any committee so appointed shall be responsible to the Executive Committee and may not initiate action without its permission. Any person appointed to such a committee may be removed by the Executive Committee. Meetings of such committees shall be called by the person appointed Secretary of each committee, who shall give the Committee members at least three days' notice of such meetings. Each Committee may determine its own rules of procedure.

b. The Executive Committee may participate in the trade union side of any negotiating body for any employer (or employers) that may be established, where such participation may be delegated to the General Secretary or other staff of the union.

Motion

31. The Executive Committee may propose, support or oppose motions and/or amendments at a Delegate Conference; a member of the Executive Committee may not vote, on any such

motions or amendments unless elected or appointed a delegate pursuant to Rule 35. A member of the Executive Committee may speak on any motions and/or amendments provided always that a member of the Executive Committee may not speak contrary to Executive Committee policy unless that member has previously been specifically and exceptionally authorised by the Executive Committee to do so, or is speaking on behalf of a Branch or Section by whom that said member of the Executive Committee has been elected or appointed as a delegate pursuant to Rule 35.

PART IV
DELEGATE CONFERENCES

Annual Delegate Conference

32. The Delegate Conference of the union shall be held in May each year, at a place to be determined by the Executive Committee, for the purpose of:

a. receiving the Executive Committee's Annual Report and Statement of Accounts;

b. the appointment of an auditor (see Rule 43);

c. the appointment of two scrutineers (see Rule 37);

d. the appointment of an Agenda Committee to function in relation to the next Annual Delegate Conference and, if required, any intervening Special Delegate Conferences (see Rule 34);

e. the appointment of any replacement members of the Rule Appeals Tribunal (see Rule 61);

f. considering any resolutions and amendments submitted by Sections and Branches (see Rule 33) and/or the Executive Committee (see Rule 31);

g. considering any amendments or alterations to the Rules (see Rule 66);

h. considering any appeals submitted to the General Secretary pursuant to Rule 10 or 62;

i. the appointment of an appropriately qualified person or body to act as assurer in accordance with statutory requirements (see Rule 43).

In addition to these matters, motions of urgency may be accepted for discussion without previous notice at the discretion of the Agenda Committee. The Conference and any Special Delegate Conference taking place (see Rule 36) shall be the supreme authority of the union and its decision shall remain in force until rescinded.

Motions and Amendments

33.

a. The General Secretary of the union shall in January or February each year notify all members of the date of the Annual Delegate Conference and shall request the submission of motions for discussion at the Annual Delegate Conference by sections and branches. The notice shall specify the date by which motions must be received in writing by the General Secretary at the registered office of the union but this date shall allow at least 4 weeks from the date of the notice and shall be not less than six weeks before the date of Annual Delegate Conference. The notice shall also specify

the timetable for submission and publication of amendments to motions as determined by the Executive Committee.

b. The General Secretary shall issue to the membership an interim report on the action taken in pursuance of motions carried or remitted to the Executive Committee at the Annual Delegate Conference. This Report shall be circulated to the membership not later than 31 December following the Annual Delegate Conference. In the event of a Special Delegate Conference then such a report should be circulated to the membership not later than 4 months after the date of the Special Delegate Conference.

Agenda

34.

a. The Agenda Committee shall be responsible for scrutinising all motions and amendments submitted for the Conference agenda and may if necessary composite them when preparing the order of business. The Agenda Committee may refer any motion to a Section of the union if it is of the view that the subject is of concern to the members of that Section rather than to the union as a whole. The Agenda Committee shall recommend to Conference the adoption of standing orders for the conduct of Conference and the timetable which will enable all business to be dealt with. The Agenda Committee shall also act in respect of any Special Delegate Conference which may be called. The Agenda Committee shall comprise three members appointed as provided for in Rule 32(d). No member of the Executive Committee may be a member of the Agenda Committee. Any casual vacancy arising in the membership of the Agenda Committee shall be filled by the Executive Committee from among the membership of the union. The Agenda Committee may appoint any member of the union or an official of the union to act as its Secretary.

Delegates

35. Delegates to the Conference shall be members of the union and shall either, in the case of a Branch, be elected at a Branch Meeting of which election previous notice was given to members or, in the case of a Section other than the Legal Section, be appointed by the Section Committee. Sections other than the Legal Section and Branches may send delegates to the Annual Delegate Conference according to the following table:

Range of Membership	Delegates
Up to 25	1
26-50	2
51-75	3
76-100	4
101-125	5
126-150	6
151-175	7
176-200	8
201-250	9

251-300	10
One additional delegate for every additional 100 members over 301 up to 1,000 members. One additional delegate for each complete 1,000 members up to 10,000 members, and one additional delegate for each complete 2,500 members thereafter.	

Where a section other than the Legal Section, in accordance with its rules, appoints delegates to the Annual Delegate Conference, any branch of that section will not be entitled to send delegates to an Annual or Special Delegate Conference.

For the purpose of this rule section or branch membership shall be the number of paid-up members at the preceding 31 December. In exceptional circumstances, the Executive Committee may specify some other date for the purpose of assessing section or branch membership.

When counting the number of paid-up members of a section or branch;

a. an individual who is a member of Ofsted or Estyn or Education Scotland shall not be counted as a member of any branch formed under Rule 49(a) which is entitled to send delegates to conference; and

b. subject to sub-paragraph (a) individuals may not be counted as members of any section if they are members of a branch formed under Rule 49(a), or an ARC Centre formed under Rule 49(b), which is entitled to send delegates to the conference;

c. Individuals may not be counted as members of a branch entitled to send delegates to conferences and formed under Rule 49(a) if they are members of a branch of a section entitled to send delegates to conference.

Names and addresses of delegates shall be notified in writing by Section or Branch Secretaries to the General Secretary at the registered office of the union at least 14 days before the date of the Conference. The General Secretary shall then issue each delegate with a credential card, stating the delegate's name and branch.

Those Sections/Branches of FDA who hold their own funds will be responsible for meeting the reasonable expenses of their delegates to the ADC in accordance with any travel and subsistence policy of the union established by the Executive Committee.

Delegates who are not members of the Sections or Branches covered above may have their reasonable expenses met by FDA in accordance with any travel and subsistence policy of the union established by the Executive Committee.

Special Delegate Conference

36. The Executive Committee may at any time call a Special Delegate Conference of the union. They shall call such a Conference on the written request either of 5 Branches, or 5 Sections, or one or more Branches or Sections representing at least 10 per cent of the membership. Such request shall set out the motion(s) to be discussed. Sections and Branches shall receive 14 days' notice of such Special Conference and the delegates, names and addresses must be sent in writing to the General Secretary to be received at least 4 days before the date of the Conference. Apart from this, Rules 33, 34 and 35 will apply to Special Delegate Conferences. The notice of the Special Delegate Conferences

shall contain a copy of the motion to be proposed and only business relevant to such motion or motions shall be transacted at the meeting.

Voting

37. Except as specifically provided by any other rule, all questions coming before Conference shall be decided by a majority of the delegates present and voting thereon. In the case of an equality of votes the accredited person presiding shall have a casting vote. For the purpose of supervising the counting of votes two scrutineers shall be appointed by the delegates from among their number (excluding members of the Executive Committee) at each Annual Delegate Conference. Such Scrutineers shall also be responsible for the supervision of the counting of votes in any ballots held under Rule 59 and 61 the closing date for which falls before the next Annual Delegate Conference. Any casual vacancy arising in the position of Scrutineer shall be filled by the Executive Committee from among the membership of the union (excluding members of the Executive Committee). A scrutineer shall cease to hold such office if he or she becomes a candidate for the office of President or of membership of the Executive Committee.

Attendance of Non-Delegates

38. The following persons may attend an Annual or Special Delegate Conference but may not speak except at the express invitation of the person presiding nor have a vote:

a. members of the union who are not delegates;

b. members of affiliated associations;

c. Associates (see Rule 8);

d. such other persons as the Executive Committee may invite.

Quorum

39. The Quorum at any Delegate Conference shall be one third of the total number of delegates appointed in accordance with Rule 35.

Conduct of Conference

40. The person presiding (see Rules 12 and 14) shall be responsible for the conduct of any Annual or Special Delegate Conference. At the commencement of such a conference the person presiding shall invite the Agenda Committee to move the adoption of their report(s). Once the adoption of the report(s) has been moved motions to refer back all or part of the report(s) may, at the discretion of the person presiding, be accepted and voted upon. The motion to adopt the report(s) shall then be put to the vote and if it is carried, the person presiding shall conduct the remainder of the Conference in accordance with the Standing Orders included therein.

PART V
ANNUAL REPORT AND ACCOUNTS

Annual Report

41. The Executive Committee shall make a written Annual Report to Conference.

Financial Year and Accounts.

42. The financial year of the union shall be from 1 January to 31 December. An audited Statement of Accounts of the union for the last financial year, which shall be signed by the President, Honorary Treasurer and General Secretary, shall be sent to members as soon as practicable following the end of the financial year.

Auditors and Assurer

43.

a. The accounts of the union shall be audited annually by a person qualified in accordance with statutory requirements who shall prepare a report to the Annual Delegate Conference. The auditors shall be appointed by resolution passed at an Annual Delegate Conference and shall not be removed from office except by resolution passed at a Delegate Conference. The auditors so appointed shall have no powers to examine, prepare or audit accounts of the sections constituted by Ofsted, by Estyn, by Education Scotland and by the Association of Revenue and Customs in relation to such funds and/or income, as by reason of Rule 25 they belong to and constitute the property of the respective section, unless they are appointed for that purpose by the respective committee under Rule 44.

b. The Annual Delegate Conference shall each year appoint an appropriately qualified person or body to act as assurer in accordance with statutory requirements. Any assurer so appointed shall not be removed from office except by resolution consistent with statutory requirements.

Section Auditors

44. The accounts of the Sections constituted by Association for Development and Diplomacy, Ofsted, by Estyn, by Education Scotland and by the Association of Revenue and Customs in relation to the funds and/or income specified in Rules 25(a) and 25(b) shall be audited annually by independent accountants who are qualified in accordance with statutory requirements. The Auditors shall be appointed yearly by the Section Committee and may only be removed from office by a resolution of members of the Section passed at a General Meeting of the Section. It shall be the duty of the Auditors of the Section to examine the accounts of the Section in relation to the funds and/or income specified in Rule 25 and to certify the correctness of the Statement of Accounts contained in the Annual Report of the Section.

Subscription

45.

a. Every member shall, except as provided in the following paragraphs of this rule, pay an annual subscription ("the core subscription") at such rate as may from time to time be determined by a two-thirds majority of the delegates voting at a Delegate Conference, provided always that the core subscription may be set at different rates for different classes of member. If the Executive Committee intends to table a motion for an increased rate of the core subscription, it shall circulate a report explaining the reasons for such an increase in sufficient time to allow amendments to be proposed to the motion.

b. Members in each section may at their annual general meeting and in accordance with the rules of that section vote to pay a sectional subscription in addition to the core subscription and any such sectional subscription shall be payable to the union by all members of the relevant section in addition to the core subscription. The union will return, in full, quarterly in arrears, the sectional subscription collected to the section concerned.

c. In each financial year, a proportion of the subscriptions paid by members of the Association for Development and Diplomacy, the Ofsted section, the Estyn section, the Education Scotland section, the Crown Prosecution Service section, the Northern Ireland Senior Officers section, the Procurators Fiscal Society section, and the Association of Revenue and Customs, respectively shall be returned to those respective sections for their administrative expenses (and in the case of the Association for Development and Diplomacy, for the reimbursement by the Association to the union of the salary and benefits of, and any liabilities incurred in relation to, any Assistant Secretary employed by the union but assigned to undertake duties for the Association for Development and Diplomacy under rule 23 (e)).

   In each financial year from 2026:

   - In the case of a section with a reserve (however held) as at 31 December in the preceding financial year of less than twice the standard rebate, the section will have returned 20% of the subscriptions paid by members of that section;
   - In the case of a section with a reserve (however held) as at 31 December in the preceding financial year of twice or more (but less than three times) the standard rebate, the section will have returned 15% of the subscriptions paid by members of that section;
   - In the case of a section with a reserve (however held) as at 31 December in the preceding financial year of three times or more (but less than four times) of the standard rebate, the section will have returned 10% of the subscriptions paid by members of that section;
   - In the case of a section with a reserve (however held) as at 31 December in the preceding financial year of four times or more (but less than five times) of the standard rebate, the section will have returned 5% of the subscriptions paid by members of that section; and
   - In the case of a section with a reserve (however held) as at 31 December in the preceding financial year of five times or more of the standard rebate, the section will have returned 0% of the subscriptions paid by members of that section.

   Where the "standard rebate" in any financial year for each section shall be calculated as 20% of aggregate subscriptions paid by members of that section in the previous financial year. Reserves will be valued annually using standard accounting practice and include all funds, investments, property etc. which are available to be used for the purposes of administrative expenses as outlined above. Any section whose financial position has materially changed can request a review of the applicable rebate rate at the 6-month stage of the financial year.

d. Members will pay their annual subscription by direct debit, except that if a member was in membership at 30 June 1993 they may continue to pay their annual subscriptions by deduction from salary, direct debit or standing order or by two

instalments paid to the General Secretary at the head office of the union six months in advance on 1 January and 1 July each year.

e. In these rules "annual subscription" shall mean the total of the core subscription and sectional subscription (if any) payable in any calendar year by a member and, in the case of Associates, shall mean the subscription payable pursuant to Rule 7 of these rules.

f. A member is required to pay the rate of core subscription and sectional subscription (if any) appropriate for their salary and circumstances, to provide the union with any information the union may require from time to time about their salary and circumstances, and to make all reasonable efforts to ensure that that information is kept up to date.

g. Where information is available to the union that suggests that a member may be paying an incorrect rate of core or sectional subscription, the union may after the expiry of 3 months' notice to the member, detailing reasons for the change, require the member to pay the correct rate of subscription.

h. No subscription rate of a member may be reduced, for whatever reason, unless and until the member provides documentary evidence to demonstrate that the member satisfies the conditions applicable for the reduced subscription rate to apply.

i. The Executive Committee may, for the purposes of recruitment, reduce or remit the subscription of any member or group of members for up to 6 months from the date of their joining the union.

j. The Executive Committee may set a subscription for any class of member, who has between Delegate Conferences become eligible for membership of the union, provided the subscription rate will thereafter only be varied by the Delegate Conference in accordance with rule 45(a).

Non-Payment of Subscription

46. Members (and Associates), electing to pay the annual subscription by cash or cheque, and who have not paid their annual subscription by 31 July in the year to which it relates shall be advised accordingly by the General Secretary. They shall be allowed a further 28 days in which to pay their annual subscription and if they do not do so within this period their membership shall be automatically terminated.

Expenditure

47. The Executive Committee shall be empowered to enter into financial commitments and incur expenditure incidental to the business of the union. These powers may be delegated to the Honorary Treasurer who may similarly (and subject to Rule 15) delegate the work connected therewith to the General Secretary. Members of the union may be reimbursed from the funds of the union for any expenditure necessarily incurred in the performance of their duties on behalf of the union. In circumstances regarded as appropriate by the Executive Committee, honoraria may be paid.

Inspection of Records

48. There shall be kept at head office the accounting records of the union as a whole and a register of all members of the union including Associates, and both shall be accessible to members to the extent required by statute.

PART VI
BRANCHES

Formation

49.

a. Members of the union in any Government department (other than the Her Majesty's Revenue and Customs), or other Government organisation, if they number 10 or more, may form a Branch of the union, which shall unless otherwise determined by the Executive Committee, consist of all members of the union in that department or organisation. However, the Executive Committee may:

   i. allow the formation of branches where there are less than 10 members or may attach such members to another branch;

   ii. allow the formation of a branch comprising more than one department or organisation;

   iii. allow a department or organisation to form more than one branch, each such branch being treated as separate for the purpose of these rules;

   iv. allow a department or organisation to form a sub-branch.

   The Executive Committee shall report to the next following Delegate Conference each exercise of their power under sub-paragraph (iii) of this rule;

b. ARC may form its own branches in accordance with its own rules. Rule 49(a) shall not apply to members of ARC and any branch created in accordance with Rule 49(a) shall exclude members of ARC. District Councils of ARC are regarded for the purpose of these rules (except where otherwise specified) as branches of the union but will operate in accordance with "specimen standing order for District Councils" which form part of the rules of ARC. Rules 50-56 of these rules shall not apply to branches of ARC.

c. Members of the union in any Government department or other Government organisation who are qualified for membership under Rule 4(a)(iv), if they number 10 or more, may form a Branch of the union which shall unless otherwise determined by the Executive Committee consist of all members of the union eligible for membership under Rule 4(a)(iv) in that department or organisation.

Responsibility

50. Subject to Rules 6 and 49 each Branch shall be responsible for the recruitment of members within their department or organisation, for the representation of their members' views on matters concerning their department or organisation, and for transmitting their members' views on other matters to the Executive Committee and/or Delegate Conferences.

Annual General Meeting

51. There shall be an Annual General Meeting of the members of the Branch each year. Each member shall be given due notice of this Annual General Meeting. At the Annual General Meeting (or, if the Branch Rules so require, through a postal ballot) the Branch shall elect from among its membership a Convenor, Secretary and Treasurer. A Branch may also elect from among its membership such other officers as it so desires.

These Branch Officials, together with a number of other members elected at the Branch Annual General Meeting (the number to be in accordance with the Rules of the Branch) shall form a Branch Committee which shall deal with the business of the Branch between Branch meetings. The Branch Committee may co-opt additional Branch members to the Committee in accordance with the rules of the Branch.

Other Meetings

52.

a. Branches may hold such other meetings of their members as are deemed necessary to conduct the business of the Branch. A General Meeting of the Branch shall be called on the written request of 10 per cent of the members of the Branch.

Branch Annual Report

53. The Branch Secretary shall forward an Annual Report to the General Secretary after it has been approved by the Annual General Meeting of the Branch.

Expenditure

54. Expenditure reasonably incurred by a Branch in the exercise of its functions shall be paid out of the funds of the union; the Honorary Treasurer acting on behalf of the Executive Committee shall have discretion to decide what is reasonable for this purpose.

Duties of Branch Treasurer

55. The Branch Treasurer shall furnish the General Secretary with an annual statement of the accounts of the Branch after they have been approved by the Annual General Meeting of the Branch.

Branch Rules

56.

a. Each Branch formed under Rule 49(a) shall have rules for the conduct of its business which shall be based on the Skeleton Rules set out in Appendix I. The rules of a branch, and any amendments to them, shall not be effective until approved by the Executive Committee who shall have power to require alterations in such rules. Provided that the rules of a branch and any amendments to them shall be deemed to have been approved by the Executive Committee if, at the expiry of the three month period following submission of the rules and/or amendments to an official of the union, the Executive Committee has neither approved the rules and/or amendments nor required alterations in them. In the case of any conflict between the rules of a branch and the rules of the union the latter shall prevail.

b. In the event of a department or organisation forming a sub-branch then the rules of the sub-branch shall only be effective after approval by the branch and thereafter by the Executive Committee.

PART VII
SECTIONS

Sections

57.

a. In addition to the Branches set out in Part VI there shall be Sections of the union as follows:

i. Ofsted;

ii. Estyn;

iii. Education Scotland;

iv. Legal Class;

v. Culture;

vi. Crown Prosecution Service;

vii. Northern Ireland Section;

viii. Association of Revenue and Customs

ix. Procurators Fiscal Society

x. Association for Development and Diplomacy

xi. Managers in Partnership

These sections shall be solely responsible for all professional matters concerning the members of their sections.

ARC shall act independently in respect of matters which arise in Her Majesty's Revenue and Customs Department which directly concern its members.

b. The Executive Committee may create sections in addition to the above, and allocate branches and members to such a section with the consent of the branch or members concerned. They may also invite representatives of such sections to attend the Executive Committee as non-voting observers, and create section rules under which such sections shall operate.

In the event of the creation of such a section, the Executive Committee shall, as soon as reasonably practicable, and in any event within two years of the date of creation, present to a Delegate Conference appropriate amendments to the rules of the union, together with section rules. Unless its creation is ratified by the adoption of appropriate rule amendments, any such section shall cease to exist on the second anniversary of its creation.

References in these rules and appendices to sections shall be taken to include only those sections listed in paragraph (a) of this rule.

c. For the purposes of Rules 13, 35 and 49(a) any member who is a member of the section referred to in Rule 57(a)(iv) (Legal Section) and is also a member of another Section whose rules entitle them to membership shall not be treated as a member of Legal Section.

Section Rules

58.

a. Those sections other than ARC shall function under the rules set out for them in Appendix II of these rules.

b. ARC shall function under rules adopted by ARC which shall be set out in Appendix III of these rules. The rules of ARC may only be amended by ARC in accordance with such rules provided always that ARC shall forthwith notify the Executive Committee of any alterations to the rules of ARC.

PART VIII
SUPPLEMENTARY

Dissolution of the union

59. The union shall not be dissolved except with the consent of at least two thirds of the membership. The necessary consent from the membership for such a course of action shall be ascertained by an individual ballot of the membership. The decision to hold such a ballot may be made by the Executive Committee; alternatively, a request for such a ballot, supported by at least 10 per cent of the membership, may be made in writing to the General Secretary at the registered office of the union. After such a decision by the Executive Committee or on the receipt of such a request the General Secretary shall, within four weeks supply to each member a ballot and reply paid envelope addressed to the Scrutineers at the registered office of the union. The closing date for receipt of ballot papers, enclosed in the envelopes provided, at the registered office of the union shall be not less than four nor more than five weeks after the date of issue of the ballot papers. The envelopes containing the ballot papers shall remain sealed until opened under the supervision of the Scrutineers (see Rule 37). The votes shall be counted under the supervision of the Scrutineers. If the move for dissolution is carried by a two-thirds majority of those members voting then the Scrutineers shall inform the Executive Committee. The Executive Committee shall then wind up the affairs of the union as expeditiously as possible and shall give notice of the dissolution to the Certification Officer. Any property whatsoever of the union remaining after the satisfaction of all debts and liabilities shall be the property in shares proportional to the annual subscriptions payable by the members of the union as at the immediately preceding 31 December.

Observation of Rules

60.

a. It shall be the responsibility of the Executive Committee to carry out and enforce observance of these Rules. If any member (including Associates) considers that action contrary to the Rules is being or has been undertaken either by the union or its Officials they may appeal to the Rules Appeals Tribunal (see Rule 61). Notice of such an appeal shall be made in writing to the General Secretary at the registered office of the

union. Upon receipt of such an appeal the General Secretary shall arrange for the Rules Appeals Tribunal to consider the matter within 42 days of receipt of the appeal.

The Rules Appeals Tribunal shall also consider all appeals made in accordance with Rules 6(f), 13(d) and 14(f). Upon receipt of a Notice of Appeal pursuant to those rules the General Secretary shall arrange for the Rules Appeals Tribunal to consider the matter within 42 days of receipt of the Appeal. The Rules Appeals Tribunal shall decide their own procedure by enquiring into the Appeal. The Rules Appeals Tribunal shall notify the person concerned and the General Secretary of their decision in writing and their decision shall be final and binding on the member, the Executive Committee and the General Secretary.

b. Where there is a conflict between a rule of a section and a rule of the union then the latter shall prevail.

Rules Appeals Tribunal

61. There shall be a Rules Appeals Tribunal whose only function shall be to consider appeals made in accordance with Rule 61. It shall comprise three members of the union, none of whom shall be members of the Executive Committee, one of whom shall act as Convenor of the Tribunal. The method of the nomination of these three members shall be the same as set out in Rule 17. The method of election shall be in accordance with Rule 18(a)-(d) and (f)-(g) subject to the voting papers being returned to the Scrutineers elected under Rule 38 who will only be responsible for supervising the counting of the ballot papers and declaring the result of the election in a report to the union under Rule 18(h). However they shall be members of the Rules Appeals Tribunal from 1 June following their election until they either resign (in writing to the General Secretary of the union), retire from employment qualifying for membership or lose their membership under Rules 10 or 46. Thus an election will only occur in those years where there is one or more vacancies on the Rules Appeals Tribunal. Any casual vacancy occurring shall be filled by the Executive Committee from among the membership of the union; such an appointee to hold office until the next 31 May.

Matters not covered

62. Any matter not provided for in these Rules shall be dealt with as the Executive Committee may determine, but any member, section or branch aggrieved thereby shall have a right of appeal, provided notice of such an appeal is given in writing to the General Secretary at the head office of the union within 28 days of notice of the determination of the Executive Committee. The General Secretary will then arrange for the appeal to be considered by an Annual Delegate Conference provided that notice to delegates of the appeal be given at least 28 days before the date of the Annual Delegate Conference. Annual Delegate Conference may then dismiss the appeal, or allow it and if allowing it make such directions as they see fit.

63. The Executive Committee shall have, and operate, a complaints procedure to allow any member aggrieved by the actions of the union to have a fair hearing of their case.

Proceedings not to be invalidated

64. The proceedings of a Delegate Conference or of the Executive Committee or of any subcommittee thereof shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member thereof.

Copies to all Members

65. A copy of the Rules of the union shall be made available on the website of the union, and copies of any alterations or amendments to those Rules shall be published on the website as soon as can be conveniently arranged. A copy of the Rules may be obtained by members on written application to the General Secretary at the head office of the union.

Alterations of Rules

66.

a. The Rules, except the rules of sections of the union (set out in Appendix II), may be altered or amended at an Annual or Special Delegate Conference by a two-thirds majority of the votes cast. Any proposal for such an alteration or amendment shall be submitted as a motion in the manner prescribed in Rules 31, 33 or 36 or, if moved as a matter of urgency, as prescribed in Rule 32.

b. In addition to the above, in the case of every section approval by the section committee will be required before any of the undermentioned Rules can be amended. Rule 25 All Rule 57 All the rule except that other sections be added to it without this being necessary Rule 66 All, except Rule 66(a) Rule 67 All If the amendment is approved by the section it shall then be considered by Delegate Conference in the usual manner and will require a two-thirds majority as set out in Rule 66(a).

c. A proposal to alter the amounts returned to the sections (as set out in Rule 45(c)) will first require a two-thirds majority of the section committees concerned before it can be placed on the agenda of a Delegate Conference as set out in Rule 33. Once this has taken place, the first paragraph of this Rule shall apply.

d. Rules 4(a)(i), 25(b), 58(b), 66(d) and 67(b) may only be amended in accordance with Rule 66(a) if approved by ARC committee.

e. The rules of any section may be amended in accordance with the rules of that section, provided that such amendment shall not take effect unless and until approved by the Executive Committee.

f. For the avoidance of doubt, Rule 66(e) does not apply to the rules of ARC (set out in Appendix III).

Secession

67.

a. Notwithstanding anything contained in these Rules the Sections constituted by the Association for Development and Diplomacy, by Ofsted, by Education Scotland and by the Legal Class shall have the right to secede from the union provided the consent thereto of at least two thirds of the members of the Section concerned, voting in a ballot, be obtained. (The conduct of the ballot shall be as set out in Rule 66). The monies forming part of the General Fund of the Association of HM Inspectorate of Education (Scotland) at the dates of registration of the transfers of engagements

together with any income arising there from time to time, whether before or after the dates of registration shall be applied or dealt with by the respective Section Committee in accordance with the directions of the members of that Section.

b. Notwithstanding anything contained in these rules, ARC shall have the right to secede from the union provided the consent thereto at least two thirds of ARC voting in a ballot be obtained. The conduct of the ballot shall be as set out in Rule 66. The property forming the general fund of ARC as at the date of secession shall be applied or dealt with by the ARC Committee in accordance with the directions of the members of ARC.

Affiliation to other Organisations

68. The union may not affiliate to any organisation unless consent for affiliation to that organisation has been given by a Delegate Conference. Where consent has been given to affiliate to an organisation any branch or section may affiliate to that organisation subject to the decision being taken by the branch or section AGM.

Trustees

69. There shall be three Trustees of the union who shall be members or retired members of the union but who shall not be members of the Executive Committee. They shall be appointed by the Executive Committee upon such terms as the Executive Committee may from time to time decide. Vacancies arising amongst the Trustees (for whatever reason) shall be appointed by the Executive Committee.

All deeds, documents of title and funds, security for money and other property of the union shall be held by the Trustees who shall invest the funds of the union or otherwise deal with the funds or property of the union in such manner as the Executive Committee may from time to time decide.

APPENDICES

APPENDIX I: SKELETON RULES FOR BRANCHES

The FDA is a member-led trade union that organises around its members in the form of branches and sections as part of its federal structure. A branch is a grouping of 10 or more members typically by employer and sometimes by workplace location. Sections are a collective of branches that organise around a common employer, profession or affiliated trade union.

This guide is to help branch officers develop and adopt common approaches to managing branch business and adhere to the FDA rules of governance available here:

https://www.fda.org.uk/home/FDA-Rules.aspx

Branch structures are dependent on membership density – the more members the greater the need for effective organising and localised representation. As such branches may have constituencies by location or directorate or professional function. It will be for the branch to decide when, where and how member's voices can be heard most effectively.

The skeleton rules below are the required minimum and should be adapted as necessary to reflect local organising structures:

BRANCH NAME

1. The name of the branch shall be the BRANCH NAME branch of the FDA.

OBJECTS

2. The objects of the branch shall be to represent and further the interests of FDA members in BRANCH NAME as regards their careers, conditions of service and matters of common concern in accordance with the Rules of the FDA.

MEMBERSHIP

3. Membership of the branch shall be open to civil, diplomatic or public servants (as set out in Rule 4 of the FDA) employed by the EMPLOYER NAME (Department/Organisation).

BRANCH REPRESENTATIVES

4. In every workplace where the FDA is recognised and provides accredited representation, the members employed there, nominate, elect or confirm annually from among themselves volunteers to represent their collective interests in accordance with these Rules.

BRANCH EXECUTIVE COMMITTEE

5. The Branch Executive Committee (BEC) shall be elected at the branch Annual General Meeting from the branch representatives elected or confirmed at the same meeting. It shall consist of the Branch Officers and XX other nominated representatives from the branch. The Committee shall conduct the business of the branch, subject to the policy decided at all member branch meetings and the FDA Annual Delegate Conference (ADC).

6. The BEC shall meet as it or its Convenor decides but must meet if XX or more Committee Members or the FDA National Officer responsible for the branch requests a meeting. Meeting requests should be fulfilled within 10 working days. Any XX members of the Committee shall constitute a quorum. The Branch Secretary shall notify all members of the BEC of forthcoming meetings by issuing calendar invitations and securing conference facilities. A register of attendees will be collated and retained for scrutiny.

BRANCH OFFICERS

7. These shall comprise a Convenor, Deputy Convenor and Secretary. Other branch roles can be elected as required e.g. Treasurer, Membership Secretary, Equality Coordinator, Health & Safety Officer.
8. The Convenor shall preside at all Branch Meetings and Committee Meetings and be responsible for meeting agendas, the counting and scrutiny of votes and the declaration of the results. In the absence of the Convenor, the Deputy Convenor or Secretary shall fulfil this function. The Secretary shall be responsible for recording the business of Branch Meetings and Committee Meetings and for conducting and coordinating correspondence. The Treasurer shall be responsible for keeping Accounts of all Branch expenditure where funds are provided by the FDA. The Membership Secretary shall, if elected, be responsible for the recruitment of new members to the Branch. {amend/ delete italics as necessary}
9. The BEC shall be responsible for filling any vacancies for Branch Officers and representatives occurring between all member Branch and Annual General Meetings, from among the membership of the branch. Nominated members will be co-opted on to committees and positions within the branch until the next AGM (Annual General Meeting).
10. Any Branch Officer or Committee member or representative may be removed from office by a resolution which is passed at a General Meeting of the branch, and which has been circulated to the branch membership with the notice calling the meeting.

LIAISON OFFICERS

11. Members of the FDA who form part of other branches and sections but are hosted or provide services to DEPARTMENT/ORGANISATION such as government lawyers and the civil service fast stream, remain members of their respective structure of the FDA. However, the Branch Executive Committee shall give standing observer status to a Liaison Officer drawn from these hosted members. The Liaison Officers shall be entitled to attend BEC meetings without voting rights and may make representations on issues from members they represent to be raised through the Branch if they relate to local policies or estate arrangements. The BEC is not obliged to pursue issues raised by the Liaison Officers.

BRANCH ANNUAL GENERAL MEETING AND OTHER MEETINGS

12. The branch Annual General Meeting (AGM) shall be held in the month of MONTH
13. At least 20 working days' notice shall be given in writing by the Branch Secretary to all members of the branch of the holding of the branch AGM. The notice shall include an invitation to members for nominations to be made for Branch Officers, representatives and delegates. All such nominations must be sent to the Branch Secretary in writing. Persons being nominated must be proposed and seconded by FDA members from the

branch and must give their consent and undertaking in writing. No member of the branch may propose or second more persons than there are positions falling vacant.

14. At the branch Annual General Meetings, the Branch Delegates to the Annual Conference, and to any special Delegate Conference called before the next Annual General Meeting, shall be elected from among the membership of the branch. Nominations for such delegates shall be called for and made in the same way as those for Branch Officers and Branch Executive Committees. Any casual vacancies for Branch Delegates may be filled by the Branch Executive Committee from among the membership of the branch.
15. At the Annual Branch Meeting the Branch Secretary shall submit a report to the members for their approval. Having been approved such report shall be sent to the General Secretary as set out in the Rules of the FDA.
16. At the Annual Branch Meeting the Branch Treasurer shall submit a statement of accounts, for the last financial year, for the approval of the members. Having been approved such statement shall be sent to the Executive Committee as set out in the Rules of the FDA. {amend/ delete italics as necessary}

OTHER GENERAL MEETINGS

17. Other General Meetings of the Branch may be held at the discretion of the Branch Executive Committee or on request by at least 10 per cent of the members of the Branch. At least 7 days' notice shall be given by the Secretary to all members of the Branch of the holding of such a General Meeting. Such a General Meeting may elect delegates for a Delegate Conference of the FDA provided that the notice of the meeting included a request for nominations for such delegates. Such nominations are to be made in the manner set out in Branch Rule 13.
18. In addition to all member General Meetings, ad hoc meetings of a constituency of the members may be held to consider issues of particular interest to the constituency. Where it would be appropriate to hold regular meetings of that constituency a sub-committee of the BEC may be set up. The BEC shall be kept informed of any ad hoc or sub-committee meetings including any wider considerations. A sub-committee shall not purport to make representations on behalf of the whole Branch without the prior consent of the BEC.

QUORUM

19. The quorum of the Annual General Meeting or any other meetings of the Branch meetings shall be 10 members (or 10 per cent of the membership of the Branch if this is below 100). A register of attendees will be collated and retained for scrutiny.

VOTING

20. Each member of the branch present at a Branch Meeting shall have one vote which shall be exercisable by a show of hands or by the marking of a voting slip or by verbal/ digital indication via video or teleconference.
21. In the event of more nominations being received by the Branch Secretary in Branch Rule 13 than there are positions falling vacant, the Branch Secretary shall send a ballot paper to all Branch members within 10 working days of the close of nominations. Branch members shall have a further 10 working days in which to return their ballot papers, which shall not bear any means of identification of the member voting, to the Branch

Convenor who shall be responsible for the counting and scrutiny of the votes and shall declare the result at the Branch Annual General Meeting

BRANCH RULES

22. These Branch Rules are to be read in amplification of the FDA's Rules and in case of conflict the FDA's Rules shall prevail. The Branch Rules may be changed only be a resolution carried by at least a two-thirds majority of the votes cast at an Annual or other General Meeting of the Branch, following written notice to the Branch Secretary at least five working days before the meeting. A change in the Branch Rules shall not be effective until it is approved by the Executive Committee of the FDA.

Version number: _____

Branch rules adoption date: _____

Branch convenor name: _____

Signed: _____

Date: _____

Editorial note

The following rule has been removed in the current version as it has been replaced by rule XX regarding Liaison Officers:

A branch whose membership includes members of the FDA Legal Section shall also at the Annual General Meeting elect branch delegates to the Lawyers Network Committee. Only those members who are Legal Section members are entitled to stand for and vote for Legal Section Council Delegates. Legal Section members are not entitled to be elected as or to vote for branch delegates under branch rule 13 except where the branch is a Legal Section Branch.

APPENDIX II: RULES FOR SECTIONS

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1. NAME

i. Pursuant to Union rule 13(c) there shall be a Section of the Union to be known as the Crown Prosecution Service Section.

ii. In these rules, the expression "Union" shall be taken to mean the Union of FDA and the expression "Section" to mean the Crown Prosecution Service Section of the Union.

2. OBJECTS

i. The objects of the Section shall be to represent, further and protect the interests of members in the Crown Prosecution Service, as regards their careers, conditions of service and matters of common concern in accordance with the rules of the Union.

ii. The Section shall be responsible within the FDA for all professional matters concerning members in the Crown Prosecution Service.

iii. The Section shall provide a forum for discussion between Section Branches, the formulation and execution of policy and machinery for negotiation with the employer.

3. MEMBERSHIP

i. Membership of the Section shall be open to all members of the Crown Prosecution Service in accordance with Union Rule 4 "Eligibility for Membership".

ii. Application for membership shall be considered by the Section Committee who shall determine the outcome in accordance with the Rules of the Union. A person whose application is refused must be notified accordingly in writing and advised of their right of appeal to the Executive Committee.

iii. A member may resign from the Union by giving notice in writing to the Secretary of the Union at the registered office and in accordance with the provisions of Union Rule 9.

4. SECTION BRANCHES

i. Pursuant to Union Rule 49, where there are members of the Union eligible for membership of the Section, pursuant to Section Rule 3 in a Crown Prosecution Service Area they may form a branch of the Section. Any branch formed pursuant to this rule shall be known as a Section Branch for the purposes of these rules.

i. For the purposes of this rule Headquarters of the CPS shall be treated as an Area

ii. In exceptional circumstances, members in an Area may apply to the Executive Committee for variation of this rule under Rule 49 of the Union's rules.

5. BRANCH RULES

i. Each branch shall have Branch Rules for the conduct of its business, which shall incorporate the skeleton rules set out in Appendix 1 of this Constitution. Such rules and any amendments to them shall not be effective until approved by the Section Council and the Executive Committee either of whom shall have the power to require alterations in such rules. In the case of any conflict between the rules of a branch and the rules of the Union the latter shall prevail.

ii. In the event of a branch forming a sub-branch, pursuant to Union Rule 49(iv) then the rules of the sub-branch shall be firstly approved by the branch at its Annual General Meeting before being submitted to the Section Council and the Executive Committee for approval in accordance with Rule 4(i) above.

iii. Branches shall hold their Annual General meeting in January of each year.

6. SECTION COUNCIL

i. The conduct of the business of the Section and any Section Branches in being at the time shall be the responsibility of the Section Council. Save in relation to professional matters, the Section Council shall be subject to the overall control of the Executive Committee.

ii. All monies representing the funds of the Section together with any income arising therefrom shall vest in the Section Council which shall have full power to administer, apply, expend, transfer, alienate, invest or deal with the said monies and/or income for the benefit of the members for the time being of the Section.

iii. The Section Council may by resolution at a General Meeting of the Section delegate all or part of its powers under this rule to a committee of the Section Council or to a Section Official.

7. MEMBERSHIP OF SECTION COUNCIL

i. The Section Council shall consist of the Section Officers, Committee Members and accredited delegates notified by each section branch following selection in accordance with the rules of the branch concerned.

ii. Each branch shall be entitled to one delegate. Where a branch is of sufficient size additional delegates may be accredited in accord with the formula of one additional delegate for every 25 members or part thereof after the first 25 members. The number of branch members for the purpose of this rule will be the number as at the 31 December in the year preceding the election as recorded at FDA Head Office database.

iii. The President and General Secretary of the Union shall be members of the Section Council ex officio.

iv. The Section Council shall have the power to co-opt additional members to the Council for a period to be defined provided that they shall be members of the Union throughout the period of their co-option. In any event the period of co-option shall expire in accordance with the provisions of rule 8 herein.

v. The Section Council shall have the power to grant speaking rights to any person in respect of such part of a meeting of the Council as may facilitate the good conduct of the business of the Section.

8. TERM OF SECTION COUNCIL AND ACCREDITATION

i. The term of office of each elected member of the Section Council shall commence upon notification to and accreditation by the Section Secretary following the Branch Annual General Meeting and shall be effective for a period of of 12 months or the next branch Annual General Meeting, which is sooner.

ii. It shall be the responsibility of the section branches to notify the Section Secretary of the names and addresses of all those branch delegates seeking accreditation.

iii. A co-opted member of council shall serve for the specified period of their co-option or until the close of business of the next Annual General Meeting following their co-option whichever is sooner.

iv. Any member may be re-elected or have their co-option renewed.

v. Branches may vary their accredited delegates in accordance with branch rules. Any such variation must be in accordance with rule 8(i) above.

vi. Should an accredited delegate be unable to attend a meeting, a proxy may attend in their place, provided that written notification is served on the Section Secretary in advance of the meeting. Any such proxy must have been selected in accordance with the branch rules.

vii. Any branch delegate to the Section Council may be removed from office by a resolution to this effect passed by a two-thirds majority at a general meeting of their branch. It shall be the responsibility of the branch to notify the Section Secretary in writing of any such resolution.

viii. Any co-opted delegate may have their period of co-option varied or terminated by a resolution of Section Council.

ix. Accreditation as a delegate to Section Council shall be granted by the Section Secretary upon that official being satisfied that the person concerned meets the requirements as laid out in these rules.

x. Accreditation may be withdrawn by the Section Secretary either upon written notification of a resolution passed in accordance with rule 8(vi) above, or alternatively in the event of an error in accreditation.

xi. Any person aggrieved by a decision of the Section Secretary to grant, refuse or withdraw accreditation from themselves in accordance with this rule shall have the right of appeal to the next following meeting of the Section Council, whose decision shall be final.

xii. The Section Secretary shall keep a register of all accredited delegates which shall record their names, addresses, branch and date of accreditation and attendance at meetings of the Section Council. The register shall be made available for inspection to any member of the Section upon request.

9. ATTENDANCE, VOTING AND SPEAKING RIGHTS AT SECTION COUNCIL MEETINGS

i. Any member of the Section may attend at meetings of the Section Council for the purpose of observing its proceedings. The cost of such attendance shall be borne by the individual member unless Section Council shall resolve otherwise.

ii. Only persons who are either Accredited Delegates or otherwise granted speaking rights pursuant to rule 7(v) herein may speak at meetings of the Section Council.

iii. Only elected officers, elected committee members and Accredited Branch Delegates may vote on any matter before Section Council.

iv. Co-opted and ex officio delegates are not entitled to vote.

v. Each delegate entitled to vote shall have one vote on any matter before Section Council and, in the case of an equality of votes, the chair of the meeting shall have a casting vote.

vi. Voting shall be by a show of hands of those elected officers, elected committee members and accredited Delegates present at the meeting, except in respect of voting in elections where voting shall be as provided for elsewhere in these rules.

10. COUNCIL MEETINGS

i. Meetings of the Council shall be held at least once each year which will be the Annual General Meeting. The calendar of the Section meetings for the year following shall be advised to the Annual General Meeting of the Section.

ii. Thirty-three per cent of the voting members of the Council shall form a quorum.

iii. The Convenor may, or at the request in writing of twenty members of the Section Council shall, require the Section Secretary to convene a special meeting of the Council. Notice of every meeting of the Council shall be given in writing by the Section Secretary to each member of the Council at least seven days before the date of the meeting.

11. ANNUAL GENERAL MEETING

i. The Annual General Meeting of the Section Council shall be held in the first quarter of each year. It shall:

   a. receive from the Convenor a report of the preceding year;

   b. receive from the Deputy Convenor a report of the preceding year;

   c. receive from the Secretary a report for the preceding year;

   d. receive from the Assistant Secretary a report for the preceding year;

   e. receive from the Treasurer & Casework Officer a financial report for the preceding year;

   f. receive from the Equality & Diversity Officer a report for the preceding year;

   g. receive from the Health & Safety Officer a report for the preceding year;

   h. receive from the Employment Relations Officer a report for the preceding year;

   i. receive from the Union Learning Rep a report for the preceding year;

   j. receive from the Bar Council Rep a report for the preceding year;

   k. in an election year, elect the Section Officers, Section Committee and other committees and representatives to outside bodies as may be required;

   l. Appoint the FDA delegates on the Departmental Whitley Council from amongst the Section Officials and Section Committee. The seniority of the Officials for this purpose shall be Convenor, Secretary, Deputy Convenor, Treasurer and Casework Officer, other committee members. Should posts not be filled via this procedure, a Section Council member(s) may be elected;

   m. consider any motions, which may have been submitted by the branches of the Section or the Section Committee;

   n. consider any changes to these rules.

ii. It shall be the duty of the Section Secretary to notify all section branches in writing of the date of the Annual General Meeting at least 6 weeks before that date. The notice shall include a request for the election of branch delegates for the forthcoming year and shall

point out that the Section branches may submit motions for the consideration of the Annual General meeting.

iii. Any nominations or motions must be received by the Section Secretary in writing not less than 28 days before the Annual General Meeting. Amendments to any motions must be received by the Section Secretary in writing, not less than 48 hours before the time of the commencement of the Annual General meeting. If no nominations have been received in respect of any single post at the time appointed for the close of nominations then the Section Council may invite nominations from the floor or defer the election to the next meeting of the Council.

iv. Nominations for candidates to Section posts must be proposed and seconded by accredited members of the Section and contain the consent of the nominee to serve if elected. No member may propose or second more persons than there are positions falling vacant. A branch may also nominate a member by a resolution to that effect passed at a Branch General Meeting.

v. In an election year, if there shall be more than one nomination for the office of Convenor, Deputy Convenor, Secretary, Assistant Secretary, Treasurer & Casework Officer, Equality & Diversity Officer, Health & Safety Officer, Union Learning Rep, Bar Council Rep or more than 10 nominations for Section committee, a ballot will take place at the Annual General Meeting. The General Meeting shall appoint two scrutineers who will scrutinise and count the votes and declare the results to the meeting.

vi. The Section Committee may, or at the request in writing of thirty members of the Section Council shall, require the Section Secretary to convene an Extraordinary General Meeting of the Section Council. The rules as govern the conduct and powers of the Annual General Meeting shall apply to any Extraordinary General Meeting.

12. SECTION OFFICERS

i. The Section shall have a Convenor, Deputy Convenor, Secretary, Assistant Secretary, Treasurer & Casework Officer, Equality & Diversity Officer, Health & Safety Officer and Employment Relations Officer each of whom shall be elected from amongst the members of the Section at its Annual General Meeting. The election of offices shall be by secret ballot every two years, pursuant to rule 12(xi) herein. The procedure relating thereto shall be at the discretion of the chair. In the event of a dead heat, the candidates tying shall draw lots to determine the outcome.

ii. The Convenor shall be the senior Section Officer and shall preside at the Annual General Meeting and all other meetings of the Section Council and of the Section Committee. The Deputy Convenor shall deputise in the absence of the Convenor. If both are absent at any meeting, the members present shall choose one of their number to preside.

iii. The Deputy Convenor shall deputise for the Convenor.

iv. The Secretary shall be responsible for ensuring that a record is made of the business of the Annual General Meeting, all other meetings of the Section Council and Section Committee and for conducting correspondence. The Secretary shall be responsible for all operational issues.

v. The Assistant Secretary shall be responsible for assisting with the business of the Annual General Meeting and other meeting of the Section Council and Section Comm and the

conduct of correspondence. The Assistant Secretary shall be responsible for assisting with all operational issues.

vi. The Section Treasurer & Casework Officer shall receive from the Treasurer of the Union a sum in respect of each paid up member at a rate agreed from time to time. It shall be the duty of the Section Treasurer to keep proper accounting records of the sums so received and to prepare such financial statements in respect of the said sums as the Executive Committee and/or Section Council shall require. Accounts in respect of the sums so received shall be audited annually by the Auditors of the Union.

vii. The Section Treasurer & Casework Officer may meet from the funds, received pursuant to (v) above, the expenses of the Section which shall include any sums expended on the following:

a. Honoraria voted by the Council;

b. expense incurred by members travelling to meetings of the Section Council, Section Committee or other meetings or functions deemed to be necessary for the facilitation of the Section's objectives;

c. expenditure reasonably incurred by a section branch in the exercise of its function;

d. expense of delegates from the section to any delegate conference of the Union;

e. expenses incurred in conducting ballots or polls.

The Section Council may authorise the Treasurer & Casework Officer to meet such other expenses as are not provided for in this rule. The Section Council may delegate all or part of its powers to authorise expenditure to the Section Committee or to a Section Official as it shall see fit. Such delegation of its powers shall cease at the opening of business at the Annual General Meeting following such a decision to delegate.

viii. The Treasurer & Casework Officer shall be responsible for overseeing the conduct of personal casework within the Section and Branch organisation.

ix. The Equality & Diversity Officer shall be responsible for equality and diversity matters concerning the Section and its members and will lead for the CPS Section of the FDA in its dealings with the Departmental Trade Union Side and the Department.

x. The Health & Safety Officer shall be responsible for health and safety matters concerning the Section and its members and will lead for the CPS Section of the FDA in its dealings with Departmental Trade Union Side and the Department.

xi. The Employment Relations Officer will be responsible for matters regarding employment relations that concern the section and its members (save for those in which responsibility is specifically covered by the Section Constitution or are otherwise allocated by the Section Committee) and will lead for the section in dealings with the Department and the DTUS.

xii. The above Section Officers, Section Committee, Section Union Learning Representative and Section Bar Council Representative shall be elected to hold office for a two year term at the Annual General Meeting held in an even year until the close of business at the next Annual General Meeting held in an even year or, if elected to fill a vacancy, until the close of business at the next Annual General Meeting falling in an even year. There will be no elections for these posts in Annual General Meetings held in an odd year except in any

circumstance in which a vacancy has arisen. In this rule "odd years" refers to years whose number is odd (e.g. 2015) and "even years" to years whose number is even (e.g.2016).

xiii. Any Section officer may be removed from office by a resolution to this effect passed by a two-thirds majority of those present at a Section Council meeting.

xiv. In the event of a casual vacancy for any of the above officers, the Council may elect another member of the section to complete the unfinished term.

xv. The conduct of the affairs between Section Committee meetings may be carried out by the Section Officers, as directed by Section Committee or Section Council, who shall be accountable to the Section Committee for their actions.

13. SECTION REPRESENTATIVES

i. The Union Learning Representative shall be responsible for learning and staff development matters concerning the Section and its members and will lead for the CPS Section of the FDA in its dealings with Departmental Trade Union Side and the Department.

ii. The Bar Council Representative shall be responsible for representing the Section on the Bar Council.

iii. The Law Society Representative shall be responsible for representing the Section on the Law Society Council.

14. SECTION COMMITTEE

i. The conduct of the affairs of the Section between meetings of the Section Council shall be the responsibility of a Section Committee, which shall be accountable to the Section Council for its actions.

ii. The Section Committee shall consist of the Section Officers and 10 Committee members and the Section Union Learning Representative and Bar Council Representative

In the event that none of the 10 committee members comes from the London branch, the London branch may nominate one additional Committee member from that branch.

iii. Section Committee members shall be elected by Section Council and any such election shall be by secret ballot. The procedure relating thereto shall be at the discretion of the chair. In the event of an equality, the tying candidates will draw lots to determine the outcome.

iv. In the event of a vacancy arising it shall be filled as follows: -

- If there had been a surplus of candidates for the original positions the person highest on the list of unsuccessful candidates, who consents to accept the post, shall fill the vacancy.
- If there is not a surplus of candidates, then nomination will be sought by the Section Secretary for an election at the next Section Council to be held in accordance with 11(iv) and 14(iii)
- If the vacancy arises within a month preceding a meeting of Section Council, nominations will be sought by the Section Secretary and an election shall take place at that Council meeting in accordance with 11(iv) and 14(iii).

v. The Section Committee shall, at its first meeting following the Annual General Meeting, allocate duties to each member of the committee as shall facilitate the good conduct of

the Section's affairs. The Section Officers and Section Committee may seek assistance in the performance of their duties from any member of the Section subject to the approval of Section Committee.

vi. The Council may appoint, from among the members of the section, such other committees of Council as it may deem necessary or expedient. These committees shall act in accordance with directions given by the Council. Any Committee of Council may appoint from among its members such sub-committees as it shall deem necessary or expedient. Such sub-committees shall act in accordance with directions given by the Committee to which it reports.

15. SAVING CLAUSE

i. The proceedings of the Council shall not be invalidated by any inadvertent omission to give any member or members a notice required by these section rules, or by any vacancy among or defect in the qualifications or appointment of the members of the Council or in the qualification or admission of any personal to be a member of the Section or to vote.

16. DELEGATES – ANNUAL DELEGATE CONFERENCE

i. Each Section Branch is entitled to send delegate(s) to the Union’s Annual Delegate Conference as per the Union’s rule 35.

17. NOMINATIONS FOR THE EXECUTIVE COMMITTEE

i. Section Council may, by a resolution nominate a member of the Section for any Section vacancy on the Union’s Executive Committee.

18. RULES

i. These section rules are to be read in amplification of the Union's rules and in any case of conflict the Union's rules shall prevail. These section rules may only be changed by a resolution passed by a two-thirds majority at a Delegate Conference of the Union after first having been passed by a two-thirds majority of the Annual General Meeting of the section.

B. CULTURE SECTION RULES

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OBJECTS

1. The objects of the Section shall be to represent and further the interests of members of the FDA who work in national museums, galleries, libraries and record offices, as regards their careers, conditions of service and matters of common concern, in accordance with the rules of the union. It shall function as a Section of the union in accordance with Rule 58 with delegated power to deal with all questions concerning the national museums, galleries, libraries and record offices employing members with curatorial responsibilities.

MEMBERSHIP

2. Membership of the Section shall be open to all those who work in national museums, galleries, libraries and record offices and who are represented by the union.
3. A member may resign from the union by giving notice in writing to the General Secretary of the union at the registered office.

SECTION COUNCIL

4. The Section Council shall be responsible for the conduct of the affairs of the Section and for the funds of the Section. Save in relation to professional matters the Council shall be subject to the overall control of the Executive Committee.
5. The Council shall hold an Annual General Meeting in the months of April or May.
6. At least 21 days' notice of the Annual General Meeting shall be given by the Secretary to each Branch entitled to be represented, to each individual member not a member of a branch, or to the representative of any group of members not organised into a branch reported to the Secretary as provided by Rule 12. Such notice shall include an invitation to voting representatives for nominations for the Council's Honorary Officers which are to be sent to the Secretary in writing. Persons being nominated must be proposed and seconded by members of the union who work in national museums, galleries, libraries and record offices and must give their consent to nominations in writing. In the event of there being more than one nomination for any post or Officer, the details of such nominations shall be notified to voting representatives of the Council at least seven days before the Annual General Meeting.
7. Other meetings of the Council may be held at the discretion of the Officers, or at the request of at least three branches. Fourteen days' notice in writing shall be given by the Secretary of such meetings.

8. The quorum of the Council shall be six voting members together with either the Convenor or the Secretary.

9. Votes at meetings of the Council may be exercised by a show of hands or by the marking of a slip. Votes shall be exercised by voting representatives of branches, or other representatives of groups of members as provided by Rule 6 above, in accordance with the following table:

1 - 15	paid up members	1 vote
16 - 30	paid up members	2 votes
31 - 45	paid up members	3 votes
45 or more	paid up members	4 votes

The Convenor, or if absent the Deputy Convenor, may vote only in the event of a tie.

10. The Council shall comprise the honorary officers, together with a representative of each branch of the union including members who work in national museums, galleries, libraries and record offices represented by the union under its Rule 4(i)d.

11. The branch representatives shall be voting members of the Council with votes exercisable according to Rule 9. Additional representatives of branches, individual members who work in national museums, galleries, libraries and record offices where there is no branch, or representatives of such members not formally organised into branches, may attend meetings of the Council but shall not be voting members in the circumstances provided for by Rule 12 below.

12. Individual members, or unorganised groups of members, may associate themselves into bodies of at least five members, and having reported such association to the Secretary of the Council, may send representatives to meetings of the Council who shall have the same rights, including voting, as representatives of formally organised branches.

SECTION OFFICERS

13. The section shall have a Convenor and a Deputy Convenor, each of whom shall be elected at the Annual General Meeting of the Council. The Convenor shall preside at the Annual General Meeting and at any Special General Meeting. The Deputy Convenor shall deputise for the Chairman in his absence. If both be absent from any meeting, the members present shall choose one of the number to chair that meeting. Either of the above officials may be removed from office by a two-thirds majority of those members present at a Special Meeting of the Council.

14. The Section shall also have a Secretary and Assistant Secretary, both of whom shall be appointed by the Section Council at its Annual General Meeting. The Secretary shall be responsible for recording the business of the Annual General Meeting, any Special General Meetings and meetings of the Section Council and for conducting correspondence and representing the Section as a voting member on the Executive Committee appointed in accordance with Rule 30. The Assistant Secretary shall assist the Secretary in his duties

and deputise if absent. A Treasurer shall be elected by the Council from among its voting members, who shall be responsible for keeping accounts of the Section's expenditure, for receiving from the Honorary Treasurer of the union any sums of money provided for the conduct of the Section's business and for preparing such statements in respect of such sums as the union's Executive Committee may require. The Secretary, Treasurer and the Assistant Secretary may be removed from office if a resolution to this effect is passed by a two-thirds majority of those present at a meeting of the Council.

15. The above officials shall hold office until the next meeting of the Section Council after the Annual General Meeting.
16. In the event of a casual vacancy for any of the above officials the Council may appoint another member of the Council to complete the unfinished term.
17. In each Department where there are Section members, these shall, if there are 10 or more members be a Branch of the Section which shall function in accordance with Rules 50-57 of the union. If there are less than 10 members, the branch shall elect each year from among its membership a Convenor who shall be responsible for the conduct of the Division of the Branch.
18. These Rules may be amended at any meetings of the Council by the vote of two thirds of the votes cast. Notice of any amendment proposed to the Rules must be delivered to the Secretary at least thirty days before any meeting and notified to the voting members at least twenty-one days before that meeting. No amendment to the Rules shall come into force until approved by the Executive Committee.
19. These Rules are to be read in conjunction with the Rules of the union and in the event of any conflict, the Rules of the union are to prevail.

C. EDUCATION SCOTLAND SECTION RULES

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OBJECTIVES

1. The objectives of the FDA Education Scotland Section (hereafter referred to as 'the Section') shall be to represent and further the interests of members in Education Scotland as regards their conditions of service, professional development and matters of concern in accordance with the Rules of the FDA.

MEMBERSHIP

2. Membership of the Section shall be open to all employees of Education Scotland who meet the membership criteria of the FDA. Any member who leaves Education Scotland shall cease to be a member of this Section.
3. A member may resign from the FDA by giving notice in writing to the Section Treasurer or to the General Secretary of the union at the registered head office and, if paying the union subscription by deduction from salary, must also request the paying authority to cease making such deductions.

SECTION COMMITTEE

4. The Section Committee shall include a Convenor, a Secretary and seven elected members, one of whom shall act as Treasurer of the Section. The duties of remaining elected members will be determined by the Section Committee. Each term of office shall commence at an agreed date following the Annual General Meeting which will normally be held in February.

5. The Convenor and Secretary shall each be elected for a period of two years. The Convener and Secretary shall be eligible for re-election. The Convenor, Secretary and Treasurer shall carry out the duties as specified in the appendix to these Section rules.
6. Each elected member of the Section Committee shall be elected for a period of two years. Each year, two of the elected members of the Section Committee shall retire from office. They shall be eligible for re-election.
7. Four weeks before the AGM, the secretary shall send out notice of the AGM along with a call for nominations to any posts becoming vacant. Nominations shall be made by a proposer and seconder and include the consent of the member nominated to serve if elected. Nominations should be sent to the Secretary two weeks prior to the AGM. Where the number of nominations exceeds the number of vacancies available, the Section shall vote on the nominations at the AGM. If the number of nominations does not exceed the number of vacancies, those nominated will be duly appointed to the relevant vacancy at the AGM.
8. In the event of a casual vacancy occurring for either a Convenor, Secretary or elected member, the Section Committee will go to the membership for an off-cycle election to the vacant posts. Nominations shall be made by a proposer and seconder and include the consent of the member nominated to serve if elected. Nominations should be sent to the Secretary within two weeks of the call for nominations. Where the number of nominations exceeds the number of vacancies available, the Secretary, or Convener should there be a vacancy for Secretary, shall undertake a ballot. Members shall be allowed seven days in which to cast their votes. The Secretary or Convener shall be responsible for scrutinising and counting the votes and declaring the result and this shall take place within one month of the call for nominations. If the number of nominations does not exceed the number of vacancies, those nominated will be duly appointed to the relevant vacancy.
9. The Section Committee may determine its own rules of procedure. At meetings of the Section Committee, each member shall have one vote.
10. The Section Committee, once established, shall meet as its Convenor or it decides. All members of the Section Committee shall receive at least three days' notice of such meetings. It shall be the responsibility of the Section Secretary to advise Section Committee members of such meetings.
11. The Section Committee shall be responsible for conducting the business of the Section. It shall be responsible for the correct administration of the Section Fund.
12. The Section Committee may co-opt up to two members of the union in addition to those elected at the AGM.

ANNUAL REPORT

13. It is the duty of the Section Committee to issue an Annual Report of its activities to all Section members each year. This Annual Report shall cover the preceding business year and shall be issued no later than the AGM each year. The Annual Report shall contain, inter alia, an audited Statement of Accounts of the Section for the last business year in relation to the fund.

FUNDS

14. The Section Treasurer shall receive from the Treasurer of the union a sum in respect of each paid up member at a rate agreed by the National Executive periodically. It shall be the duty of the Section Treasurer to keep proper accounting records of the sums so received and to prepare such financial statements in respect of the said sums as the Executive and/or Section Committee shall require. Accounts in respect of the sums so received shall be audited annually by the auditors of the union.
15. The Section Treasurer may meet from the funds received under Section Rule 14 above all the expenses of the Section Committee, including:
    a. the expenses of organising any ballot required by the union;
    b. the expenses of delegates from the Section attending the Annual Delegate Conference of the union or any Special Delegate Conference of the union;
    c. the expenses of Section Committee members attending training to support them to carry out their union duties;
    d. legal and other expenses accrued as a result of casework on behalf of a member of the Section; and
    e. other ad hoc expenses as agreed appropriate by the Section Committee.

Two auditors will be appointed by the AGM to audit the Section finances annually. These auditors will be qualified accountants who are in no way connected with the Section or the union.

MEETINGS

16. Each year, the Section Committee shall call a General Meeting of all members of the Section. This Annual General Meeting will consider the Annual Report of the Section Committee and any other matter of concern to Section members. Members will receive at least four weeks written notice of the time and place of the Annual General Meeting. It shall be the duty of the Section Secretary to see that Section members receive such notice. The quorum of this meeting shall be one third of the Section members. Each member present at this meeting will have one vote on any motions or proposals put forward.
17. From time to time the Section Committee shall call a meeting of all members of the Section. These meetings will provide opportunities for members to hear about the work of the Section Committee, to ask questions and raise issues of concern.

DELEGATES

18. Delegates to the Annual Delegate Conference or any Special Delegate Conference of the union shall be appointed by the Section Committee.

RULES

19. These Section Rules are to be read in conjunction with the union's Rules; and, in any case of conflict, the union's Rules shall prevail. These Section Rules may only be changed by a resolution passed by a two-thirds majority in a ballot of Section members.

20. Until a Section Committee is elected in accordance with these Section Rules, all persons holding office as members of the Section Committee of Education Scotland at the date of registration of the instrument of transfer shall continue in office and shall discharge all the duties and perform all the functions which are by these Rules entrusted to the Section Committee.

COMPLAINTS

21. Any complaints about the conduct or decisions of the Section Committee should be sent in writing to the Section Convener. All complaints will be acknowledged with three working days and responded to within 14 working days from receipt.
22. The Section Committee will aim to resolve complaints directly with the complainant and to ensure good relations are maintained. Any complaints that cannot be resolved within the Section shall be referred to the Executive Committee either by the Section Committee or by the complainant.
23. Section members reserve the right to refer any complaints directly to the General Secretary of the union.

EDUCATION SCOTLAND SECTION COMMITTEE

Roles and Responsibilities

Section Convenor

The Convenor facilitates Section Committee meetings and full annual Section meetings of the membership, and will act as senior negotiator to resolve difficulties and disputes regarding conditions of service on behalf of FDA members. The Convenor is the key point of contact for senior managers. The main duties of the post also include:

- chairing all meetings of the Section and Section Committee, agreeing the agenda for meetings with the Secretary and making sure that business is properly conducted in line with the Section Rules (2018);
- advising members serving on the Section Committee on procedure and rules;
- making sure all functions of the Section are carried out in line with advice from the National Section officer of the FDA;
- attending (and/or nominating person(s) to attend) the FDA's Annual Delegate Conference and agreeing any motions to be raised with the membership;
- managing the delegation of work to other members of the Section Committee as appropriate, while providing support and guidance;
- communicating with the wider union, including other branches within the Scottish Government, on behalf of the Section;
- promoting the interest and wellbeing of all FDA members within Education Scotland; and
- working closely with the Secretary and other officers to provide leadership to the Section.

Section Secretary

The Secretary handles Section administration and works with the Convenor and other leading officers to provide leadership. S/he may also act as senior negotiator supporting the work of the Convenor.

The main duties of the post also include:

- encouraging partnership working within the Section Committee and with management;
- making sure the representation of members within the Section is in accordance with national guidance and in partnership with FDA central team;
- convening and attending the majority of meetings of the Section and Section Committee and making sure proper minutes are kept and circulated;
- making sure Section records are kept in a proper manner;
- making sure there is regular communication with Section members;
- making sure that Section members are aware of opportunities to take part in the activities of the wider union, including professional learning opportunities if appropriate;
- supporting, mentoring and encouraging members in the Section on an individual and collective basis; supporting all Section negotiations and industrial relations matters; and
- leading the Section Committee in making sure that the Section observes the agreed rules and supports FDA's national programmes (when appropriate) and ensures the Section is provided with opportunities to access professional learning opportunities.

Section Treasurer

Responsible for managing Section finances, including keeping accounts.

The main responsibilities of Section treasurer include:

- keeping accounts in accordance with the Section Rules (2018);
- identifying costs for defined areas of activities such as welfare, travel and training;
- providing updates on the financial position of the Section to the Section Committee or Section Executive Committee;
- providing a financial report for the annual Section meeting(s); and
- advising the Section officers and Section Committee on matters relating to financial management and appropriate expenditure.

D. LEGAL SECTION (LAWYERS NETWORK) RULES

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NAME AND OBJECTS

1. The Section shall be known as the Lawyers' Network and its objects shall be to represent and further the interest of lawyer members as regards their careers and matters of common concern in accordance with the Rules of the union. The Lawyers' Network shall be solely responsible for professional matters concerning members of the Legal Class.

MEMBERSHIP

2. Membership of the Lawyers' Network shall consist of all members of the union who are members of the Legal Class, as defined by Rule 25 of these rules.

LAWYERS' NETWORK OFFICERS

3. The Lawyers' Network shall have a Convenor and a Secretary, both of whom shall be elected at the Annual General Meeting of the Lawyers' Network.
4. The Convenor shall preside at the Annual General Meeting of the Lawyers' Network, at any Special General Meeting and at all meetings of the Committee.
5. If the Convenor is absent from any meeting, the members present shall choose one of their number to be Chair of that meeting.

6. The Secretary shall be responsible for recording the business of the Annual General Meeting, any Special General Meeting and Meetings of the Committee and, in liaison with the Convenor, for conducting correspondence.
7. Either of the above officers may be removed from office by a two-thirds majority of those members present at a Special General Meeting of the Lawyers' Network.

LAWYERS' NETWORK COMMITTEE

8. The Annual General Meeting shall appoint from among their number a Lawyers' Network Committee ("the Committee"), which shall have the power to co-opt other members with the power to vote. The Committee shall consist of
    a. the Convenor and Secretary;
    b. the constituency members of the Legal Class elected to the Executive Committee of the union under Rules 14(a) and (c)(vi) of the union's Rules;
    c. any member of the union who is a member of the Legal Class who is elected a member of the Bar Council or of the Law Society, unless the Committee otherwise resolves; and
    d. not more than 9 other members of the union who are members of the Legal Class selected by that Meeting.
9. Any member of the Lawyers' Network Committee elected under rule 8(b), (c) or (d) may be removed from it if a resolution to this effect is carried by a two-thirds majority at a General Meeting.
10. The functions of the Committee shall be to carry on day-to-day management of the affairs of the Lawyers' Network, to make recommendations to the Lawyers' Network and to carry out all other duties delegated to it by the Lawyers' Network. The Committee has authority to act on behalf of the Lawyers' Network.
11. The Committee shall meet as the Convenor (see Lawyers' Network Rule 4) or the Secretary (see Lawyers' Network Rule 6) may decide. Notice of every meeting of the Committee shall be given by the Secretary to each member of the Committee at least 5 days before the date of the meeting.
12. Every member of the Committee present at a meeting of the Committee shall be entitled to one vote upon every motion and, in the case of an equality of votes, the Chair of the meeting shall have a second or casting vote.
13. The Committee may appoint, from among the members of the Lawyers' Network, such other Committees or Groups as they may deem necessary or expedient. These Committees or Groups shall act in accordance with directions given by a general meeting of the Lawyers' Network or the Committee and shall have the power to co-opt other Lawyers' Network members with the power to vote.

ANNUAL GENERAL MEETING

14. The Annual General Meeting of the Lawyers' Network shall be held each year at a time and place to be fixed by the Committee, except that it shall not be more than 14 months after the last such Annual General Meeting. It shall:
    a. appoint a Convenor, Secretary and Lawyers' Network Committee; and

b. consider any resolutions which may have been submitted by members of the Lawyers' Network.

15. It shall be the duty of the Secretary to secure that all Lawyers' Network Members are notified of the date of the Annual General Meeting at least 21 days before that date. The notice shall include a request for nominations from among the Lawyers' Network membership for the positions of Convenor and Secretary and shall point out that Lawyers' Network members may submit resolutions for consideration at the Annual General Meeting. Any nominations or resolutions must be received by the Secretary in writing not less than 14 days before the Annual General Meeting. Amendments to any resolutions must be received by the Secretary in writing not less than 48 hours before the time of the commencement of the Annual General Meeting.

SPECIAL GENERAL MEETING

16. A Special General Meeting of the Lawyers' Network shall be held whenever the Committee may think expedient, or upon a request in writing delivered to the Secretary signed by 30 Lawyers' Network members and stating the purposes for which the meeting is required.

PROCEEDINGS AT GENERAL MEETINGS

17. At least 7 days before each Annual General Meeting and any Special General Meeting the Secretary shall send to every Lawyers' Network member a notice of such a meeting, setting forth in detail the business to be transacted thereat and any amendments received by the Secretary. No resolution other than that set out in the notice shall be brought forward at such a meeting, except by the consent of two-thirds of the members present at the meeting.

18. Every Lawyers' Network member present shall be entitled to one vote, upon every motion, which shall be exercisable by a show of hands or the marking of a voting slip. In the case of an equality of votes upon any motion, the Chair of the meeting shall have a second or casting vote. The quorum at all General Meetings shall be 15.

19. If there shall be more than:

    a. one nomination for the office of Convenor or Secretary; or

    b. nine nominations for the committee posts specified in rule 8(d);

    a secret ballot shall take place at a General Meeting.

SAVING CLAUSE

20. The proceedings of the Committee or of any General Meeting shall not be invalidated by an inadvertent omission to give to any member or members a notice required by these Lawyers' Network Rules, or by any vacancy among, or defect in, the qualifications or appointment of the members of the Committee or in the qualification of any person to be a member of the Lawyers' Network, or to vote.

21. The Honorary Treasurer of the union shall act as Treasurer of the Lawyers' Network and the sum of 75pence in respect of each Lawyers' Network member shall be available from the union's funds to defray the expenses of the Lawyers' Network.

22. The expenses of the Lawyers' Network shall include any sums expended on the following:

a. honoraria voted by a General Meeting or the Committee;

b. expenses incurred by members in travelling to Committee meetings;

c. expenses incurred in the exercise of the functions of the Lawyers' Network; and

d. expenses incurred in conducting ballots or polls.

RULES

23. These Lawyers' Network Rules may only be changed by a resolution passed by a two-thirds majority at a Delegate Conference of the union after first having been passed by a two-thirds majority at –

    a. the Annual General Meeting of the Lawyers' Network; or

    b. Special General Meeting of the Lawyers' Network summoned for that purpose;

    c. and, for the purposes of this Rule, the Lawyers' Network shall have power to put such resolutions before a Delegate Conference where they may be moved by any member of the Legal Class who is a delegate to that Delegate Conference.

TRANSITIONAL

24. Until such time as the first AGM of the network is held (such date to be no later than 12 months after the coming into effect of this rule) the Officers and Committee of the legal network elected at an AGM of the Legal Section, prior to the coming into effect of this rule, shall remain in office as if they had been elected by a duly constituted Annual General Meeting of the Lawyers' Network held pursuant to rule 14.

INTERPRETATION

25. In these Lawyers' Network Rules, the expression "member of the Legal Class" includes FDA members who are lawyers (who are not members of another section of the union) and who are in grades at or above that of Legal Trainee or equivalent, other lawyers who are public servants admissible to membership of the union under Rule 4(c) of the union, and those ARC members covered by Rule 5 (b) of the union's rules."

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INTERPRETATION

The Section Rules shall be read in amplification of the FDA's Rules and in any case of conflict or doubt, the FDA's Rules shall prevail.

1. OBJECTS

1.1 The objects of the Section shall be to represent and further the interests of its members.

2. MEMBERSHIP

2.1 Membership of the Section shall be open to serving officers in the Northern Ireland Civil Service (including those on attachment or secondment to UK Departments or statutory bodies) in grades equivalent to those eligible for membership of the Association. Membership shall also be open to serving officers of equivalent grades in other groups of civil or public servants in Northern Ireland, at the discretion of the Committee.

2.2 Application for membership shall be made on the form prescribed by the Association and in accordance with guidelines issued by the Executive Committee of the Association.

3. MEMBERSHIP OF COMMITTEE

3.1 The Committee shall consist of office bearers elected in accordance with Rule 4 and representatives elected in accordance with Rule 5, together with any persons co-opted under Rules 5.3 and 7.1.

3.2 The Committee in its entirety shall not exceed 16 members.

4. OFFICE BEARERS

4.1 The Section shall have a Convenor, a Secretary and a Treasurer who shall each be a member of the Section.

Role of the Convenor

4.2 The Convenor will be responsible for chairing all meetings of the Section Committee. In his/her absence, the Committee may elect any other member of the Committee to preside at that meeting of the Committee.

4.3 The Convenor will ensure the implementation of the decisions of the Committee. The Convenor will represent the views of the Committee in any circumstance where s/he acts in that capacity.

Role of the Secretary

4.4 The Secretary shall maintain a record of all business transacted by the Section. S/He will arrange for a minute of each meeting of the Section Committee to be tabled for agreement by members at the next subsequent meeting. No further business of the Committee may be transacted until such a minute of the previous meeting has been agreed.

Role of the Treasurer

4.5 It shall be the duty of the Treasurer to keep proper accounting records of the sums received from the Association and of all other financial transactions and to prepare such financial statements as the Association and/or Committee shall require.

Officers of the Section

4.6 Each year at least 4 weeks before the Annual General Meeting, the Secretary shall issue a notice to all members of the Section calling for nominations from among the membership for the offices of Convenor, Secretary and Treasurer. Nominations shall be made to the Secretary in writing by 2 members of the Section and shall be accompanied by the written agreement of the member nominated to serve. Nominations shall be with the Secretary by the requested date, which will be not less than 3 weeks before the day of the Annual General Meeting.

4.7 Where two or more nominations are received for an office, an election shall be conducted via ballot of members, concluding at least five working days in advance of the Annual General Meeting. Such an election shall be conducted by the Convenor, save for the post itself where the election shall be conducted by a member other than one holding or seeking office.

4.8 All office bearers shall assume office immediately on election.

4.9 All office bearers shall serve until the next Annual General Meeting and shall be eligible for re-election.

4.10 A vacancy in the office bearers arising from death, retirement, resignation or any other cause between Annual General meetings shall be filled by the appointment of a member of the Section by the Committee.

4.11 Office bearers may not be removed from office other than by a resolution supported by at least two thirds of the members attending a Special General Meeting for that purpose.

5. BRANCH REPS

5.1 The Section Committee shall include representatives of branches (as defined in the Annex) elected by the members serving in the branches concerned, in the ratio of one representative for each branch. Where any position on the Committee is vacant, it may be filled by any other member of the Section elected at the Annual General Meeting.

5.2 Elections to represent each branch shall be held at least three weeks prior to the Annual General Meeting and shall be conducted by the Secretary.

5.3 A vacancy on the Section Committee during the year, including for an office-bearer's post, may be filled by co-option.

Role of the representative of each membership group

5.4 Each member of the Committee elected by a membership group will be responsible for keeping the other members of that group informed about the decision of the Committee and for consulting those members in respect of any policy decisions to be taken by the Committee.

5.5 A member representing a membership group should make arrangements for the nomination of a member of that group to serve on the Committee in advance of the Annual General Meeting of the Northern Ireland Section.

6. REPRESENTATION ON THE EXECUTIVE COMMITTEE OF THE ASSOCIATION

6.1 Should a member of the Section other than a member of the Section Committee be elected to the Executive Committee of the Association, he/she shall become an ex-officio member of the Section Committee forthwith.

7. POWERS OF COMMITTEE

7.1 In addition to the membership prescribed in Rules 5-6 the Committee shall have power to co-opt such other member or members as it thinks fit, such co-option requiring the approval of 75% of the membership of the Committee.

7.2 The Committee may appoint up to three additional officers, but no more than one from any one branch.

7.3 The remuneration of persons engaged to assist the Committee shall be determined by the Committee.

7.4 Except as otherwise provided in the Rules of the Association or Section, the Committee shall have power to take whatever action it considers necessary in the interests of the Section.

Establishment of sub-committees

7.5 The committee may appoint sub-committees to take forward aspects of its work. Any sub-committee must have a specific remit, a defined period of operation and must compromise at least four members.

8. CONDUCT OF COMMITTEE BUSINESS

8.1 The quorum for meetings of the Committee shall be 5, of whom at least one shall be an office bearer.

8.2 At any meeting of the Committee, members shall each have one vote. In the event of a vote ending in a tie, the Convenor or the person acting for him/her may exercise a casting vote.

9. GENERAL MEETINGS

9.1 The Annual General Meeting of the Section shall be held within the first quarter of each calendar year.

9.2 The Committee may convene a Special General Meeting at any time if it considers such a meeting to be in the interests of the Section.

9.3 The Committee must convene a Special General Meeting on the written request of not less than 20% of the membership of the Section and within a month of receipt of the requisition. Such a requisition shall be made to the Secretary and shall state the purpose of the meeting.

9.4 Save in exceptional circumstances, members shall receive at least one week's notice of the holding of an Annual or Special General Meeting and the agenda for such meetings.

9.5 The quorum for a General Meeting shall be 25, of whom at least one must be an office bearer.

9.6 At any General Meeting, only matters included on the agenda may be discussed. Where the agenda includes the item "Any Other Business", such business may be discussed at the direction of the Convenor.

9.7 At any General Meeting, members shall each have one vote. In the event of a tie, the Convenor or the person acting for him/her may exercise a casting vote.

10. ANNUAL REPORT

10.1 A report by the Committee on its activities during the year, and including a financial statement for the year ending on the preceding 31 December, shall be circulated to members at least one week before the Annual General Meeting for consideration at that meeting.

11. FUNDS

11.1 The amounts payable from time to time from the Association to the Section shall be as determined by the Annual Delegate Conference of the Association.

11.2 The Committee may meet from the funds of the Section all the expenses of the Committee including the expenses of organising a postal ballot under Rule 66 of the Association.

11.3 All monies forming the funds of the Section together with any income shall vest in the Committee which shall have full power to administer, apply, expend, transfer, alienate, invest or deal with the said monies and/or income for the benefit of the members for the time being of the Section.

11.4 Accounts in respect of the Section funds shall be audited annually by an auditor appointed at the Annual General Meeting, and, if required, by the Auditors of the Association.

12. ALTERATION OF RULES

12.1 These Rules may only be changed by a resolution passed by a two-thirds majority at the Delegate Conference of the Association after first having been passed by a two-thirds majority of votes cast in a ballot of Section Members.

ANNEX

Membership Groups are defined as follows:

1 The Executive Office

2 Department of Health

3 Department of Finance

4 Department of Agriculture, Environment and Rural Affairs

5 Department for Communities

6 Department for Infrastructure

7 Department for the Economy

8 Department of Justice

9 Department of Education

10 Public Prosecution Service

F. OFSTED SECTION RULES

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1. OBJECTS

1.1 These rules are to be read in amplification of FDA rules and in any case of conflict or silence on any issue, FDA rules shall have precedence.

1.2 The section of FDA for the Office for Standards in Education, Children's Services and Skills (Ofsted) shall be called the Ofsted Section (OS).

1.3 The objects of the Section shall be to represent and further the interests of members in the Ofsted as regards their careers, conditions of service and matters of common concern in accordance with the rules of FDA. The Section shall be responsible for all professional matters concerning members of Ofsted and will provide a forum for discussion and for the formulation and execution of policy and machinery for negotiation with Ofsted.

2. MEMBERSHIP

2.1 Membership of the OS shall be open to all employees in Ofsted who meet the membership criteria of FDA. Any member who leaves Ofsted shall cease to be a member of the OS.

2.2 Applications for membership shall be submitted to the General Secretary at the registered office of FDA who shall determine the applications in accordance with the rules of FDA. In case of doubt the General Secretary may refer an application to the Section Committee for determination. A person whose application is refused must be notified accordingly in writing and advised of their right of appeal to the Executive Committee.

2.3 A member may resign from FDA by giving notice in writing to the General Secretary at the registered office of FDA.

2.4 Any member of the OS who moves to another Government Department or like body on temporary secondment shall remain a member of the OS.

3. INTERNAL STRUCTURE

3.1 The day-to-day business of the OS shall be managed by the OS committee. The OS Committee will be elected as follows: From amongst all Ofsted members; three members to act as convenor (two members working jointly) and treasurer/secretary. The joint Convenors must come from two different constituencies. From amongst the relevant members of Ofsted, six further members to each represent the constituent groups within Ofsted of Education (2 members), Learning and Skills, Social Care and Early Years, Band A/PO and Senior HMI. All representatives will serve for a period of three years from the 1st of September in the year in which they are elected.

3.2 Section Committee shall publish in May to the membership, prior to re-election dates, a notice calling for nominations from among the membership. Such nominations will be made in writing to the deputy convenor by at least two members entitled to vote and accompanied by the written agreement of the member nominated to serve.

3.3 The Secretary shall specify a date by which nominations must be received and this date shall be at least 21 days after the date of notice calling for nominations. Where more than one nomination is made the Secretary shall arrange for FDA HQ to issue an electronic ballot. Members shall be allowed at least 21 days in which to cast their vote following the issue of the ballot. Section Committee is responsible for appointing scrutineers, and the Secretary shall be responsible for declaring the results no later than August 31st.

3.4 The elected members with the highest votes in each category will serve for a period of three years from September 1st. Members may serve continuous periods on Section Committee.

3.5 An elected member who leaves Ofsted shall retire from elective membership of Section Committee. The Section Committee may then co-opt another member from the membership of Ofsted to serve until the end of the period of election in question. Where possible the co-opted member should represent the category of membership which the previous member represented.

3.6 The Section Committee may determine its own rules of procedure. At meetings of Section Committee each elected member shall have one vote.

3.7 The Section Committee may co-opt up to three members of FDA employed in Ofsted. All co-options under this rule shall be for one year or less and cease on 31st August each year. The Section Committee may also co-opt one retired member of Ofsted to serve on Section Committee for a period of two years or less and cease on 31st August each alternate year.

3.8 Any elected member of the Section Committee may be removed by the passing of a resolution to this effect at a meeting of Section Committee. To be passed such a resolution shall require a two-thirds majority of those present. Any member appointed to Convenor or Deputy Convenor may be removed from office if a resolution to this effect is passed by a two-thirds majority of elected members of the committee.

3.9 The Section Committee shall meet as its Convenor or it decides. All members of Section Committee shall receive at least fourteen days notice of such meetings. It shall be the responsibility of the Convenor to advise Section Committee of such meetings.

4. FINANCES

4.1 It shall be the duty of the treasurer to report to members on its activities at least once each year. The report shall contain, inter alia, accounts for the last financial year in relation to the funds and/or income specified in the rules of the FDA.

4.2 The OS treasurer shall receive from the Treasurer of FDA a sum in respect of each paid up member at a rate agreed to from time to time. It shall be the duty of the said treasurer to keep proper accounting records of the sums so received and to prepare such financial statements as FDA's Executive Committee and/or Section Committee shall require. Accounts in respect of the sums so received shall be audited annually by such chartered accountants decided on by the OS committee.

4.3 The treasurer may meet from the funds received all the expenses of the Section Committee including:

- The expenses of organising a postal/electronic ballot under the rules of FDA.
- The expenses of delegates from the section to the Annual Delegate Conference and to any special delegate conference of FDA.
- Expenses incurred by members in travelling on section business
- Honoraria voted by a General meeting or the Committee.

4.4 The financial year shall be 1 January to 31 December

4.5 The joint convenors, and treasurer shall be authorised signatories to the bank account(s). Cheques may be drawn on the authority of, and must be signed by any two signatories.

4.6 The banker for the OS shall be a banker decided upon by the committee.

All monies forming part of the general fund of FDA together with any income arising from time to time shall vest in the Section Committee which will have full powers to administer, apply, expend, transfer, alienate, invest or deal with said monies and/or income for the benefit of members for the time being of the section. The Section Committee shall hold all the monies forming part of the general fund of FDA including any income arising there from, as a separate fund distinct from all other funds of the section or FDA. (The section fund is the residual of the funds of the Association of HMI before the Association joined the FDA. The fund is used to

finance the activities of Ofsted's FDA Section Committee when this is deemed to be the most appropriate source of funds).

5. MEETINGS

5.1 A special meeting of the Ofsted Section shall be held whenever the OS committee may think expedient, or upon a request in writing delivered to the Secretary signed by at least 30 members and stating the purpose for which the meeting is required. A quorum of such a meeting should be one third of all section members. At such meetings each member of the section present shall have one vote which shall be exercisable by a show of hands.

5.2 The Annual General Meeting shall be held each year and shall be held for the purpose of:

5.2.1 Receiving a report from the convenor of activity in the preceding year

5.2.2 Approving the minutes of the previous AGM

5.2.3 Receiving audited accounts for the previous year

5.2.4 Considering any motions which may have been submitted by members, in accordance with these rules, or by OS committee.

5.2.5 Considering changes to these rules

5.3 At least 14 days before any General Meeting the OS committee will send every section member a notice of such a meeting, setting forth in detail the business to be transacted. No resolution other than that set out in the notice shall be brought forward at such a meeting, except by the consent of two-thirds of the members present at that meeting.

5.4 Delegates to the Annual Delegate Conference or any special delegate conference of FDA shall be appointed by the Section Committee.

6. RULES

6.1 These section rules may be only changed by a resolution passed by a two-thirds majority at the Delegate Conference of FDA after having been passed by a two-thirds majority of members present at a general meeting.

January 2026

G. PROCURATORS FISCAL SOCIETY SECTION RULES

1. STATUS WITHIN FDA, NAME AND MEMBERSHIP

1.1 These rules are to be read in amplification of FDA rules and in any case of conflict or silence on any issue, FDA rules shall apply.

1.2 The Section of the FDA for the Crown Office and Procurator Fiscal Service (COPFS) shall be called the Procurators Fiscal Society (PFS).

1.3 All members of the FDA who are presently or who become employees of COPFS shall automatically be members of the PFS.

1.4 Any employee of the COPFS who joins the FDA, upon their application being accepted in accordance with FDA rules, shall automatically be a member of PFS.

1.5 Any member of PFS who moves to another government department or like body on temporary secondment shall remain a member of PFS.

1.6 Any member of PFS who moves to another government department or like body on permanent transfer shall cease to be a member of PFS, notwithstanding that they continue to be a member of FDA.

1.7 The FDA Head Office shall intimate to the PFS Secretary in writing any new member of the FDA who indicates upon joining that they are employed by COPFS.

2. OBJECTS

2.1 The objects of the PFS shall be:

2.1.1 To represent, further and protect the interests of FDA members in the Crown Office and Procurator Fiscal Service, as regards their careers, conditions of service and matters of common concern in accordance with the rules of the FDA.

2.1.2 To be responsible within the FDA for all professional matters concerning members in the COPFS and in particular for representing and articulating the professional and related interests of procurators fiscal and procurator fiscal deputes as prosecutors in the public interest in Scotland

2.1.3 To provide a forum for discussion and for the formulation and execution of policy and machinery for negotiation with COPFS.

3. INTERNAL STRUCTURE OF PFS

3.1 The organisational structure of the PFS Section shall be determined by the PFS Section in order to best reflect the structure of the Crown Office and Procurator Fiscal Service. Any changes in the organisational structure shall be achieved by a motion passed by a two-thirds majority at the Annual General Meeting of the section (according to Rule 7.1) or by a ballot of all members (either postal or electronic ballot).

3.2 There shall be elected representatives for each of the functional Units of the COPFS structure (Functional Representatives).

3.3 The day-to-day business of the PFS shall be managed by a committee (known as the Council) comprising:

- President
- Vice-President
- Secretary
- Treasurer

all of whom shall be the office bearers of the PFS, and

- Health and Safety Officer (1)
- Functional Representatives:
- Local Court
- Glasgow & Strathkelvin (2)
- Grampian, Highlands & Islands (2)
- Lothian & Borders (2)
- North Strathclyde (incl Ayr) (2)
- South Strathclyde, Dumfries & Galloway (2)
- Tayside, Central & Fife (2)
- NICP (2)
- Operational support (1)
- High court (3)
- Specialist casework (3)
- 1 trainee solicitor
- 1 senior civil servant

all of whom shall be elected, and

- No more than 3 Co-opted members (according to Rule 5.9)

4. ELECTION OF REPRESENTATIVES AND EXECUTIVE COMMITTEE

4.1 Sheriffdom or functional representative shall be elected by PFS members in that Sheriffdom or function at the time of the election. Elections shall be held in the course of the Annual Meeting for each Sheriffdom and functional unit. Nominations shall be invited from the floor and election shall be by show of hands, or by proxy of those present. For the avoidance of doubt a member can be present when they are linked to the venue identified for the holding of the meeting by a remote conference facility. In the event of a tie a casting vote shall be exercised by the chair of the meeting who shall be the President or his or her representative from the committee. If the chair is a candidate for election as a Sheriffdom or functional representative they shall vacate the chair for the purposes of the election. The chair for the election shall be the most senior member present who is not a candidate. Determination of the most senior member will be the member with the longest period of membership of the PFS.

4.2 PFS office-bearers, the health and safety officer and the trainee representative shall be elected at the PFS Annual General Meeting in accordance with rule 7.10. PFS office bearers, the health and safety officer will serve for 2 years from the end of the AGM at which they are elected. The Sheriffdom and function representatives will serve for 1 year from the end of the AGM or Annual Meeting at which they are elected. There will be no limit on the number of times an individual may seek re-election.

4.3 In the event of a Sheriffdom or function representative vacancy arising more than 3 months prior to the AGM, the Secretary shall request nominations from amongst the members within that Sheriffdom or function for the purpose of filling the vacancy. In the event that there are no nominations forthcoming the Council may at a later date elect a representative to fill the vacancy for the duration of the unfinished term.

5. DUTIES OF SHERIFFDOM AND FUNCTION REPRESENTATIVES AND PFS COUNCIL (THE COMMITTEE)

5.1 Each Sheriffdom and Function representative shall have responsibility for representing the interests of PFS members in their area and for that purpose each representative shall:

5.1.1 Hold at least 2 branch meetings a year including an Annual Meeting, which shall be held no more than 8 weeks prior to the PFS AGM;

5.1.2 Act as the PFS nominee on any local collective bargaining mechanism; and

5.1.3 Provide advice and assistance, including representation to any member in their Sheriffdom or function who requests such (subject to the Personal Cases Protocol).

5.2 The committee shall meet at least 6 times a year excluding the AGM and shall be responsible for the day to day management of the business of the PFS, including representing the collective interests of members both within and out with COPFS.

5.3 The quorum of the committee shall be 5 and must include one of the President, Vice-president or Secretary.

5.4 Committee meetings shall be convened by the Secretary who shall invite items for and draw up an agenda and shall arrange for a minute of the meeting to be produced.

5.5 The President, whom failing, the Vice-president, whom failing the Secretary, shall chair the committee meetings.

5.6 All decisions shall be reached by simple majority vote. In the event of a tie, the chair of the meeting shall exercise a casting vote.

5.7 If a matter of urgency arises, a majority of the office bearers shall have authority to reach a decision on behalf of the committee. However, if the matter is controversial, all reasonable steps shall be taken to consult with committee members.

5.8 The committee may from time to time co-opt members from PFS membership for such purposes and for such time, not exceeding one year, as the committee may determine. Co-opted members at any one time should not exceed 3 and co-options and the reasons therefor and duration shall be minuted.

5.9 The PFS committee may, by a resolution, nominate a member of the PFS for any Section vacancy on the FDA Executive Committee.

6. FINANCES

6.1 The banker for PFS shall be Unity Trust plc or such other banker decided upon by the committee.

6.2 The auditors shall be Civvals or other such other chartered accountants decided upon by the committee.

6.3 The 4 office bearers at any time shall be authorised signatories to the bank account(s). Cheques may be drawn on the authority of, and must be signed by, any 2 signatories.

6.4 Any 2 signatories may incur an item of single expenditure of up to £500. A majority of the office bearers may incur expenditure of up to £1000. For the avoidance of doubt, these limits do not apply to reimbursement of cumulative travel and expenses claims properly incurred by elected representatives and supported by receipts.

6.5 The financial year shall be from 1 January to 31 December.

7. ANNUAL GENERAL MEETING (AGM) AND ELECTION OF COMMITTEE MEMBERS (OTHER THAN SHERIFFDOM AND FUNCTION REPRESENTATIVES)

7.1 The AGM shall be held within 6 months of the end of the financial year and shall be held for the purposes of:

7.1.1 Receiving a report from the Secretary of activity in the preceding year

7.1.2 Approving the minute of the previous AGM

7.1.3 Electing office bearers, a health and safety officer and such other committee vacancies which remain at the date of the AGM.

7.1.4 Considering any motions which may have been submitted by members in accordance with these rules, or by the committee

7.1.5 Considering any changes to these rules

7.2 Not less than 6 weeks before the date of the AGM, the Secretary shall:

7.2.1 Give notice to each PFS member in writing of the time, date and place of the AGM;

7.2.2 Give notice of the posts on the committee subject to election at the AGM; and

7.2.3 Invite, in writing, from members nominations for any of the committee posts subject to election and any motion(s) to be considered at the AGM.

7.3 To be valid, nominations and motions submitted in terms of 7.2(c) above must be submitted to the Secretary within 21 days of the date of the invitation and must have a named proposer and a seconder who are members of the PFS, or be submitted by the committee. Any individual nominated for election must be a member of the PFS and indicate in writing that they accept the nomination. No member may propose or second more persons than positions falling vacant.

7.4 Where only one nomination is received for a post, or where the number received does not exceed the number of vacancies, nominee(s) shall be deemed duly elected to the post(s) in questions. Where no nominations are received for a post, Rule 7.11 shall apply.

7.5 Not less than 21 days before the date of the AGM, the Secretary shall send to each member copies in writing of all nominations, including those deemed duly elected, and all motions timeously submitted together with a proxy form for motions which may be completed in favour of another named member or the chair of the AGM as an individual member sees fit, in the event of their being unable to attend in person. The Secretary shall also invite in writing any amendments to any motions to be submitted not less than 5 days prior to the date of the AGM. Amendments must have a named proposer and seconder who are members of the PFS.

7.6 For the avoidance of doubt, the PFS committee may support, oppose or seek the remission of any motion.

7.7 The AGM shall be chaired by the President or his nominee from the committee.

7.8 Other than as herein provided, the conduct of the AGM shall be in accordance with FDA Standing Orders.

7.9 The AGM shall in the course of the meeting consider and indicate whether the minute of the previous AGM is accurate and approved and whether the annual audited accounts of the PFS are approved.

7.10 Elections to the committee shall be where practicable by a show of hands. In the event of more nominations being received than vacancies, the ballot may, if requested by those present, proceed by voting slip. In the event of a tie, the chair of the meeting shall exercise the casting vote.

7.11 With reference to Rule 7.4 above, where no nominations or insufficient nominations are received by the due date, the chair of the meeting shall invite nominations from the floor of the meeting, which nominations shall have a proposer and seconder who are members of the PFS. In the event of nominations exceeding available posts, elections shall take place in terms of Rule 7.10 above.

7.12 Motions must be moved and seconded in order to be considered by the meeting. The carrying or rejection of any motion shall be determined by a show of hands from those present together with a tally of the properly completed proxies. In the event of a tie the chair of the meeting shall exercise a casting vote.

7.13 Emergency motions may be considered by the meeting. A motion shall not be regarded as an emergency motion unless:

7.13.1 It has been submitted in writing with a named proposer and seconder who are members of the PFS to the Secretary not more than 48 hours before the AGM and could not reasonably have been submitted by the deadline applicable to ordinary motions; or

7.13.2 Where it has been submitted less than 48 hours prior to the AGM, it could not reasonably have been submitted in accordance with Rule 7.3 above.

The chair's decision as to whether this condition is satisfied shall be final. The procedure for emergency motions shall be the same as for ordinary motions with the exception that amendments may be moved from the floor of the meeting.

7.14 Other than is contained in the foregoing provision the content of the AGM shall be governed by an agenda proposed by the committee and subject to adoption by members at the beginning of the meeting.

7.15 For the avoidance, of doubt a member shall be deemed to be present when they are linked to the venue identified for the holding of the meeting by a remote conference facility.

8. EXTRAORDINARY GENERAL MEETING

8.1 It shall be competent to hold an Extraordinary General Meeting (EGM) at any time other than one month prior to an AGM.

8.2 The Secretary shall convene an EGM:

8.2.1 At the direction of the committee following the formulation by them of a motion to be considered by the EGM; or

8.2.2 Following receipt of a competent motion signed by at least 10 PFS members.

8.3 The EGM shall be convened as soon as is reasonably practicable but the Secretary shall give each member at least 7 days notice in writing of the time, date and place of the meeting and of the motion(s) to be considered at the meeting, together with proxy forms.

8.4 The President or his nominee from the committee shall chair an EGM which will proceed in accordance with the rules for an AGM in so far as these are applicable.

8.5 Emergency motions may be allowed at the discretion of the chair in terms of Rule 7.13.

9. SAVINGS CLAUSE

The proceedings of the committee shall not be invalidated by any inadvertent omission to give any member or members a notice required by these section rules, or by any vacancy among, or defect in, the qualification or admission of the members of the committee or in the qualification or admission of any person to be a member of the Section or to vote.

10. INTERPRETATION AND AMENDMENT OF RULES

10.1 In the event of any disagreement as to the effect of these rules, the President's interpretation shall be final.

10.2 These rules may be amended by a two thirds majority vote including properly completed proxies upon a motion in proper form submitted to the AGM.

PFS Section, FDA

February 2017

H. ASSOCIATION FOR DEVELOPMENT AND DIPLOMACY SECTION RULES (2021-22)

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TITLE AND AIMS

2.

a. The section shall be known as the "Association for Development and Diplomacy" ("the ADD").

b. The aims of the ADD are:

i. to promote the efficiency of the Diplomatic Service, the Foreign, Commonwealth and Development Office and the Foreign, Commonwealth and Development Office Services;

ii. to represent and further the interests of its members and to keep them informed on matters affecting them and their respective employer; and, where appropriate, to formulate and express a corporate view of the members on such matters;

iii. to regulate relations between members of ADD and their respective employers or other appropriate authorities, either directly or via engagement through the trade union side, and to promote the interests of its members in connection with any such matter which may be dealt with on a wider basis than the FCDO and FCOS alone;

iv. to promote close co-operation between all branches of the FCDO and FCDOS;

v. to promote the welfare of members and their families

MEMBERSHIP

3.

a. Membership of the ADD is open to all members of H.M. Diplomatic Service and Home Civil Servants employed by the FCDO and FCDOS.

b. Former members of the ADD are eligible to become associates of the FDA under the FDA rules.

ORGANISATION

4.

a. The Committee. There shall be a Committee, which shall be responsible for carrying out the work of the ADD in accordance with its aims. Subject to the provisions of these Rules, the Committee shall consist of not less than 8 nor more than 20 members of the ADD serving in any location, elected in accordance with rule 4.

b. Whenever the number of members of the Committee falls below 20, a by-election or elections may be held. If the number of members of the Committee should fall below 8, a by-election or elections shall be held as soon as possible to bring the number of members up to at least 8.

The Committee may from time to time co-opt members from the ADD membership for such purposes and for such time not exceeding a year as the Committee may determine. Co-opted members at any one time shall not exceed 3 and co-options and the reasons therefore and duration shall be minuted.

c. The Committee shall decide its own rules of procedure.

d. 6 members shall constitute a quorum.

e. Decisions shall be taken by a majority vote of members attending: members may attend in person or virtually.

f. The Committee shall elect from its members a Chair and Vice-Chair, a Secretary, an Honorary Treasurer and such other officers as it deems necessary.

g. The ADD shall indemnify all members of the Committee against all liabilities incurred in the proper discharge of their duties (excluding those liabilities incurred through wilful neglect, default or fraud or misconduct of the member concerned)

h. The Committee may issue directions from time to time as to the timetable of the election of the members of the Committee and as to how any ballot may be conducted electronically within the membership

5.

a. Not less than 8 nor more than 20 members of the Committee shall be elected annually. Before each Annual General Meeting the Committee shall invite from members of the ADD nominations in writing of candidates for election to the Committee.

The Committee shall satisfy itself that candidates so nominated are eligible and willing to serve, and have the support of at least one member of the ADD. Should the number of such candidates be 20 or less the Chair of the Annual General Meeting shall declare them all elected.

b. If the number of such candidates is more than 20 a ballot shall be held and administered by FDA HQ. Each member of the ADD shall be entitled to vote.

c. Before each ballot the Committee shall appoint a person who is not a member of the ADD to perform the functions of Returning Officer.

d. Each voter shall vote for not more than 20 of the candidates and the 20 candidates receiving most votes shall be declared elected by the Chair at the Annual General meeting.

e. An elected member shall hold office from immediately after the Annual General meeting at which their election was announced until immediately after the next following Annual General Meeting.

f. By-elections: the foregoing provisions of this rule shall apply mutatis mutandis to any by-election, save that, where appropriate, reference to the date of the Annual General Meeting shall be replaced by reference to the closing date of the ballot as determined by the Committee; and the functions of the Chair of the Annual General Meeting shall be performed by the Chair or Vice-Chair of the Committee. A member elected in a by-election shall hold office until immediately after the next following Annual General Meeting.

g. Should a member of the ADD other than a member of the Committee be elected to the Executive Committee of FDA, that member shall forthwith become an ex-officio member of the ADD Committee.

ACCOUNTS

6.

a. The Honorary Treasurer is responsible to the Committee for keeping a proper account of all moneys belonging to the Section. He or she shall maintain a bank account operable by not fewer than two signatories, one of whom should be a Committee member, where possible the Honorary Treasurer and one Committee member. All moneys received shall be paid into the bank on receipt, and all payments made from the bank. All expenditure must be authorised, either in advance or in arrear, by the Committee, and all payments over £5000 must be specifically authorised in advance. The Honorary Treasurer shall, if so directed by the Committee, arrange an annual audit of the accounts, and shall publish the audited accounts annually in advance of the Annual General Meeting.

b. Trustees

The signatories to the bank account shall be the trustees of the ADD, who shall deal with the funds in accordance with this rule.

GENERAL MEETINGS

7.

a. An Annual General Meeting of the ADD shall be held on a date to be announced by the Committee at least 14 days in advance. All members shall be invited to attend. The meeting shall be given a report of the work of the ADD by the Chair (or such other member of the Committee as the Committee may decide) and a statement by the

Honorary Treasurer (or whomever in his or her absence the Committee may wish to ask to deputise) on the audited accounts copies of which must be available to all members of the ADD in advance of the meeting. The meeting shall be asked to approve the Chair's report, the Honorary Treasurer's statement and the Audited accounts.

b. An Extraordinary General Meeting may be summoned by the Committee at any time. The Committee shall issue written notice of such a meeting to all members not less than 10 days before the date appointed for it, and such notice shall include a statement of the business to be discussed. The Committee shall also summon an Extraordinary General Meeting on the written request of not less than 10% of the membership: such a request must include a statement of the business to be discussed at the meeting. The 10 days' notice of such a meeting shall be issued within 10 days of the receipt of the request.

c. An account of the proceedings at any General Meeting shall be sent to all members as soon as possible.

d. No quorum shall be necessary at any Annual or Extraordinary General Meeting.

e. No resolution passed by a General Meeting shall, however, be binding on the Committee unless 10% of the total membership of the ADD is present. Whenever a resolution is passed by a General Meeting at which less than 10% of the total membership of the ADD is present, the Committee shall consider whether or not to accept the resolution in the light of their knowledge of the views of members as a whole, the policy of the ADD as reflected in correspondence with members, and all other relevant factors. In circulating an account of the proceedings of the Meeting in accordance with paragraph (c) of this Rule, the Secretary shall indicate whether or not the Committee accepts the resolution passed by the Meeting. If the Committee does not accept the resolution, all members shall be asked to vote for or against it by ballot. The resolution shall become binding on the Committee only if a majority of those voting vote for it. This paragraph shall not apply to proposals for amendments to the Rules of the ADD, which shall be conducted solely in accordance with Rule 8.

8.

a. Delegates to the Annual Delegates conference or any special delegate conference of the FDA shall be appointed by the ADD Committee.

AMENDMENTS TO THE RULES

9.

a. Proposals to amend the Rules may be made by the Committee at any time, and such amendments shall be adopted on being passed by a two thirds majority of those members voting in an electronic ballot of all members.

b. Proposals to amend the Rules may be made by any twenty members and submitted to the Secretary. A General meeting will be called to discuss the changes and such proposals will be circulated to members not less than 7 days before the meeting.

c. If any amendments are approved at a General meeting, then they shall then be submitted to an electronic ballot of all members, and shall be adopted on being passed by a two thirds majority of those members voting.

d. No amendment to these rules shall take effect until after the amendment has been approved by the FDA in accordance with the FDA rules.

MISCELLANEOUS

10.

a. Secession: The ADD shall have the right to secede from the FDA provided the consent thereto of at least two thirds of the members of the ADD, voting in a ballot, be obtained. The conduct of such ballot shall be as set out in Rule 66 of the Rules of the FDA. The property forming the funds of the ADD as at the date of secession shall be applied or dealt with by the Committee in accordance with the directions of the members of the ADD.

These Section Rules are to be read in amplification of the FDA's Rules and in case of conflict the FDA's Rules shall prevail.

APPENDIX III: ASSOCIATION OF REVENUE AND CUSTOMS (ARC) SECTION RULES

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ASSOCIATION OF REVENUE AND CUSTOMS (ARC) SECTION RULES

SECTION 1. ARC

1.1 Eligibility

1.1.1 Any civil servant who is employed in HM Revenue and Customs or any successor department thereto, in a payband or grade equivalent to the former civil service Grade 7 or above, shall be eligible for membership of ARC while he or she continues to be so employed.

1.1.2 Any civil servant who is employed in HM Revenue and Customs, or in any successor department thereto in any training or development payband or grade which is expected or intended to lead to employment in a payband or grade equivalent to the former civil service Grade 7 or above, or to secure any qualification which would make him or her eligible for such employment, shall be eligible for membership of ARC.

1.1.3 Any civil servant who has joined ARC at a time when he or she is eligible for membership by virtue of Rule 1.1.2 shall continue to be eligible for membership in the event that he or she ceases to be eligible under that Rule, irrespective of whether he or she has become eligible for membership under Rule 1.1.1, provided only that he or she continues to be employed in the HM Revenue and Customs or any successor department thereto and has not ceased to be a member of ARC at any time since he or she ceased to be eligible for membership by virtue of Rule 1.1.2.

1.2 Membership of ARC

1.2.1 All members who are not in arrears with the payment of their membership subscription shall be entitled to the benefits of membership in accordance with these rules, to attend meetings of ARC and to vote in its elections.

1.2.2 Section 15 of these rules contains further detailed provisions on how a person may become a member of the ARC; on how a person may cease to be a member of the ARC; and on how a former member of the ARC may become an Associate Member of ARC.

1.2.3 Members are expected to conduct themselves in an appropriate and fitting manner in relation to their membership of and the affairs of ARC. Section 16 of these Rules and Schedule 6 to these Rules contain detailed provisions which shall apply in cases where it is alleged that there has been a failure so to do.

1.3 Objects of ARC

1.3.1 The objects of ARC are:

- to regulate relations between members of ARC and their respective employers;
- to watch over and consider all matters, legislative and departmental, affecting the service, with a view to safeguarding and promoting the interests of ARC members;
- to encourage social intercourse among the members, and to arrange for the reading of papers and the discussion of topics, especially those connected with taxation;
- to provide (by way of contributions to "The Benevolent Fund of the Association of HM Inspectors of Taxes" or otherwise) for the relief by way of grant or loan without interest of members or past members of the ARC, and of the families and dependants of present, past or deceased members of the ARC, who may be in urgent financial necessity; and

- to protect and advance in every legitimate way the interests of the Her Majesty's Revenue and Customs and of its members.

1.4 Relationship with the FDA

1.4.1 ARC is a single section of the FDA, and was constituted as such by the Instrument of Transfer a copy of which appears as Schedule 1 to these rules ("the Instrument of Transfer"), and all members of ARC shall also be members of the FDA.

1.4.2 In the event of any conflict between these rules and the terms of the Instrument of Transfer, the terms of the Instrument of Transfer shall prevail.

1.4.3 ARC may secede from the FDA at any time in accordance with the provisions of Rule 16.5.

SECTION 2. STRUCTURE AND MANAGEMENT OF ARC - GENERAL PROVISIONS

2.1 Officers of ARC

2.1.1 ARC shall have nine Officers, that is to say a President, a Deputy President, 6 Vice Presidents and a Treasurer.

2.1.2 Detailed provisions as to the functions and duties of the honorary officers of ARC are set out in section 4 of these rules.

2.1.3 Detailed provisions as to the election of the Officers of ARC are set out in section 12 of these rules.

2.2 The Committee of ARC

2.2.1 ARC shall have a Committee and the affairs of ARC shall, subject to these rules, be managed by the Committee.

2.2.2 The Committee shall consist of 25 voting members, being 16 ordinary members together with the nine Officers of ARC.

2.2.3 Detailed provisions as to the functions and duties of the Committee are set out in section 5 of these rules.

2.2.4 Detailed provisions as to the election of ordinary members of the Committee are set out in section 13 of these rules.

2.3 Sub-Committees

2.3.1 There shall be a permanent sub-committee known as the Procedure Sub-Committee; and such further occasional sub-committees as may from time to time be appointed by the Committee.

2.3.2 The Procedure Sub-Committee shall normally consist of three members appointed to it by the Committee; but if the Procedure Sub-Committee shall be required to sit at any time when no appointments of members have been made by the Committee, then the Procedure Sub-Committee shall consist of the Deputy President, the Secretary and such one or more further members of the Committee as they shall co-opt to assist them in discharging the functions of the Procedure Sub-Committee. If no appointments have been made by the Committee and either the Office of Deputy President or that of Secretary is

vacant, then the Treasurer shall fill the vacancy on the Procedure Sub-Committee.

2.3.3 Detailed provisions concerning the Procedure Sub-Committee are set out in section 6 of these Rules.

2.3.4 The Committee may in addition appoint such occasional sub-committees or working groups for particular purposes as it sees fit. Any sub-committee or working group so appointed shall be responsible to the Committee, and may not initiate action without the Committee's agreement. Any person appointed to any such sub-committee or working group may be removed by the Committee. Meetings of such sub-committees or working groups shall be called by the person appointed as their convenor, who shall give the sub-committee or working group members at least three days' notice of such meetings. Each such sub-committee and working group shall determine its own rules of procedure.

2.4 The Secretary

2.4.1 In addition to the elected Officers of ARC, an Officer referred to in these rules as "the Secretary" may be appointed by the Committee and employed on conditions to be determined by the Committee in order to carry out, under the direction of the Committee, the duties laid down in these rules and such other duties as the Committee may prescribe. The appointment of the Secretary shall be notified to members as soon as is conveniently possible after the making of the appointment.

2.4.2 Detailed provisions relating to the duties and function of the Secretary are set out in section 7 of these rules.

2.5 Centres

2.5.1 The District Councils of ARC shall be known as Centres

2.5.2 Centres may be organised on the basis of location, or on the basis of business function, or upon such other basis or bases as the Committee may consider expedient.

2.5.3 Any Centre or Centres may be reconstituted by the Committee from time to time as circumstances shall require; and it shall be for the Committee to determine which members shall be allocated to which Centre.

2.5.4 Detailed provisions concerning Centres are set out in section 8 of these rules.

2.6 Consultative Bodies or Committees

2.6.1 ARC aspires to be represented on all departmental consultative bodies or committees, at whatever level they may be organised, which exist to consider matters which are, or which may be, of interest or concern to HMRC employees who are eligible for membership of ARC.

2.6.2 In relation to consultative bodies or committees which consider matters of national or department-wide concern of interest, the Committee shall determine who should represent ARC on such bodies or committees.

2.6.3 In relation to consultative bodies or committees which consider matters which are not of national or department-wide concern or interest, so far as is possible the principle by which the representatives for any consultative body or committee are to be selected shall be that of free and open election from among the members who are affected by the matters which are considered by the consultative body or committee in question, by the members who are affected by the matters which are considered by the consultative body or committee in question.

2.6.4 Where all of the members who are or who might be expected to be affected by the matters which are considered by the consultative body or committee in question are members of the same Centre, then it shall be for that Centre to organise the election of consultation representatives; and where a representative is needed to attend a meeting of that consultative body or committee before an election can be held, then the President of that Centre may either attend the meeting themself, or nominate some other member of the Centre to attend on their behalf.

2.6.5 Where the members who are or who might be expected to be affected by the matters which are considered by the consultative body or committee in question belong to a number of different Centres, then it shall be for the presidents of the Centres whose members are affected to agree between themselves the manner in which the election of consultation representatives are to be elected; and if they are unable to agree then they may refer the matter to the Committee to determine how the election of consultation representatives should be organised and conducted.

2.7 General Meetings of ARC

2.7.1 There shall be an Annual General Meeting of ARC held in each year, which shall be held at a place and on a date as is found convenient to be fixed by Committee annually.

2.7.2 There may also be Extraordinary General Meetings of ARC which shall be held whenever a majority of the Officers of ARC shall think fit to convene one, or whenever 100 or more members from seven or more Centres shall deliver to the President a Notice requiring that an Extraordinary General Meeting shall be convened. In the latter case, the notice requisitioning the meeting shall state the objects for which the Extraordinary General Meeting is desired.

2.7.3 Detailed provisions regarding general meetings of ARC are set out in section 9 of these rules.

2.8 Provisions relating to all Meetings of ARC

2.8.1 At meetings of a Centre, Centre Committee or Centre Sub-Committee, the chair shall be taken by the Centre President if present. In the absence of the Centre President the meeting shall elect its own chair.

2.8.2 At all other meetings, the chair shall be taken by the President or Deputy President, if present. In the absence of the President or Deputy President the meeting shall elect its own chair.

2.8.3 In the event of an equality of votes being recorded at a meeting the person chairing the meeting shall have a casting vote as well as a deliberative vote.

2.8.4 Any member shall retire from a meeting during the consideration of any question which could not, in the opinion of the majority of the other members at the meeting, be freely discussed in their presence.

2.8.5 Any member who is entitled to attend any meeting of ARC but who is unable, for whatever reason, to do so may express his opinion upon any matter which is to be discussed at that meeting in a written communication addressed to person who is expected to chair the meeting; and in such case:-

2.8.5.1 If the communication is sufficiently clearly expressed as to leave the person chairing the meeting in no doubt as to the member's voting intentions, then it shall be counted as a vote on that matter; and

2.8.5.2 for the purposes of reckoning whether or not the meeting is quorate, the person who sent the written communication shall be deemed to be present at the meeting for all of those matters in respect of which the written communication is counted as a vote.

SECTION 3. FINANCE AND PROPERTY - GENERAL PROVISIONS

3.1 The ARC Trustees

3.1.1 All freehold and leasehold property and all investments constituting the General Funds of ARC (other than monies invested on deposit at a bank) shall be vested in trustees ("the Trustees").

3.1.2 The trustees shall be three in number.

3.1.3 Detailed provisions concerning the appointment of the Trustees, their functions and their duties are set out in section 10 of these rules.

3.2 The Benevolent Fund

3.2.1 ARC shall maintain a fund known as The Benevolent Fund of HM Inspectors of Taxes, and referred to in these rules as "the Benevolent Fund".

3.2.2 The constitution and rules of the Benevolent Fund are set out in Schedule 2 to these Rules.

3.2.3 Detailed provisions relating to applications for relief from the Benevolent Fund are set out in section 11 of these rules.

3.3 The Financial Year of ARC

3.3.1 The financial year of ARC shall run from 1 January to 31 December in each year.

3.4 Members' Subscriptions

3.4.1 Members of ARC shall be charged a membership subscription in accordance with the rules of the FDA.

3.4.2 No member whose annual subscription (as defined in the Rules of the FDA) is in arrear shall be allowed to take part in any election or meeting of ARC.

3.4.3 Any political fund subscription or other sectional subscription payable in accordance with the rules of the FDA for each year commencing 1 January shall be fixed by the Annual General Meeting held in the preceding year. The rates so fixed shall be communicated to the membership as soon as it is reasonably practicable after the Annual General Meeting, and in any event no less than one month before the subscription so determined is to become payable.

3.5 Expenses of Members engaged in ARC business

3.5.1 Members of ARC shall be generally entitled to reimbursement of their reasonable expenses of travelling incurred on necessary ARC business.

3.5.2 The Committee may from time to time determine that certain expenses shall be paid only up to certain set rates. Where such a determination has been made, it shall be subject to annual review; and the rates which are to be in force following each such review shall be published to the members.

3.5.3 Members are expected to use common sense in securing the best value they can when incurring expenses which are to be reimbursed out of the funds of ARC; and if they should find that a journey which they are undertaking on ARC business has been priced in such a way that it is cheaper to purchase a higher class of ticket than a lower class of ticket, then they should purchase the cheaper ticket.

3.6 The Political Fund

ARC may raise, maintain and utilise a Political Fund in accordance with the "Rules for Political Fund" which are set out in Schedule 3 to these Rules; and the subscription for any such Political Fund shall be collected by way of a Sectional Subscription as defined in the Rules of the FDA.

3.6.1 Transitional rules for the cessation of the political Fund.

3.6.2 ARC Committee shall notify FDA that they wish to discontinue the collection of Political Fund subscriptions.

3.6.2.1 Once those funds have ceased to be collected any Political Fund Balance shall be transferred to ARC General Fund.

3.6.2.2 Once the funds have been transferred, the whole of rule 3.6 including sub-rules, and Schedule 3 of the rules can be deleted.

3.7 Preparation and Audit of Accounts

3.7.1 The Accounts of ARC shall be prepared by the Treasurer, in accordance with Rule 4.3.6.

3.7.2 The accounts of ARC shall be audited annually by a person qualified in accordance with the provisions of the Trade Union and Labour Relations Act 1974. The Auditor shall be appointed by resolution passed at a General Meeting and shall not be removed from office except by resolution passed at a General Meeting of ARC.

3.8 Surpluses and Deficits

3.8.1 Any deficit in the assets of ARC as shown by the Annual Balance Sheet shall, if considered necessary by the Committee, be made good, in proportion to the annual subscriptions payable, by all persons who are members of ARC at the date thereof or who were members on 1 October preceding the date thereof.

3.8.2 No surplus assets or part thereof shall be divided or withdrawn by any member, except in the event of a dissolution of ARC, when the detailed provisions set out in section 18 of these Rules shall apply.

3.8.3 When the Balance Sheet of ARC at the end of any year shows a surplus, the Annual General Meeting may resolve that some or all of the surplus shall be subscribed to the Benevolent Fund.

3.9 Custody of ARC Property

3.9.1 Any funds of ARC which may for the time being be surplus to its requirements may by resolution of Committee be invested as the Committee thinks fit. Investments (other than the investment of monies on deposit account at a bank) shall be made in the joint names of the Trustees for the time being of the AIT and shall be realised as a whole or in part when the Committee so resolves.

3.9.2 The account books of ARC the current and deposit accounts at the bank and loose cash shall be in the control of the Honorary Treasurer.

SECTION 4. THE OFFICERS OF ARC - DETAILED PROVISIONS

4.1 The President

4.1.1 The president shall be the union's senior figurehead, shall chair the Committee and shall, subject to the guidance and oversight of the Committee, have general authority to represent and to speak for the union in any matter.

4.1.2 The President may seek the advice and assistance of any member of ARC at any time and for any purpose connected with the objects and activities of ARC.

4.1.3 The President shall report regularly to the Committee, and shall observe any directions and heed any views expressed by the Committee.

4.2 The Deputy President

4.2.1 The Deputy President shall assist the President and, at the President's request, may deputise for the President in the performance of any of his duties under these rules. When so acting the Deputy President shall have the same powers and authority as the President. In addition, the Deputy President shall fulfil any other function as determined by the President.

4.3 The Treasurer

4.3.1 The Treasurer shall receive and collect from the FDA an appropriate part of all subscriptions, and shall bank them in the name of ARC in a bank to be approved by the Committee.

4.3.2 The Treasurer shall defray out of the funds of ARC all expenditure incurred by its members, with the authority of the Committee, for and on behalf of ARC.

Where the Committee has prescribed rates for certain types of expenditure in accordance with Rule 3.5.2, the Treasurer shall not make payments in excess of those rates.

4.3.3 The Treasurer shall make all such other payments as are required or authorised by these rules, or by resolution of the Committee or any General Meeting of ARC, to be made out of the general funds of ARC. For the avoidance of doubt, any expenditure which is necessary to carry into effect any decision of the Committee shall be deemed to have been authorised by the Committee; and it shall be the Treasurer's duty to ensure that the Committee is properly advised of the likely cost implications of any decision which is under contemplation before the matter is put to a vote.

4.3.4 The Treasurer shall have authority to make gifts out of the funds of ARC, or to write off loans owing to ARC, provided in either case that the amount of the gift or of the loan outstanding does not exceed £100.

4.3.5 The Treasurer may only make a gift out of the funds of ARC which exceeds £100 in amount, or write off a loan owing to ARC which exceeds £100 in amount, if the Committee agrees that he shall do so, and the agreement of Committee is duly minuted.

4.3.6 The Treasurer shall keep a correct account of all sums received and disbursed and shall prepare annually, immediately after the end of December:-

4.3.6.1 an Account containing a summary of the year's receipts and payments under their respective heads and a Report thereon; and

4.3.6.2 a Balance Sheet setting forth all the assets and liabilities of ARC as on 31 December.

4.3.7 The Account and Balance Sheet prepared in accordance with Rule 4.3.7 shall, collectively, be referred to as "the Accounts". In preparing the Accounts, the Treasurer shall consider the amount of any gifts and loan write-offs made during the year, and in particular whether the overall amount or the specific amount of any one gift or write-off is sufficiently exceptional as to justify an entry being made in the accounts specifically drawing members' attention to that item.

4.3.8 The Accounts shall be audited in accordance with Rule 3.7.2.

4.4 The Vice Presidents

4.4.1 The Vice Presidents shall be the senior members of Committee, and shall be expected to assist the President and the Vice-President in the management and leadership of the union, to undertake the more onerous tasks or negotiation and representation on behalf if the union, and to act as convenors of any sub-committees and working groups which may be appointed from time to time.

SECTION 5. ARC COMMITTEE - DETAILED PROVISIONS

5.1 Duties

5.1.1 The principal duties of the Committee shall be:

- watch over and consider all legislation, proposed legislation, and departmental administration affecting the interests and duties of members of ARC;
- to draw to the attention of members any matter of importance to the Service;
- to take any action for the redress of grievances that may be lawfully decided upon in accordance with the law from time to time governing the taking of such action by Trades Unions
- to bring to the notice of the Department matters of importance affecting the Service;
- to attend by deputation for the purposes of offering suggestions or giving information to the Department;
- to communicate information to members in accordance with these rules;
- to take the necessary steps in connection with the appointment of the Trustees of the Benevolent Fund and to recommend to the Trustees cases for relief; and
- to promote in every other way possible social intercourse among members of the Department.

5.2 Committee Meetings

5.2.1 The Committee shall meet at least once every two months.

5.2.2 A special meeting of the Committee shall be convened within 14 days of the receipt by the Secretary of a requisition signed by not less than seven members of Committee and such requisition shall state the objects for which the meeting is desired.

5.2.3 The Secretary shall ensure that each member of the Committee receives a copy of the agenda and any associated papers for each Committee meeting. The non-receipt by any member of the Committee of the agenda for a meeting of the Committee shall not invalidate such meeting.

5.2.4 The quorum of the Committee shall be half the voting members (rounded down in the event of there being an odd number of such members).

5.2.5 The Committee may invite such person or persons as it sees fit to attend and speak at meetings of the Committee for the purposes of providing the Committee with factual information or with technical or professional advice with respect to matters incidental to the carrying out by the Committee of its functions.

5.2.6 The Secretary shall ensure that the Committee minutes, once approved, are published to the members.

5.3 Right to seek Advice and Assistance

5.3.1 The Committee may seek the advice and assistance of any member of ARC at any time and for any purpose connected with the objects and activities of ARC; and where a member's advice and assistance is sought at a meeting which that member would not otherwise be entitled to attend, the Committee may allow that member to remain in attendance for so much of that meeting as they shall in their absolute discretion think fit.

5.4 Resolution of Uncertainties and Anomalies

5.4.1 Should any question not provided for in these Rules arise in the management of the affairs of ARC, it shall be dealt with by the Committee in such manner as they think fit; or they may at their discretion submit it with their recommendation thereon to a General Meeting of ARC for decision.

5.5 Power to make By-Laws

5.5.1 The Committee shall have power to make by-laws giving effect to these rules whenever necessary, but no rule may be altered or new rule made except at a General Meeting of ARC.

5.6 Applications for Relief from the Benevolent Fund

5.6.1 Applications for Relief from the Benevolent Fund may be made by any member or past member of ARC, or by the families or dependants of present, past or deceased members of ARC. Such applications may be made to any Committee Member; and on receipt of any such application it shall be the duty of the Committee Member to forward the application to the Trustees of the Benevolent Fund for their consideration.

SECTION 6. THE PROCEDURE SUB-COMMITTEE - DETAILED PROVISIONS

6.1 Functions

6.1.1 The Functions of the Procedure Sub-Committee shall be to consider and collate matter for the Agenda prior to any General Meeting of ARC with a view to facilitating the business of the meeting.

6.2 Particular Requirements

In carrying out these functions the Procedure Sub-Committee shall:

6.2.1 Review all Motions submitted for consideration by the AGM and rule upon whether each of them is in order or not;

6.2.2 Determine the most convenient grouping of motions for consideration at the AGM, and the order in which the motions in each group of motions should be taken;

6.2.3 Determine whether any, and if so which, motions ought to be combined into composite motions, and settle the wording of any composite motions which may be so determined;

6.2.4 Determine whether any and if so which motions ought to be considered in Common Debate;

6.2.5 whether any issues of precedence of motions arise, and if so define the outcomes which will follow from those issues of precedence;

6.2.6 Determine how much time should be allowed to debate each group of motions, and how much time should be allowed for each other item on the agenda, in order that the AGM may deal with all the business before it in the time available to it;

6.2.7 Draw up the Agenda for the AGM.

6.2.8 Determine how much time should be allowed to those proposing, seconding, opposing and otherwise speaking to motions;

6.2.9 Consider and recommend Standing Orders to be adopted by the AGM; and

6.2.10 Consider any motions which may be submitted after the deadline for submission of motions, and whether it would be in order to admit them to consideration by the AGM as emergency motions.

6.2.11 Report to the AGM on the number of motions and emergency received, the number found to be in order, and the sub-committee's proposals for Standing Orders and for timetabling the AGM in order to ensure that all business on the agenda may be completed in the time available.

6.3 Accountability

6.3.1 In performing the functions and requirements set out in sections 6.1 and 6.2 of these Rules, the Procedure Sub-Committee is to act as the servant of the membership of ARC and not of ARC Committee.

6.4 Additional Responsibilities when the Office of Secretary is vacant

6.5 During any vacancy in the Office of Secretary, if no arrangements have been made pursuant to Rule 7.5 for the discharge on a temporary basis by a member of FDA staff of those functions of the Secretary which have to do with the proper constitutional administration of ARC, then those functions shall be performed by the Procedure Sub-Committee.

SECTION 7. THE SECRETARY - DETAILED PROVISIONS

7.1 Constitutional oversight

7.1.1 It shall be the duty of the Secretary to have oversight of all constitutional matters concerning ARC, and to advise the Committee of such matters as and when the need arises.

7.2 Minutes

7.2.1 It shall be the duty of the Secretary to ensure that the minutes of all General Meetings of ARC and all meetings of the Committee are duly recorded and published to the members.

7.3 Annual Report

7.3.1 The Secretary shall annually prepare a Report containing a short resume of the transactions of ARC during the previous 12 months, which after approval by the Committee shall be published to the members.

7.4 Right to Attend Meetings

7.4.1 The Secretary may attend all business meetings and shall have the right to speak but not to.

7.4.2 Vote, and when the Secretary is in attendance at any meeting Rule 2.8.4 shall apply to the Secretary as it applies to a member.

7.5 In the event that the Post of Secretary is Vacant

7.5.1 If at any time the office of Secretary is vacant, the Committee may appoint any member of FDA staff to perform any or all of the functions of the Secretary on a temporary basis, and / or arrange for one or more member of ARC Committee to undertake any one or more of the functions of the Secretary (except such as are, by these rules, specifically reserved to the Procedure Sub-Committee in such circumstances), until such time as a new Secretary is appointed.

SECTION 8. CENTRES - DETAILED PROVISIONS

8.1 Membership of Centres

8.1.1 It shall be for ARC Committee to determine what Centres shall exist, and which members shall be allocated to each of them. In reaching such decisions, the Committee shall have regard to both the wished of members, and the practical requirements of the efficient conduct of ARC business.

8.2 Centre Constitutions

8.2.1 Centres shall make their own Standing Orders and rules for procedure, and shall submit them and any subsequent amendments or additions, to the Committee for approval before final adoption.

8.2.2 Centre Standing Orders and rules may contain nothing which is inconsistent with or conflicts with these Rules in any way; and in the event that such inconsistent or conflicting Standing Orders or rules should be approved by the Committee, such approval shall not operate so as to give the inconsistent Centre rules or Standing Orders priority over these Rules.

8.2.3 A specimen set of Centre Standing Orders appears in Schedule 4 to these Rules. Centres shall, however, be free to depart from this model should they choose to do so.

8.2.4 In the event that any Centre shall not have made any Centre rules or Standing Orders, then the specimen Centre Standing Orders in Schedule 4 shall have effect in that Centre until such time as some alternative rules and Standing Orders shall be made by the Centre and approved by the Committee.

8.3 Centre Officers and Representatives

8.3.1 Each Centre shall elect a Centre President and a Centre Secretary; and if the Centre considers it desirable that there should also be some other Centre officers or representatives, and / or a Centre Committee, they shall be entitled to make such other Centre appointments as they see fit.

8.3.2 Each Centre may appoint representatives to attend the Annual General Meeting and the FDA Annual Delegate Conference, the numbers of such representatives being determined in accordance with these Rules and the Rules of the FDA. In counting the votes at such elections the principles of the alternative vote shall be applied, or those of proportional representation where more than one representative falls to be elected.

8.4 ARC Committee Members Allocated to Centres

8.4.1 The Committee shall allocate one of their number to each Centre as soon as possible following each general election of ordinary Committee members. A list giving the constitution of the new Committee and details of such allocation shall be communicated to the members.

8.4.2 The Committee members allocated to each Centre shall use their best endeavours to attend all meetings of each Centre to which they have been allocated or, if they are unable to attend, to arrange for an alternative Committee member to attend in their place.

8.5 Centre Meetings

8.5.1 Each Centre shall normally meet in each year to consider matters to be brought before the Annual General Meeting (ensuring compliance with rule 9.1.3), and shall meet immediately before the holding of any Extraordinary General Meeting for the purpose of discussing any business to be transacted at such meeting. Meetings shall also be held at such other times as the Centre Officers or Committee may deem advisable, or ARC Committee may recommend for any special purpose.

8.5.2 At least three days' notice of the time and place of any Centre meeting and of the subjects to be discussed shall be sent by the Centre Secretary to all members of the Centre and to the member of Committee allocated to the Centre under Rule 8.4.1.

8.5.3 The quorum at a Centre meeting shall be the lesser of eight members belonging to that Centre or 25 per cent of the total number of members in the Centre.

8.6 Financial Provisions Relating to Centres

8.6.1 Centres shall be entitled to establish for themselves a Centre Fund. Any Centre which exercises this power must also establish Standing Orders providing for the audit of the Centre Fund accounts.

8.6.2 Where a Centre has created a Centre Fund the accounts of such Fund shall be made up annually as at 31 December, and after having been audited in accordance with the Centre’s Standing Orders, a copy of such accounts duly certified by the Auditors shall be forwarded to the Treasurer together with a statement similarly certified of the date of all Centre meetings and meetings of the Centre Committee held during that year.

8.6.3 The Centre Treasurer (or the Centre Secretary if no Centre Treasurer is appointed) may claim from the Treasurer a contribution in respect of payments made from Centre Funds towards the travelling expenses of members of the Centre incurred in attending meetings of:

- Centre meetings;
- meetings of the Centre Committee (unless for social purposes); and
- meetings of any Centre Sub-Committees (unless for social purposes)
- held during the preceding year ended 31 December, provided that as regards Centre meetings and meetings of the Centre Committee, the claim

shall not be made in respect of the expenses of more than five meetings of each of these bodies.

SECTION 9. GENERAL MEETINGS OF ARC - DETAILED PROVISIONS

9.1 Annual General Meetings - Purpose and Agenda

9.1.1 An Annual General Meeting shall be convened every year for the following purposes:

- to receive the Accounts;
- to appoint an auditor to audit the next year's Annual Balance Sheet and Statement of Accounts in accordance with Rule 3.7.2;
- to fix the rate of subscription for Associate Members of ARC
- to determine the amount of any Political Fund or other Sectional Subscription to be paid during the following year
- to transact any other business of which notice has been duly given to the Secretary by the Committee, by any Centre or by at least 25 individual members.

9.1.2 The date fixed for the AGM shall be communicated to members not less than 6 months before the date on which it is to be held.

9.1.3 Notice of a motion for the AGM is duly given if it is received by the Secretary (or, if the post of Secretary is vacant, at the FDA's head office) not less than 49 days before the date fixed for the Annual General Meeting.

9.1.4 The agenda for the Annual General Meeting together with the Accounts shall be published to ARC members at least 14 days before the date of the meeting.

9.2 Annual General Meetings - Entitlement to Attend, Speak and Vote

9.2.1 Any member of ARC shall be entitled to be present at an Annual General Meeting of ARC.

9.2.2 Save as mentioned in Rule 9.2.6, only Acting Members (as defined in Rule 9.2.3) shall have the right to speak and vote. A member of ARC who is not an Acting Member may be permitted to speak during or engage in the discussion of any particular item on the agenda, if the question of whether they should be so permitted is put to a vote at the meeting and a majority of the Acting Members who cast a vote on the question are in favour of allowing it. However, a member who is not an Acting Member may never be allowed to cast a vote at an Annual General Meeting of ARC.

9.2.3 "Acting Member" means:

- any member of the Committee, and
- any member of ARC who has been duly elected by his Centre to be their representative for the Annual General Meeting.

9.2.4 All Centres shall be entitled to elect 2 representatives for the Annual General Meeting. Centres whose membership on the date on which the Annual General Meeting was convened exceeded 50 shall be entitled to elect a number of representatives equal to the total number of their members divided by 25.

Where this does not result in a whole number of representatives, the number of representatives which that Centre shall be entitled to elect shall be rounded up to the next whole number.

9.2.5 In the event that any question arises as to the number of members comprised in a Centre on the date that the Annual General meeting was convened, the decision of the Secretary shall be final. In the event that the post of Secretary is vacant and no member of FDA staff has been appointed to perform this function of the Secretary on a temporary basis, then the question shall be determined by the Procedure Sub-Committee and the decision of the Procedure Sub-Committee shall be final.

9.2.6 Where a motion for consideration by the Annual General Meeting has been notified by at least 25 individual members, then a proposer and a seconder chosen from among the individual members who signed the Notice of Motion shall have the absolute right to speak to that motion at the Annual General Meeting. If only one of the members who signed the motion is an Acting Member, then that member shall propose the motion, and one of the other members who signed the Notice of Motion may speak at the Annual General Meeting to second the motion. Where none of the members who signed the Notice of Motion is an Acting Member, then any two of the members who signed the Notice of Motion shall have the right to address the Annual General Meeting as proposer and seconder of that motion.

9.3 Procedure at Annual General Meetings

9.3.1 Forty five Acting Members present at an Annual General Meeting shall form a quorum.

9.3.2 Any business not on the Agenda may only be transacted if a vote is taken at the meeting to do so, and that number of votes in favour is no less than three fourths of the total number of votes cast.

9.3.3 Motions before the Annual General Meeting shall be decided by a simple majority of votes. However, in the event that the number of votes cast in favour of a motion is less than two thirds of the total number of votes cast, then one third of the Acting Members present, or not less than seven representatives from seven different Centres, may require a poll to be taken of the entire membership of ARC.

9.3.4 If a poll is required, then the poll shall not be closed until at least ten days after the issue of the polling papers, and the result of the poll shall be binding on the Committee.

9.4 Extraordinary General Meetings of ARC

9.4.1 An Extraordinary General Meeting of ARC shall be held whenever the requirements of Rule 2.7.2 are fulfilled.

9.4.2 Where the Extraordinary General Meeting is called by the Officers of ARC, then at least 20 days' notice shall be given to the members.

9.4.3 Where the Extraordinary General Meeting is called by not less than 100 members from not less than 7 Centres, then:-

9.4.3.1 at least seven days' notice of the time and place of such meeting and of the subjects to be discussed shall be sent to every member of ARC by the Secretary;

9.4.3.2 no subject which was not included in the notice requisitioning the meeting shall be included in the agenda for the meeting, except with the consent of the President and any two other Officers of ARC; and

9.4.3.3 the discussion of those items of business which were specified in the notice convening the meeting must be taken before the discussion of any other item on the agenda for the meeting.

9.4.3.4 Any member of ARC shall be entitled to attend, to speak and to vote at an Extraordinary General Meeting of ARC.

9.4.3.5 One hundred and twenty five members of ARC present at an Extraordinary General Meeting shall form a quorum.

9.4.4 No item which is not on the agenda may be discussed unless three quarters of the members present when the meeting is declared quorate agree that it should be discussed; and in such an event all items of business appearing on the agenda must be dealt with before any item which does not appear on the agenda may be discussed.

9.4.5 Motions before an Extraordinary General Meeting shall be decided by a simple majority of votes.

9.4.6 Any vote taken at an Extraordinary General Meeting shall be final and there shall be no entitlement to call for a poll of all the members on any matter decided at an Extraordinary General Meeting.

9.5 Motions to Alter the Rules of ARC

9.5.1 Every proposal to alter or add to these rules shall be notified by the Committee, by a Centre, or by at least 25 individual members to the Secretary at least 35 days before an Annual General Meeting, or at least 15 days before an Extraordinary General Meeting, and notified to all members either in the notice convening such meeting or in a general communication with the members given in advance of the notice convening the meeting.

9.5.2 When a proposal to alter or add to these rules appears on the agenda of and is considered at any General Meeting, any amendment to such proposal of which notice has not been given under rule 9.5.1 shall neither be accepted for discussion nor be put to the meeting unless the matter embodied in such amendment is already in principle on the agenda.

9.5.3 The Secretary shall arrange for the circulation to members of ARC of any amendments or additions to these rules which may from time to time be considered under rule 9.5.2 and adopted.

SECTION 10. THE TRUSTEES - DETAILED PROVISIONS

10.1 Appointment and Removal of Trustees

10.1.1 The trustees shall be appointed by the Committee, and each trustee shall hold office until the earlier of:

- the trustee's death, or
- the trustee's resignation given in writing, or
- the trustee's removal from office by a resolution of the Committee.

10.1.2 When a trustee ceases to be a trustee for any of the reasons set out in Rule 10.1.1, a new trustee shall be appointed by the Committee so that the number of trustees is always three.

10.1.3 All trustees must be members of ARC at the time of their appointment.

10.1.4 A resolution appointing or removing a trustee shall be deemed duly passed if approved by a majority of the persons present and voting at any meeting of the Committee duly convened and held, and a certificate signed by any two Officers of ARC, at least one of whom must be either the President, the Deputy President or the Treasurer, certifying that such a resolution was duly passed shall be conclusive evidence of that fact.

10.2 Dealing with Property Vested in the Trustees

- The trustees shall deal with any property vested in them on behalf of ARC in accordance with the directions of the Committee and shall, if required by the Committee, execute a declaration of trust in respect of that property.

10.3 Indemnity

10.3.1 The Trustees shall be entitled to be indemnified out of the property of ARC in respect of all actions, claims, demands, accounts, liabilities and obligations suffered or incurred by them as such trustees and in respect of all acts and things done or suffered by them in consequence of or in accordance with the directions of the Committee.

SECTION 11. APPLICATIONS FOR RELIEF FROM THE BENEVOLENT FUND

11.1 How Applications for Relief shall be made

11.1.1 All applications for relief from the Benevolent Fund should be made to a member of ARC Committee, who will forward it to the Trustees of the Benevolent Fund for their consideration, together with any observations, comments or recommendation which the Committee member may wish to make.

11.2 Powers of the Trustees of the Benevolent Fund

11.2.1 The Trustees of the Benevolent Fund may take such advice as to the merits of the application as they see fit.

11.2.2 The Trustees of the Benevolent Fund shall have power to make payments of relief by way of grant or loan in any sum not exceeding £2,500 without reference to the Committee. The Trustees of the Benevolent may not make payments of relief exceeding £2,500 in any one case without first making report

to the Committee of the broad circumstances of the case, the amount of relief they propose to offer, and their reasons for their considering it appropriate to offer such relief and obtaining the Committee's approval of that report and recommendation.

11.3 Duty to Make Annual Report

11.3.1 The Trustees of the Benevolent Fund shall make an annual report to the Committee detailing the number of applications for relief received during the year, the number of applications in respect of which relief was offered, and the amount of relief that was paid in each case; but the Report shall not disclose personal details of any applicant for relief.

11.4 Truncated Procedure in Cases of Special Urgency

11.4.1 In any case of special urgency, the President in consultation with the Treasurer may agree that relief in any amount not exceeding £1,000 shall be paid to any applicant for relief by way of grant or loan, and in such circumstances the Treasurer may make immediate payment out of ARC funds and seek reimbursement from the Trustees of the Benevolent Fund. All such cases shall be reported to and considered by the Committee.

SECTION 12. ELECTIONS OF OFFICERS - DETAILED PROVISIONS

12.1 Eligibility to Vote in Elections of Officers

12.1.1 The Officers shall be elected by the whole membership of ARC, save for any whose subscription is in arrears.

12.2 Nominations for Election of Officers

12.2.1 Not later than 148 days before the AGM for any year for which an election of Officers is required the Secretary shall publish to the membership a notice calling for nominations. Nominations of members for election to any Officer post must be signed by any two ARC members. Such nominations endorsed by the nominee must be in the hands of the Secretary not later than 30 days following the notice calling for nominations.

12.2.2 Immediately after the 30 days mentioned in rule 12.2.1 has elapsed, the Secretary shall issue to each member nominated for election a list showing the names and Centres of all members nominated.

12.2.3 Any member nominated may withdraw the nomination by giving notice in writing to the Secretary not later than 38 days following the notice calling for nominations.

12.2.4 Any member nominated for election may submit in writing to the Secretary not later than 38 days following the notice calling for nominations, an election address of not more than four hundred words. Where a member is nominated for more than one Office, they may submit a separate election address for each Office for which they have been nominated. If an election address includes at its head any or all of the candidate's name, the Office for which they are

standing, and the words “election address”, these shall not be counted against the word limit.

12.3 Conduct of Elections of Officers

12.3.1 Subject to these rules and to any directions given by the Committee, the general conduct of the election shall be in the hands of the Secretary. If no Secretary is in office and no member of FDA staff has been appointed to fulfil the functions of the Secretary on a temporary basis, then the general conduct of the election shall be managed by the Procedure Sub-Committee.

12.3.2 The conduct of the ballot itself, and the receiving and counting of votes and declaration of the result shall be entrusted to an independent scrutineer appointed by the person or persons having general conduct of the election pursuant to Rule 12.3.1.

12.3.3 A ballot is not required in respect of any Office in which the number of nominations is equal to or less than the number of vacancies. In such circumstances all nominated members are deemed to be elected.

12.3.4 Voting papers in regard to each Office for which a ballot is required shall be issued to all ARC members whose subscriptions are not in arrears by the person or persons having general conduct of the election pursuant to Rule 12.3.1 not later than 54 days following the notice calling for nominations. The voting papers shall be accompanied by a copy of all election addresses duly received from members nominated for each Office for which a ballot is required and a reply-paid envelope marked on the outside "Voting Paper".

12.3.5 Each voting paper shall contain the names of all candidates and the Centres to which they belong, and where a candidate is a retiring Officer who has been nominated for re-election, this fact shall also be shown on the voting paper. The voting papers shall also describe the method of voting to be observed and the number of members to be elected for each Office, and shall show the number of meetings of the Committee held and the attendances of those candidates who were members of ARC Committee during the preceding 12 months.

12.3.6 The voting shall be by ballot, conducted in accordance with the rules for the conduct of ballots set out in Schedule 5 to these Rules.

12.3.7 Votes for candidates shall be given by placing in the space provided for the purpose on the voting paper the figure 1 opposite the name of the first choice. Any further choices shall be indicated in accordance with the principles of proportional representation and of the alternative vote by placing the figure 2 opposite the second choice, the figure 3 opposite the third choice and so on. Where, however, the election is for a single post and there are only two candidates, voting shall be by placing a cross, tick or other mark in the box opposite the name of the preferred candidate.

12.3.8 The voting papers shall be returned to the independent scrutineer not later than 74 days following the notice calling for nominations, in the reply-paid envelope provided for the purpose.

12.3.9 vote shall be valid if the voting paper is signed or mutilated, or if Rule 12.3.7 is contravened, and any question arising as to the validity of a vote shall be determined by the independent scrutineer, whose decision shall be final.

12.3.10 In counting the votes the principles of proportional representation as laid down by the Electoral Reform Society shall be applied in electing the Vice Presidents, and that of the alternative vote in election of each of the other Honorary. Votes shall be counted in the following order of priority:

- President;
- Deputy President;
- Treasurer;
- Vice Presidents;

12.3.11 When a member is declared elected to any Office, they shall thereupon become ineligible for election to any Office holding a lesser priority.

12.3.12 The voting papers shall be preserved for one year by the Secretary.

12.4 Elections of Officers - Declaration of Results and Objections

12.4.1 The result of the election shall be notified immediately by the person or persons having general conduct of the election pursuant to Rule 12.3.1 to each candidate and to each member of the Committee, and shall be published to the membership. The result so notified shall be final unless within seven days of the date of the notification an objection is lodged with the Secretary alleging a specific and material irregularity in the conduct of the election.

12.4.2 Immediately upon receipt of any objection under rule 12.4.1 the person or persons having general conduct of the election pursuant to Rule 12.3.1 shall report particulars thereof and all necessary information to the Committee, who shall either confirm the result already announced or institute another election for the relevant Office and, if required by the circumstances of the case, all other Offices holding a lesser priority. The decision of the Committee shall be final.

12.4.3 Any member who is declared elected to any Office shall be entitled to act in that Office notwithstanding that an objection to their election may have been lodged, and shall only be required to vacate that office if and when the Committee declares their election void and institutes another election for the relevant Office.

12.5 Procedure where no eligible Member stands for election to an Office

12.5.1 In the event of any Officer post not being filled by election, or becoming vacant and not being filled at a by-election, the Committee shall appoint a member of ARC to fill the position. Any Officer appointed in accordance with this rule shall be a non-voting member of the Committee unless they have also been elected to the Committee in accordance with section 13 of these Rules or to a different Office under sections 12.2 to 12.4 of these rules. If they have been so elected then their appointment under this rule shall be deemed to have created a

vacancy on the Committee, or among the Officers (as the case may be) for the purposes of section 14.3 of these Rules.

SECTION 13. ELECTIONS OF ORDINARY COMMITTEE MEMBERS - DETAILED PROVISIONS

13.1 Eligibility to Vote in Elections of Ordinary Committee Members

13.1.1 Ordinary Committee Members shall be elected by the whole membership of ARC, save for any whose subscription is in arrears.

13.2 Nominations for Election of Ordinary Committee Members and Election Addresses

13.2.1 Not later than 90 days before the AGM for any year in which an election is required, the Secretary shall call for nominations from among the membership for Ordinary Members of the Committee. Nominations of members for election to the Committee must be in the hands of the Secretary not later than 30 days following the notice calling for nominations. Each such nomination must be endorsed by the nominee, and be signed by two ARC members. If the nominee is eligible to fill for the Reserved Seat for Northern Ireland, this must be indicated on the nomination form.

13.2.2 Any failure by a member who is eligible to fill the Reserved Seat for Northern Ireland to indicate their eligibility shall not render their nomination invalid. It shall, however, mean that they are not eligible to be elected pursuant to the rules relating to the Reserved Seat for Northern Ireland if they would not otherwise have been elected; but if the member who failed to declare their eligibility is nevertheless elected, then no other member who is eligible to fill the Reserved Seat for Northern Ireland may be declared elected by virtue only of the rules relating to the Reserved Seat for Northern Ireland.

13.2.3 Immediately after the 30 days mentioned in rule 13.2.1 has elapsed, the Secretary shall issue to each member nominated for election a list showing the names and Centres of all members nominated.

13.2.4 Any member nominated for election may withdraw the nomination by giving notice in writing to the Secretary not later than 38 days following the notice calling for nominations.

13.2.5 Any member nominated for election may submit in writing to the Secretary not later than 38 days following the notice calling for nominations, an election address of not more than four hundred words. If an election address includes at its head any or all of the candidate’s name and Centre, the fact that they are standing for Committee, or the words “election address”, these shall not be counted against the word limit.

13.3 Reserved Seat for Northern Ireland

13.3.1 There shall be a Reserved Seat on Committee for a member in Northern Ireland. If no member from Northern Ireland is nominated for election to Committee at either a general election of ordinary Committee members or a by-election where the Reserved Seat for Northern Ireland has fallen vacant, then the reserved seat will lapse for the period of office of the Committee, or for the remaining period of office of the Committee, as the case may be.

13.3.2 Any members who move into, out of Northern Ireland shall be eligible for the Reserved Seat if they lived or worked in Northern Ireland on the day 38 days following the notice calling for nominations.

13.3.3 In any case of doubt as to whether a member is eligible to occupy the Reserved Seat for a Member in Northern Ireland, the matter shall be determined by the Committee and their determination shall be final.

13.4 Conduct of Elections of Committee Members

13.4.1 The general conduct of the election shall be in the hands of the Secretary. If no Secretary is in office and no member of FDA staff has been appointed to fulfil the functions of the Secretary on a temporary basis, then the general conduct of the election shall be managed by the Procedure Sub-Committee.

13.4.2 The conduct of the ballot itself, and the receiving and counting of votes and declaration of the result shall be entrusted to an independent scrutineer appointed by the person or persons having general conduct of the election pursuant to Rule 13.4.1.

13.4.3 A ballot is not required if the total number of nominations is equal to or less than the number of vacancies. In such circumstances all nominated members are deemed to be elected.

13.4.4 Voting shall be by ballot in accordance with the principles of proportional representation and in accordance with the rules for the conduct of ballots set out in Schedule 5 to these rules.

13.4.5 Voting papers shall be issued to all members whose subscriptions are not in arrears by the person or persons having general conduct of the election pursuant to Rule 13.4.1 not later than 61 days following the notice calling for nominations. The voting papers shall be accompanied by all election addresses duly received from any of the nominees, and a reply-paid envelope bearing on the outside the words "Voting Paper".

13.4.6 Each voting paper contain the names of all candidates and the Centres to which they belong, identifying by some appropriate method any candidates who are eligible to fill the Reserved Seat for Northern Ireland, and shall also indicate the number of members to be elected, and describe the method of voting to be observed. The names of any retiring committee members who are nominated for re-election shall be distinguished in some way. The number of Committee meetings held, and of the attendances of the members of Committee during the period since elected shall also be shown on the voting paper.

13.4.7 Votes for candidates shall be given by placing in the space provided for the purpose on the voting paper the figure 1 opposite the name of the first choice. Any further choices shall be indicated in accordance with the principles of proportional representation and of the alternative vote by placing the figure 2 opposite the second choice, the figure 3 opposite the third choice, and so on. In any by-election, however, if there is only one post to fill and only two

candidates, then voting shall be by placing a cross, tick or other mark in the box opposite the name of the preferred candidate.

13.4.8 The voting papers shall be returned to the independent scrutineer not later than 77 days following the notice calling for nominations, in the reply-paid envelopes supplied for the purpose.

13.4.9 No vote shall be valid if the voting paper is signed or mutilated, or if Rule 13.4.7 is contravened. Any question arising as to the validity of a vote shall be determined by the independent scrutineer, whose decision shall be final.

13.4.10 In counting the votes, the principles of proportional representation as laid down by the Electoral Reform Society shall be applied.

13.4.11 The Reserved Seat for Northern Ireland will be filled by the first member in Northern Ireland to be declared elected; but if all nominees who are members in northern would otherwise fail to be elected, then the Reserved Seat will be deemed to be filled by the last nominee from that group to be eliminated, and that nominee will be deemed to be elected, displacing the last of the other candidates who would otherwise have been declared elected.

13.4.12 The voting papers shall be preserved for one year by the Secretary.

13.5 Declaration of Results and Objections

13.5.1 The result of the election under the foregoing rules shall be notified immediately by the Secretary to each candidate and to each member of the existing Committee, and published to the members. The result shall be final unless within seven days of the date of notification an objection alleging a specific and material irregularity in the conduct of the election is lodged with the person or persons having general conduct of the election pursuant to Rule 13.4.1.

13.5.2 Immediately on receipt of an objection under rule 13.5.1, the person or persons having general conduct of the election pursuant to Rule 13.4.1 shall report the particulars thereof and all necessary information to the Committee, who shall either confirm the result already announced or declare the election result void and institute another election. The decision of the Committee shall be final.

13.5.3 If the election was a by-election, than any member or members declared elected in accordance with rule 13.5.1 may act as elected committee members notwithstanding any objection under rule 13.5.2 unless and until their election is declared void by the Committee under that rule. If the election was a general election of the 15 ordinary members of Committee then the incoming Committee (apart from the Officers) shall not take office unless and until the election result is confirmed, and the outgoing Committee (apart from the Officers) shall if necessary remain in office beyond the AGM, until such time as either the election result is confirmed by them or a new election has been held and the result has been announced and become final. Where the outgoing Committee is required to remain in office beyond the AGM pursuant to this rule, the consideration of the objection to the election result must feature on the

agenda of every meeting of the Committee which takes place after the AGM until such time as a decision has been reached in respect of it.

SECTION 14. PERIODS OF OFFICE AND VACANCIES

14.1 Periods of Office for Officers and Committee Members.

14.1.1 The period of office for members elected either onto the Committee, or as an Officer shall be two years commencing and terminating at the close of business of the Annual General Meeting of ARC next following their election, except that a member elected or appointed to any position under Rule 14.3 shall take up that position as soon as may be reasonably practicable after the election or appointment and shall hold it for the balance remaining of the period of office of the previous holder.

14.1.2 Notwithstanding any change in the official location, Centre or status of any member of the Committee after election, they shall retain membership of the Committee until the end of their period of office, subject only to Rule 14.1.3.

14.1.3 Should a member of the Committee or any of the Officers cease to be a member of ARC before the end of their period of office, their membership of the Committee or tenure of the Office shall terminate forthwith.

14.1.4 Should any member of the Committee or any of the Officers accept a secondment or loan to any organisation which is not a part of HMRC then, unless the secondment or loan is of less than four months' duration, their membership of the Committee or tenure of the Office shall terminate immediately upon their taking up their duties with the organisation to which they have been seconded or loaned.

14.2 Periods of Office of Centre Officials and Consultation Representatives

14.2.1 Centre officials shall hold office for one year unless the Centre's Standing Orders provide for a different term of office, in which case the term of office shall be such as is prescribed in the Centre's Standing Orders.

14.2.2 Representatives elected to any consultative body or committee which considers matters of national or department-wide interest shall hold office for the same period as the Committee of ARC, unless the Committee shall determine otherwise.

14.2.3 Representatives elected to any consultative body of committee which considers matters which are not of national or department-wide interest shell hold office for the same period as the Centre Officers of the Centre or Centres responsible for organising the election of the representatives. Where two or more Centres are responsible for organising the election of representatives, and their Centre Officials hold office for different terms, then it shall be for the Presidents of the Centres in question to agree among themselves the term for which the consultation representatives shall hold office; and if they are unable to agree then they may refer the question to Committee for a determination.

14.3 Vacancies on the Committee or among the Officers

14.3.1 The Committee shall institute an election for any vacancy on the Committee, or among the Officers, within four months of the creation of the vacancy. The procedure in such elections shall be identical to that specified in these rules except that the dates may be varied by the Committee (provided that the period of time allowed for each stage of the election process remains unaltered). Notice of any such election shall be published to the members least 14 days before the day fixed by the Committee as the last day for receipt of nominations.

14.3.2 Where a by-election is required as a result of the Reserved Seat for Northern Ireland becoming vacant, then the rules relating to the filling of the Reserved Seat for Northern Ireland shall apply.

14.3.3 The Committee may appoint a member to fill any vacancy on the Committee or amongst the Officers until a by-election takes place. Such appointment will not confer voting rights at Committee meetings, nor may such an appointee be counted towards the quorum at any meeting of the Committee.

14.3.4 In the event that a by-election to an Officer post results in the election of a member who was a voting member of the Committee, or who held a different Office, immediately prior to the election, then the election shall be deemed to have created a vacancy on the Committee or among the Officers (as the case may be) and a further by-election shall be held within four months of the declaration of the result of the first by-election.

SECTION 15. BECOMING AND CEASING TO BE A MEMBER OF ARC

15.1 Becoming a Member of ARC

15.1.1 A person who is eligible for membership of ARC may become a member by submitting a completed form of application for membership and a valid Direct Debit mandate for the payment of their subscription to the Secretary or, if the post of Secretary is vacant, to the head office of the FDA; and that person's membership shall commence on the date on which they are received by the Secretary or at the head office of the FDA as the case may be.

15.1.2 Where the Secretary receives a form of application for membership and a valid Direct Debit mandate from a person who is not eligible for membership of ARC, but fails to appreciate that that person is not eligible for membership then, that person shall not become a member of ARC nor be entitled to enjoy any of the benefits of membership of ARC even if their Direct Debit is presented to their bankers and payments made under its authority. The only right that such a person shall have as against ARC is the right to have reimbursed to them any sum or sums which ARC may have received from their bankers under the authority of his Direct Debit mandate.

15.2 Ceasing to be a Member of ARC

15.2.1 If a member of ARC ceases to be an employed civil servant then membership of ARC shall terminate forthwith.

15.2.2 A member may resign from membership of the FDA (and thereby also of ARC) at any time by giving written notice to the General Secretary of the FDA and if paying any subscription by deduction from salary must also request the paying authority to cease making such deductions.

15.2.3 No member ceasing to belong to ARC, by resignation or otherwise, shall have any claim upon or be entitled to participate in any of the effects or property of ARC, or to have the whole or any part of their annual subscription returned, except as otherwise provided for in these rules.

15.3 Associate Members of ARC

15.3.1 Former members of ARC (which for these purposes shall include members of the Association of HM Inspectors of Taxes prior to the transfer of that union's engagements to the Association) becoming an Honorary Associate of the FDA or a retired member of the FDA (pursuant to rules 6, 7 and 8 of FDA rules) shall also become an Associate of ARC or a retired member of ARC.

15.3.2 Associate and retired members of ARC shall be entitled to receive copies of communications circulated to all ARC members including access to electronic communication channels and shall be entitled to attend all social meetings but not business meetings, and shall not be entitled to vote on any of the affairs of ARC.

15.3.3 An Associate or retired Member of ARC may resign from Associate Membership by giving notice in writing to the Secretary.

SECTION 16. CONDUCT OF MEMBERS

16.1 The Committee may resolve to investigate an allegation concerning the conduct of any member, Associate Member or former member or Associate Member or ARC where it is alleged that that person has either:

- misused ARC funds, or
- purported to represent the views of ARC or of the FDA without express authority, or
- contravened these Rules or the rules or Standing Orders of any Centre in any way, or
- acted in a manner prejudicial to the interests of ARC or of the FDA, or
- harassed another member or discriminated against another member in a union context on the grounds of gender or gender reassignment, race or ethnic origin, disability, sexual orientation, religious belief, age, or any other characteristic which may at the time of the conduct in question be protected by anti-discrimination laws.

16.2 Where the Committee so resolves, the Disciplinary Code in Schedule 6 to these Rules shall apply.

SECTION 17. MISCELLANEOUS PROVISIONS

17.1 Social Meetings

17.1.1 There shall be an annual dinner of the members of ARC, to be held each year on a date fixed by the Committee.

17.1.2 Committee and Centres shall arrange for other meetings of a social character whenever deemed advisable.

17.1.3 No resolution passed by any social meeting shall be in any way binding upon ARC or the Committee.

17.2 Visitors

17.2.1 Any member of ARC may introduce visitors to any social gathering with the consent of the organiser of the gathering, either as guests or subject to the same conditions as members. Such visitors shall not, however, be present during the discussion of subjects connected with the work of members or be allowed to vote.

17.3 Press Reports

17.3.1 No report of the proceedings of ARC or of the FDA or statement on behalf of ARC shall be communicated to the Press without the sanction of the Committee or the President.

17.4 Secession from the FDA

17.4.1 ARC may secede from the FDA provided the consent thereto of at least two thirds of the members voting in a ballot be obtained. The conduct of such ballot shall be as set out in the Rules of the FDA. The property forming the general fund as at the date of such secession shall be applied or dealt with by the Committee in accordance with the directions of the members of ARC.

SECTION 18. DISSOLUTION OF ARC

18.1 Condition for Dissolution

18.1.1 ARC may not be dissolved unless such dissolution be consented to in writing by at least three fourths of its members.

18.1.2 Division of Assets on Dissolution.

18.1.3 On a dissolution of ARC, any surplus shown in the Annual Balance Sheet shall be the property, in shares proportional to the annual subscriptions payable, of the members of ARC at the date of such Balance Sheet.

SCHEDULES TO THE RULES

SCHEDULE 1. Instrument of Transfer

1. Throughout this schedule terms shall have the same meaning as in the rules of the AIT and, further, the following terms shall have the meanings assigned to them below:-

   "the effective date" shall mean the date upon which the Instrument of Transfer of engagements of the Association of Her Majesty's Inspectors of Taxes to the Association is registered; "the Former Association" shall mean the Association of Her Majesty's Inspectors of Taxes prior to the transfer of its engagements to the Association;

   "a Former District Council" shall mean a district council of a centre of the Former Association immediately prior to the effective date;

   "the first representatives" shall mean the first representatives of the AIT on the Whitley Council immediately after the effective date; and

   "the former representatives" shall mean the representatives of the Former Association on the Whitley Council immediately prior to the effective date.

Honorary Officers

2.

   a. As from the effective date, the first President, Past President, Vice Presidents, Honorary Secretaries and Honorary Treasurer of the AIT shall be those persons who immediately prior to the effective date held such offices in the Former Association;

   b. the first Honorary Officers shall all resign at the close of business of the annual general meeting of the AIT in 1989 and shall be eligible for election;

   c. Rule 41 of the AIT shall for the purposes only of the election of Honorary Officers in 1989 be amended so as to permit the secretary to publish to the members a notice calling for nominations in January 1989 (as opposed to in December 1988) but in any event no later than 5 January 1989.

Committee

3.

   a. As from the effective date the first members of committee (excepting the honorary officers) shall comprise the members of committee in office as members of committee (excepting the honorary officers) of the Former Association immediately prior to the effective date.

   b. The first members of committee shall resign at the close of business of the annual general meeting of the AIT to be held in 1989 and shall be eligible for election.

   c. As from the effective date, the membership of the first finance, rules, magazine and procedures sub-committees of committee shall comprise those persons who immediately prior to the effective date were members of such sub-committees of the Former Association and they shall all resign from such sub-committees as at the close of business of the annual general meeting of the AIT to be held in 1989.

Trustees

4. As from the effective date, the first trustees of the AIT shall be the trustees of the Former Association immediately prior to the effective date.

District Councils

5. As from the effective date:-

   a. centres within the United Kingdom under Rule 95 shall be the same as the centres of the Former Association immediately prior to the effective date;

   b. district councils shall be automatically constituted for each centre and each district council shall have the same standing orders and rules for procedures as the Former District Council for that centre;

   c. each member of the AIT shall be automatically assigned to membership of the district council for the centre of whose Former District Council that person was a member immediately prior to the effective date;

   d. the first centre secretary, centre president, centre committee and, if appropriate, centre treasurer of each district council shall be the centre secretary, centre president, centre committee and centre treasurer respectively of the Former District Council of that centre immediately prior to the effective date. Each first centre secretary, president and treasurer and each member of a first centre committee shall resign at such time as he/she would have resigned as centre secretary, president or treasurer or as a member of the centre committee of the Former District Council (as appropriate) if the transfer of engagements of the Association of HM Inspectors of Taxes to the Association had not taken place.

   e. the members of the committee of the AIT allocated to the district council of each centre pursuant to Rule 101 shall be the same as allocated to the Former District Council of that centre immediately prior to the effective date.

   f. the levy under Rule 109 shall for the District Council of each centre be the same as the levy for the Former District Council of that centre immediately prior to the effective date.

   g. the funds of the Former District Council of each centre shall be held by the centre treasurer of the district council of that centre.

Whitley Council

6.

   a. As from the effective date, the first representatives shall be those in office as former representatives immediately prior to the effective date.

   b. The first representatives shall all resign on the date upon which they would, as former representatives, have resigned as representatives of the Former Association in the event that the transfer of engagements of the Former Association to the association had not taken place.

The Secretary

7.

   a. As from the effective date, the secretary of the AIT shall be Derek Stobbs.

Sectional Subscription

8.

a. There shall be no sectional subscription for the first six months of the year commencing 1 January 1989 and the sectional subscription for the six months commencing 1 July 1989 shall be fixed by the Annual General Meeting of the AIT held in 1989 in accordance with Rule 8 of the Rules of the AIT.

Trade Union (Amalgamations, etc) Act 1964

Instrument of Transfer

1. THIS INSTRUMENT OF TRANSFER of the Engagements of ASSOCIATION OF HER MAJESTY'S INSPECTORS OF TAXES as the Transferor Association of 2 Caxton Street, London SW1H OQH to FDA as the Transferee Association of 2 Caxton Street aforesaid shall if duly approved by a resolution of the members of the transferor association take effect on 1 January 1989 or, if later, the date of its registration.

2. Throughout this Instrument the following terms shall have the meanings assigned to them below:-

"the AIT" shall mean the transferor association:- Association of Her Majesty's Inspectors of Taxes.

"the FDA" shall mean the transferee association:- FDA.

"the effective date" shall mean the date upon which this Instrument takes effect.

"the AIT Section" shall have the meaning assigned to it under clause 3 of this Instrument.

"the FDA's rules" shall mean the rules of the FDA coming into force on the effective date.

"the former rules of the FDA" shall mean the rules of the FDA immediately prior to the effective date.

"the FDA Committee" shall mean the Executive Committee of the FDA.

"a Former District Council" shall mean the district council of a centre of the AIT immediately prior to the effective date.

"the first representatives" shall mean the first representatives of the AIT on the Whitley Council immediately after the effective date.

"the former representatives" shall mean the representatives of the AIT on the Whitley Council immediately prior to the effective date.

"members of the AIT" shall mean the members of the AIT immediately prior to the effective date and shall, for the avoidance of doubt, not include Honorary Associates of the AIT immediately prior to the effective date.

3. On the effective date the members of the AIT will become members of the FDA and be subject to the FDA's rules and shall also be automatically constituted into a single section of the FDA to be known as "Association of Her Majesty's Inspectors of Taxes" (hereinafter referred to as "the AIT Section") and automatically assigned to a district council of the AIT Section in accordance with clause 7 of this Instrument.

4. On the effective date the former rules of the FDA will be replaced by the Rules as set out in Appendix 1 of this Instrument. The adoption of these rules was agreed by the Annual Delegate Conference of the FDA held on 12 May 1988.

5. The Rules as they appear in Appendix 1 will themselves be amended with effect from the effective date pursuant to section 3 of the Trade Union (Amalgamations etc.) Act 1964 in the following respects:-

   a. the formal adoption as the rules of the AIT Section of those rules set out in appendix 2 of this Instrument [for the avoidance of doubt it is accepted by the FDA Committee that following the formal adoption of the rules set out in appendix 1 the AIT Section may thereafter amend their rules without the prior approval of the FDA or the FDA Committee];

   b. As to Rule 46 by the introduction of a provision that any Sectional subscription collected by the General Secretary of the FDA from AIT members is collected by the General Secretary as agent for the AIT Section;

   c. All members of the AIT as on the day immediately prior to the effective date shall become members of the FDA and AIT Section and all Honorary Associates of the AIT as on the day immediately prior to the effective date shall become Honorary Associates of the AIT Section; and

   d. As to Rule 30 by amendment of the second paragraph thereof to provide that members of the FDA Committee representing the AIT Section shall not have a vote on any issue relating only to the Inland Revenue Department (where the AIT Section will act independently) and in which members of the FDA who are not also members of the AIT Section have an interest.

6. From the effective date:-

   a. the annual core subscription payable by members of the AIT to the FDA as at 1 January 1989 shall be £72.00 representing the core subscription under Rule 46(i) of the FDA's rules. There will be no sectional subscription for the six months commencing 1 January 1989. The AIT Section may introduce a sectional subscription for members of the AIT Section effective from 1 July 1989 at the first Annual General Meeting of the AIT Section. The annual subscription shall be payable to the General Secretary of the FDA and that part of the annual subscription of a member representing the sectional subscription shall be paid by the FDA to the AIT Section pursuant to Rule 46(ii) of the FDA's Rules.

   b. the first members of Committee of the AIT Section (excepting the Honorary Officers) shall be the persons elected members of Committee of AIT in office immediately prior to the effective date and the first President, Past President, Vice-Presidents, Honorary Secretaries and Honorary Treasurer of the AIT Section shall be those persons holding each respective office in the AIT immediately prior to the effective date. The first honorary officers and first members of Committee shall all retire at the close of business of the Annual General Meeting of the AIT Section in 1989 and subject to the rules of the AIT Section shall be eligible for re-election.

c. the persons who as members of the AIT immediately prior to the effective date were members of the FDA Committee shall remain members of the FDA Committee after the effective date but shall retire on 31 May 1989 and subject to the FDA's Rules shall be eligible for election.

d. the members of the AIT Section shall be entitled to the same benefits as they were entitled to as members of the AIT immediately prior to the effective date; that is to say they will be entitled to make applications on the same terms for relief from the Benevolent Fund of the Association of Her Majesty's Inspectors of Taxes.

e. the first trustees of the AIT Section shall be the persons who were the Trustees of the AIT immediately prior to the effective date and shall hold office under the terms of Rules 79 and 80 the AIT Section;

f. the first representatives shall be the persons who were the former representatives and they shall all resign on the date upon which they would have resigned as representatives of the AIT had the transfer of engagements of the AIT to the FDA not occurred;

g. the first Secretary of the AIT Section shall be Derek Stobbs;

h. Honorary Associates of the AIT immediately prior to the effective date shall become Honorary Associates of the AIT Section and shall be eligible to become Honorary Associates of the FDA under Rule 7 of the FDA's rules.

7. On the effective date each member of the AIT Section shall be automatically assigned to membership of the district council (constituted in accordance with the rules of the AIT Section) for the centre of whose former district council that person was a member immediately prior to the effective date.

8. The Benevolent Fund of the Association of Her Majesty's Inspectors of Taxes shall continue to operate after the effective date for the purpose of providing a fund which shall be available solely for the relief of past, present or future members of the Tax Inspectorate.

9. The FDA hereby acknowledges and accepts that the AIT is recognised and has established negotiating procedures in respect of matters which arise in the Inland Revenue Department which directly concern its membership and the FDA undertakes that the AIT Section shall after the effective date continue to act independently in respect of matters which arise in the Inland Revenue Department which directly concerns its membership and that all national and local agreements held by the AIT immediately prior to the effective date will after the effective date be treated as agreements of the AIT Section.

10. All real and personal property held for the benefit of the AIT shall from the effective date become vested in the trustees of the AIT Section except that the funds (if any) immediately prior to the effective date held for the benefit of the district council of a centre of the AIT shall from the effective date become vested in the centre Treasurer of the district council for that centre of the AIT Section.

11. The AIT Section will indemnify the FDA against all liabilities in claims, costs, and expenses made against or incurred by the FDA arising out of the acts or omissions of the AIT prior to the effective date.

SCHEDULE 2. Schedule 2: Benevolent Fund Constitution

The Benevolent Fund of the Association of Revenue and Customs

Title

The title of the fund shall be "The Benevolent Fund of the Association of Revenue and Customs".

Objects and Constitution The object of the fund shall be as to receive subscriptions and to provide a fund which shall be available solely for the relief of past, present or future members of the Tax Inspectorate, their families and dependants, who may be in distress through sickness or otherwise in necessitous circumstances.

The term "members of the Tax Inspectorate" shall be deemed to include any officer employed under the direction of the Board of HM Revenue and Customs who is eligible for membership of the Association of Revenue and Customs (hereinafter called "the Association").

Rules

Management

1. The affairs of the Fund shall be managed by three Trustees to be appointed by the Committee of the Association (hereinafter called the Committee).
2. The moneys and investments of the Fund shall be held in trust by the Trustees and shall be used exclusively for the purposes of the Fund.

   Officers of the Fund

3. A....., B..... and C..... shall be the first Trustees appointed by the Committee.
4. The Trustees shall hold office at the discretion of the Committee.
5. In the event of any Trustee being removed from office by the Committee or being discharged or ceasing to be employed as a member of the Tax Inspectorate, the Committee shall elect some other member of the Association as a trustee to act in his stead, provided that if no such election is made within six months from the date when a Trusteeship becomes vacant the remaining Trustees shall forthwith elect a new Trustee to fill such vacancy.
6. The Committee shall appoint an Honorary Secretary of the fund, who shall act under the directions of the Trustees.
7. The Senior Trustee shall act as Chairman at all Meetings of the Trustees.
8. The Trustees shall meet, to deal with cases recommended by the Finance Sub-Committee for relief. The Trustees shall make no payment of relief which has not been approved by the Finance Sub-Committee, provided that in any case of special urgency the Trustees may make a payment of relief not exceeding £1,000 on the recommendation of the President for the time being. Where the Trustees decline to act

in accordance with the recommendation of the Finance Sub-Committee they shall set out their reasons in writing within 14 days of the Finance Sub-Committee meeting. The claim to relief, the Finance Sub-Committee recommendation and the representations of the Trustees shall then be considered by Committee. If Committee so instruct, the Trustees shall meet the claim to relief in whole or in part as instructed by Committee.

The Trustees shall be entitled to be indemnified out of the property of the Association in respect of all actions, claims, demands, amounts, liabilities and obligations suffered or incurred by them as such Trustees and in respect of all acts and things done or suffered by them in consequence of or in accordance with the directions of Committee.

9. The Trustees may if they think fit employ and pay a Solicitor or any other person to transact any business or do any act required to be done in connection with the administration of the Fund.

10. The Honorary Secretary shall keep a record of the meetings of the Trustees.

Accounts

11. The Trustees shall prepare annually, as at 31st March;
    a. a report of the transactions of the Fund during the previous year;
    b. a summary of the receipts and payments during the previous year; and
    c. a Balance Sheet setting forth all the assets and liabilities of the fund.

12. The Trustees' accounts shall be audited annually be two members of the Association, to be appointed by the Committee annually, provided that if the Committee fail to appoint Auditors the appointments shall be made by the Trustees.

13. A copy of the report and of the audited accounts shall be sent by the Trustees to the Committee during the month of April.

Custody of the Property of the Fund

14. The account books of the fund, the investments, the current account at the bank, and all loose cash shall be in the control of the Trustees for the time being.

15. The minute book, records and other property of the Fund shall be in the custody of the Honorary Secretary.

Alteration of Rules

16. The Trustees shall have power to make any alteration of these rules which they may find necessary or to make any new rule provided that such alteration of rules or new rule shall not become effective until approved by the Association in general meeting.

SCHEDULE 3. Rules for the Political Fund

The Association of Revenue and Customs

1. The objects of the Association (in these rules described as "the trade union") shall include the furtherance of the political objects to which section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies, that is to say 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.

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

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.

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).

3. As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the union the executive committee shall ensure that a notice in the following form is given to all members of the union 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 the union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the union but every member of the union has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from, the head office or any branch office of the union or from the Certification Office for Trade Unions and Employers' Associations, 22nd Floor, Euston Tower, 286 Euston Road, London

NW1 3JJ.

This form, when filled in, or a written request in a form to the like effect, should be handed or sent to the secretary of the branch to which the member belongs.

The notice shall be published to members by such methods as are customarily used by the union to publish notices of importance to members and shall include the following minimum requirements. The notice shall be published in the union's main journal which is circulated to members. A copy of the notice shall be posted up and kept posted up for at least 12 months in a conspicuous place, accessible to members, at the office or meeting place of each branch of the union. The Secretary of each branch shall also take steps to secure that every member of the branch, so far as is reasonably practicable, receives a copy of the notice, and shall supply a copy to any member on request. The executive committee shall provide the secretary of each branch with a number of copies of the notice sufficient for these purposes.

4. Any member of the union may at any time give notice on the form of exemption notice specified in Rule 5, or by a written request in a form to the like effect, that he objects to contribute to the political fund. A form of exemption notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the general office or any branch office of the union, or from the Certification Office for Trade Unions and Employers' Associations, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ.
5. The form of exemption notice shall be as follows:-

ASSOCIATION OF REVENUE AND CUSTOMS

POLITICAL FUND EXEMPTION NOTICE

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

Signature: .....

Address: .....

Date: .....

1. Any member may obtain exemption by sending such notice to the secretary of the branch to which the member belongs and, on receiving it, the secretary shall send an acknowledgement of its receipt to the member at the address in the notice, and shall inform the general secretary of the name and address of that member.
2. On giving such notice, a member shall be exempt, so long as his notice is not withdrawn, from contributing to the political fund of the union as from either: (a) the first day of January next after notice by the member is given, or, (b) in the case of a notice given within one month after the notice given to members under Rule 3 or after the date on which a new member admitted to the union is supplied with a copy of these rules under Rule 13, as from the date on which the member's notice is given.
3. The executive committee shall give effect to the exemption of members to contribute to the political fund of the union by relieving any members who are exempt from the payment of part of any periodical contributions required from the members of the union towards the expenses of the union as provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment.
4. For the purpose of enabling each member of the union to know as respects any such periodical contribution what portion, if any, of the sum payable by him is a contribution to the political fund of the union, it is hereby provided that 25p. of each (quarterly/monthly/weekly) contribution is a contribution to the political fund, and that any member who is exempt shall be relieved from the payment of the sum of 25p., and shall pay the remainder of such contribution only.
5. A member who is exempt from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of his being so exempt.
6. Contribution to the political fund of the union shall not be made a condition for admission to the union.
7. If any member alleges that he is aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to section 82 of the Act, he may complain to the Certification Officer, and the Certification Officer, after making such enquiries as he thinks fit and after giving the complainant and any representative of the union an opportunity of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the Act, be enforced in the manner provided for in section 82(4) of the Act.
8. Any member may withdraw his notice of exemption on notifying his desire to that effect to the secretary of his branch, who shall on receiving it send the member an acknowledgement of receipt of the notification and inform the general secretary of the name and address of that member.

Northern Ireland Political Fund Rules

9. Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 no member of the Union shall be required to made any contribution to the political fund of the Union unless he has delivered as provided in Rule 4, to the Head Office or some branch office of the Union, a notice in writing, in the form set out in Rule 2, of his willingness to contribute to that Fund, and has not withdrawn the notice in the manner provided in Rule 3. Every member of the Union who has not delivered such a notice or who, having delivered such a notice, has withdrawn it in the manner provided in Rule 3, is to be deemed for the purpose of these Rules to be a member who is exempt from the obligation to contribute to the Political Fund of the Union.
10. The form of notice of willingness to contribute to the political fund of the union is as follows:

POLITICAL FUND CONTRIBUTION NOTICE – NORTHERN IRELAND

I HEREBY give notice that I am willing, and agree, to contribute to the political fund of the ASSOCIATION OF REVENUE AND CUSTOMS , 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 to the head office or some branch office of the union, a written notice of withdrawal. I also understand that after delivering such a notice of withdrawal I shall still continue to be liable to contribute to the political fund until the next following first day of January.

Name: ……

Address: ……

Membership Number: ……

……day of …..year……

1. If at any time a member of the union, who has delivered such a notice as is provided for in Sections 2 and 3, gives notice of withdrawal thereof, delivered as provided in Section 4, to the head office or at any branch office of the union, he shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.
2. The notices referred to in Sections 2 and 3 may be delivered personally by the member or by an authorised agent of the member, and any notice shall be deemed to have been delivered at the head or branch office of the union if it has been sent by post properly addressed to that office.
3. The executive committee shall give effect to the exemption of Northern Ireland members to contribute to the political fund of the union by relieving those members who are legally exempt from the payment of part of any periodical contributions

required from the members of the union towards the expenses of the union as provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment.

4. For the purpose of enabling each Northern Ireland member, who has opted to pay to the political fund, to know as respects any such periodical contributions what portion, if any, of the sum payable by him is a contribution to the political fund of the union, it is hereby provided that 25p of each monthly contribution is a contribution to the political fund, and that those Northern Ireland members who are statutorily exempt shall be relieved from the payment of the sum of 25p, and shall pay the remainder of such contribution only.

5. Northern Ireland members who are statutorily 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 their being exempt.

6. If any Northern Ireland member alleges that he is 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 he may complain to the Northern Ireland Certification Officer, 2-8 Gordon Street, Belfast BT1 2LG, under Article 57(2) to (4) of that Order.

7. 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, he may make an order for remedying it as he thinks just in the circumstances. Under Article 69 of the 1995 Order an appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law.

8. Moreover, if any Northern Ireland member alleges that he is aggrieved by a breach of the political fund rules made pursuant to section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992 he may complain to the GB Certification Officer, the Certification Office for Trade Unions and Employers' Associations, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. If, after giving the complainant and a representative of the union an opportunity of being heard the GB Certification Officer considers that a breach has been committed he may make an order for remedying it as he thinks just in the circumstances. Any such order of the GB Certification Officer is subject to the right of appeal provided for by section 82 (4) of the 1992 Act.

SCHEDULE 4. Specimen Standing Orders for District Councils

Centre Committee

1. The affairs of the District Council shall be managed, subject to the Rules of the ARC and to these Standing Orders, by a Centre Committee.

2. The District Council, annually, at the first Centre Meeting held after 31 March, shall appoint a Centre President for the ensuing year.

3. The Centre Committee shall consist of (....) members, together with the Centre President, the Centre Secretary and the member of the ARC Committee allocated to the Centre under Rule 57, who shall be ex-officio members.

4. In the event of one of the (....) elected members of the Centre Committee becoming an ex-officio member, the vacancy thus created shall be filled in the same manner as a vacancy under Standing Order 7.

5. The duties of the Centre Committee shall be:-

   a. To fix dates of meetings of the District Council, and to arrange the agenda thereof:

   b. To give advice and assistance to any member of the Council who applies to them:

   c. To assist the Centre Secretary in keeping the members informed as to matters of general interest:

   d. To make recommendations to the District Council regarding the appointment of Sub-Committees as provided in Standing Order 14:

   e. To bring to the notice of the Honorary Secretaries and any matter of urgency:

   f. To audit and approve the Accounts of the Centre Fund; and

   g. Such other duties as may from time to time be entrusted to them by the Council.

Election of Centre Committee

6. Nominations of members for election must be in the hands of the Centre Secretary by 17 March. The Centre Secretary shall at once acquaint all members who have been nominated and any nominee may withdraw their nomination by notice to the Centre Secretary before 24 March. The Centre Secretary shall circulate with the agenda of the first Centre Meeting after 31 March a list of members nominated, with voting papers, which shall be returned to the Centre Secretary not later than the time fixed for such meeting. The meeting shall appoint two or more Scrutineers, who shall thereupon count the votes and report the result to the meeting, which shall confirm the election and with which, in the case of an equality of votes, the final decision shall rest. The votes shall be counted in accordance with the principles of proportional representation.

7. In the event of any elected member of the Committee ceasing from any cause to be a member of the Committee, the vacancy shall be notified in the agenda of the next Centre Meeting, and shall be filled by a vote taken at that meeting.

8. Those members of the Committee who have not been elected for the ensuing year shall retire annually at the conclusion of the first Centre Meeting held after 31 March.

District Council Meetings

9. Meetings of the District Council shall be held in _____ and normally on the _____ in every (alternate) month beginning with January. The Centre Committee may, however, for due cause vary these dates, or dispense with any meeting, or summon an additional meeting, and shall summon such additional meeting if required under Rule 104, or under Standing Order 10.

10. Any (.....) members of the District Council may require the Centre Committee to call a meeting of the Council.

11. (.....) members present shall form a quorum.

12. Voting at all District Council Meetings shall be by show of hands, or by ballot, as decided by the meeting. In any case of dispute the President's decision shall be final.

13. Business not on the agenda may be transacted only be the consent of two thirds of the members present, subject to the provisions of Standing Order 24, and the order of the agenda may be varied only by the consent of the majority of the members present.

14. Sub-Committees of the Centre may be appointed by the District Council, and the Centre Secretary shall be ex-officio a member of all such Sub-Committees.

15. A Centre Fund shall be created by means of a levy payable by each member of the District Council, to meet the cost of second class railway fares of members attending meetings held under Standing Order 9 or 16, and such other expenses in connection with the activities of the Centre as may be approved at a District Council Meeting. The Centre Committee shall appoint one of its members to be Centre Treasurer. He shall administer the Centre Fund, and shall render an annual account made up to 31 December, which, after approval by the Centre Committee as provided in Standing Order 5(f), shall be presented to the first District Council Meeting after 31 March.

Centre Committee Meetings

16. The Centre Committee shall meet in (.....) at such times as the Centre Secretary after consultation with the other Committee members may determine. One such meeting shall always be held at least three days before every meeting of the District Council. The Centre Secretary shall give to all members of the Centre Committee and to members mentioned in Standing Order 19 as long notice of a Committee meeting as is practicable.

17. At each Centre Committee Meeting a sum not exceeding in each case the second class railway fare shall be allowed as a contribution towards the travelling expenses of each member, provided that, in the case of the member of the ARC Committee allocated to the Centre under Rule 101 an allowance under this Standing Order shall only be granted where no allowance is provided for in Rule 88 and where the attendance of that member has been specifically requested by the Centre Secretary.

18. (.....) members shall form a quorum.

19. Any member of the District Council being a member of the Committee of ARC may attend all meetings of the Centre Committee and take part in its deliberations, but shall not have a vote other than as a member of the Centre Committee.

Centre Secretary

20. The Centre Secretary shall keep minutes of all District Council and Centre Committee Meetings, and the first business of the next Council or Committee Meeting, as the case may be, shall be the reading, the confirming or amending, and signing by the Chairman of such minutes.

21. The Centre Secretary shall provide each new member of the Centre Committee with copies of the minutes of the District Council Meetings held during the previous three years. The Centre Secretary shall immediately after a meeting of the Council supply

each member of the Centre Committee with a copy of the draft minutes of such meeting. These copies and the communications referred to in Standing Order 22 shall be carefully preserved by the members to whom they are issued and returned by them to the Centre Secretary upon such members ceasing to hold membership of the Centre Committee.

22. The Centre Secretary shall circulate to all members of the Centre Committee, as soon as may be practicable, copies of all important communications received.

23. All books and papers shall be in the custody of the Centre Secretary. Before going on leave the Centre Secretary shall hand over the minute book and all necessary correspondence to another member of the Centre Committee, and arrange that ARC correspondence which may arrive during that absence shall be sent to that member.

Alteration of Standing Orders

24. Any proposal to amend or add to these Standing Orders shall not be considered at a Centre Meeting unless it shall have appeared on the agenda of that meeting circulated to all members of the Centre; and if the number voting at that meeting for the amendment or addition be less than (.....) it shall not be deemed to be carried until after confirmation at the Centre Meeting next following. No amendment of or addition to these Standing Orders shall take effect until after the approval of the Committee has been received as provided in Rule 99.

Interpretation of Standing Orders

25. At any meeting any question of the interpretation of these Standing Orders shall be determined by the Convenor.

SCHEDULE 5. Conduct of ballots held in accordance with Rule 19

PART I

Rejected ballot papers

1.

a. Any Ballot paper -

i. which does not bear the official mark; or

ii. on which a cross (x) standing alone is not placed so as to indicate a first preference for some candidate; or

iii. on which a cross (x) standing alone is set against the name of both candidates; or

iv. on which anything other than a cross (x) is written or marked by which the voter can be identified; or

v. which is unmarked or void for uncertainty;

shall be void and not counted, but the ballot paper shall not be void by reason only of carrying another mark instead of a cross (x) if, in the opinion of the scrutineers, the word or mark clearly indicates a preference for one candidate.

b. The scrutineers shall endorse "rejected" on any ballot paper which under this paragraph is not to be counted.

c. The scrutineers shall prepare a statement showing the number of ballot papers rejected under each of sub-paragraphs (a), (b), (c), (d) and (e) of paragraph 1(1).

d. The decision of the scrutineers on any question arising in respect of a ballot paper shall be final.

2.

a. The scrutineers shall sort the ballot papers into parcels according to the candidate for whom the votes are given.

b. The scrutineers shall then count the number of votes given on ballot papers to each of the candidates and shall record their numbers.

c. The scrutineers shall also ascertain and record the number of ballot papers.

d. The candidate receiving the highest number of votes shall be deemed elected.

e. In the event that both candidates receive the same number of votes the scrutineers shall decide between the candidates by lot and the candidate on whom the lot falls shall be elected.

PART II

Rejected ballot papers

1.

a. Any ballot paper –

i. which does not bear the official mark; or

ii. on which the figure 1 standing alone is not placed so as to indicate a first preference for some candidate; or

iii. on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate; or

iv. on which anything (other than the printed number) is written or marked by which the voter can be identified; or

v. which is unmarked or void for uncertainty;

shall be void and not counted, but the ballot paper shall not be void by reason only of carrying the words "one", "two", "three" (and so on) or any other mark instead of a figure if, in the opinion of the scrutineers, the word or mark clearly indicates a preference or preferences.

b. The scrutineers shall endorse "rejected" on any ballot paper which under this paragraph is not to be counted.

c. The scrutineers shall prepare a statement showing the number of ballot papers rejected under each sub-paragraphs (a), (b), (c), (d) and (e) of paragraph 1(1).

d. The decision of the scrutineers on any question arising in respect of a ballot paper shall be final.

First Stage

2.

a. The scrutineers shall sort the ballot papers into parcels according to the candidates for whom first preference votes are given.

b. The scrutineers shall then count the number of first preference votes given on ballot papers for each candidate and shall record those numbers.

c. The scrutineers shall also ascertain and record the number of valid ballot papers.

The Quota

3.

a. The scrutineers shall divide the number of valid ballot papers by a number exceeding by one the number of members to be elected.

b. The result, increased by one, of the division under paragraph 3(a) (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these rules referred to as "the quota").

c. At any stage of the count a candidate whose total vote equals or exceeds the quota shall be deemed to be elected, except that at an election where there is only one vacancy a candidate shall not be deemed to be elected until the procedure set out in paragraphs 6(a) to 6(c) has been complied with.

Transfer of votes

4.

a. Where the number of first preference votes for any candidate exceeds the quota, the scrutineers shall sort all the ballot papers on which first preference votes are given for that candidate into sub-parcels so that they are grouped –

i. according to the next available preference given on those papers for any continuing candidate, or

ii. where no such preference is given, as the sub-parcel of non-transferable votes.

b. The scrutineers shall count the number of ballot papers in each parcel referred to in paragraph.

c. The scrutineers shall, in accordance with this paragraph and paragraph 5, transfer each sub-parcel of ballot papers referred to in sub-paragraph (i) of paragraph 4(a) to the candidate for whom the next available preference is given on those papers.

d. The vote on each ballot paper transferred under paragraph 4(c) shall be at a value ("the transfer value") which –

i. reduces the value of each vote transferred so that the total value of all such votes does not exceed the surplus, and

ii. is calculated by dividing the surplus of the candidate from whom the votes are being transferred by the total number of the ballot papers on which those votes

are given, the calculation being made to two decimal places (ignoring the remainder if any).

e. Where, at the end of any stage of the count involving the transfer of ballot papers, the number of votes for any candidate exceeds the quota, the scrutineers shall sort the ballot papers in the sub-parcel of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped –

i. according to the next available preference given on those papers for any continuing candidate, or

ii. where no such preference is given, as the sub-parcel of non-transferable votes.

f. The scrutineers shall, in accordance with this sub-paragraph and paragraph 5, transfer each sub-parcel of ballot papers referred to in sub-paragraph (i) of paragraph 4(e) to the candidate for whom the next available preference is given on those papers.

g. The vote on each ballot paper transferred under paragraph 4(f) shall be at –

i. a transfer value calculated as set out in sub-paragraph (ii) of paragraph 4(d), or

ii. at the value at which that vote was received by the candidate from whom it is now being transferred, whichever is the less.

h. Each transfer of a surplus constitutes a stage in the count.

i. Subject to paragraph 4(j), the scrutineers shall proceed to transfer transferable papers until no candidate who is deemed to be elected has a surplus or all the vacancies have been filled.

j. Transferable papers shall not be liable to be transferred where any surplus or surpluses which, at a particular stage of the count, have not already been transferred, are –

i. less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote; or

ii. less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total numbers of votes and the candidates next above such candidates.

(k) Paragraphs 4(a) to 4(j) shall not apply at an election where there is only one vacancy.

Supplementary provisions on transfer

5.

a. If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the largest surplus shall be transferred first, and if –

i. the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest recorded votes at the

earliest preceding stage at which they had unequal votes, shall be transferred first; and

ii. the votes credited to two or more candidates were equal at all stages of the count, the scrutineers shall decide between those candidates by lot and the transferable papers of the candidate on whom the lot falls shall be transferred first.

b. The scrutineers shall, on each transfer of transferable papers under paragraph 4 –

i. record the total transfer value of the votes transferred to each candidate;

ii. add that value to the previous total of votes for each candidate and record the new total;

iii. record as non-transferable votes the difference between the surplus and the total transfer value of transferred votes and add that difference to the previously recorded total of non-transferable votes; and

iv. compare

a) the total number of votes then recorded for all the candidates, together with total number of non-transferable votes, with

b) the recorded total of valid first preference votes.

c) All ballot papers transferred under paragraph 4 or 6 shall be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that paper or, as the case may be, all the papers in that sub-parcel.

d) Where a ballot paper is so marked that it is unclear to the scrutineers at any stage of the count under paragraph 4 or 6 for which candidate the next preference is recorded, the scrutineers shall treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper shall be so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the scrutineers, the same order of preference is indicated or the numerical sequence is broken.

Exclusion of candidates

6.

a. If -

i. all transferable papers which under the provisions of paragraph 4 (including that paragraph as applied by paragraph 6(k) and this paragraph are required to be transferred, have been transferred; and

ii. subject to paragraph 7 one or more vacancies remain to be filled;

iii. the scrutineers shall exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph 6(l) applies, the candidates with the then lowest votes).

b. The scrutineers shall sort all the ballot papers on which first preference votes are given for the candidate or candidates excluded under paragraph 6(a) into two sub-parcels so that they are grouped as -

   i. ballot papers on which a next available preference is given; and

   ii. ballot papers on which no such preference is given (thereby including ballot papers on which preferences are given only for candidates who are deemed to be elected or are excluded.

c. The scrutineers shall, in accordance with this paragraph and paragraph 5, transfer each sub-parcel of ballot papers referred to sub-paragraph (i) of paragraph 6(b) to the candidate for whom the next available preference is given on those papers.

d. The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.

e. If, subject to paragraph 7, one or more vacancies still remain to be filled, the scrutineers shall then sort the transferable papers, if any, which had been transferred to any candidate excluded under paragraph 6(a) into sub-parcels according to their transfer value.

f. The scrutineers shall transfer those papers in the sub-parcel of transferable papers with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those papers (thereby passing over candidates who are deemed to be elected or are excluded).

g. The vote on each transferable paper transferred under paragraph 6(f) shall be at the value at which that vote was received by the candidate excluded under paragraph 6(a).

h. Any papers on which no next available preferences have been expressed shall be set aside as non-transferable votes.

i. After the scrutineers have completed the transfer of the ballot papers in the sub-parcel of ballot papers with the highest transfer value they shall proceed to transfer in the same way the sub-parcel of ballot papers with the next highest value and so on until they have dealt with each sub-parcel of a candidate excluded under paragraph 6(a).

j. The scrutineers shall after each stage of the count completed under this paragraph –

   i. record –

      a) the total value of votes; or

      b) the total transfer value of votes transferred to each candidate;

   ii. add that total to the previous total of votes recorded for each candidate and record the new total;

   iii. record the value of non-transferable votes and add that value to the previous non-transferable votes; and

   iv. compare -

a) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with

b) the recorded total of valid first preference votes.

k. If after a transfer of votes under any provision of this paragraph, a candidate has a surplus, that surplus shall be dealt with in accordance with paragraphs 4(e) to (j) and paragraph 5.

l. Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred is less that the number of votes credited to the next lowest candidate, the scrutineers shall in one operation exclude such two or more candidates. (m) If where a candidate has to be excluded under this paragraph two or more candidates each have the same number of votes and are lowest –

i. regard shall be had to the total number of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded; and

ii. where the number of votes credited to those candidates was equal at all stages, the scrutineers shall decide between the candidates by lot and the candidate on whom the lot falls shall be excluded.

Filling the last vacancies

7.

a. Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates shall thereupon be deemed to be elected.

b. Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to another of other continuing candidates together with any surplus not transferred, the candidate shall thereupon be deemed to be elected.

c. Where the last vacancies can be filled under this paragraph, no further transfer of votes shall be made.

SCHEDULE 6. Schedule 6 to the Rules of ARC

The Disciplinary Code

1. This code shall apply whenever the Committee of ARC resolves, pursuant to Rule 16.4.2 of the Rules of ARC, to investigate an allegation which falls within Rule 16.4.1 of the Rules of ARC.

2. When this code applies, the President will appoint a Delegate to carry out an investigation of the allegation. The Delegate must be either a member of ARC or of the FDA, or a member of FDA staff, and must not be a member of ARC Committee who was present at the meeting at which the resolution pursuant to Rule 16.4.2 was made.

3. The President must notify the person whose conduct is to be investigated, and all members of ARC Committee, of the details of the allegation, of the resolution to investigate it, of the reasons for that resolution, and of the identity of the Delegate who has been charged with the investigation, within 7 days of the making of the resolution.

4. The Delegate shall take evidence from the person making the allegation, from the person against whom the allegation is made, and from all such other witnesses as the Delegate shall deem appropriate. At any meeting with the Delegate, the person against whom the allegation is made shall be entitled to be accompanied by a representative of their choice, who must be a member of ARC. If the person against whom the allegation is made declines to meet the Delegate, or agrees to meet the Delegate but declines to answer any or all of the Delegate's questions, then the Delegate shall be entitled to draw such adverse inferences regarding the conduct of the person against whom the allegation is made as shall to the Delegate appear appropriate in all the circumstances of the case.

5. At the conclusion of their investigation, the Delegate will make a report of their investigation, of the evidence received, of any adverse inferences drawn pursuant to paragraph 4 above, of the facts found, and whether or not they consider the allegation to be well-founded. This report shall be made to a specially appointed Discipline Sub-Committee. A copy of the report shall also be furnished to the person against whom the allegation is made.

6. The Discipline Sub-Committee, which shall be appointed by the President after taking advice from the Secretary, shall consist of one Officer of ARC and two ordinary Committee members. The three members of the Discipline Sub-Committee must not all belong to the same Centre, and none of them must belong to the same Centre as the person against whom the allegation is made. If the composition of the Committee is such that this cannot be achieved then one or more members of the FDA Executive Committee may be appointed to the Discipline Sub-Committee.

7. If the Delegate's report indicates that in the Delegate's opinion the allegation is not well founded, then the Discipline Sub-Committee shall formally dismiss the allegation.

8. If the Delegate's report indicates that the Delegate considers the allegation well-founded, then the Discipline Sub-Committee must consider whether the allegation amounts to a breach of Rule 16.4.1

9. The Discipline Sub-Committee shall determine its own procedures; but before reaching any determination as to whether or not there has been any breach of Rule 16.4.1 it must afford the person against whom the allegation is made:

    - reasonable time to read and consider the Delegate's report;
    - an opportunity to make representations to the Discipline Sub-Committee; and
    - the right to be accompanied by a representative of their choice, who must be a member of ARC, at any appearance before the Discipline Sub-Committee

10. If, having considered the Delegate's report and any representations made by the person against whom the allegation is made, the Discipline Sub-Committee considers that there has been a breach of Rule 16.4.1, then it shall also determine what, if any, penalty is to be imposed. The penalties which may be imposed, in decreasing order of severity, are:

- Expulsion from membership of ARC. Any such penalty shall also be accompanied by a statement that the person may not apply to re-join ARC before a particular date, or if the case is in the opinion of the Discipline Sub-Committee severe enough to warrant it, a statement that the person may never apply to re-join ARC.
- Suspension from the rights and benefits of membership of ARC for a stated period, during which period the member shall remain a member liable to pay contributions but shall not for the period of suspension be entitled to participate in the affairs of ARC or the FDA. In addition the member shall not, during the period of suspension, be entitled to the assistance of the support of the union or any of its officials in respect of any matter, or subsequently in relation to any matter which may arise during the period of suspension. If the person should for any reason cease to be a member of ARC during the period of suspension, and subsequently re-joins ARC, then any unexpired period of suspension must be served upon re-joining before they may enjoy the benefits of their renewed membership.
- Suspension for a stated period from any elected office in ARC.
- Reprimand.
- The imposition of no penalty, whilst noting that the member is in breach of Rule 16.4.1.

11. The Discipline Sub-Committee shall notify the person against whom the allegation is made of its decision, and of their right to appeal, by written notice sent to the person's last known address by any "signed for" postal service. The Discipline Sub-Committee shall also notify ARC Committee of its decision.
12. The person against whom the allegation is made may appeal against the decision of the Discipline Sub-Committee by delivering a written Notice of Appeal setting out their grounds of appeal to the Secretary within 28 days of the date on which notice of the Discipline Sub-Committee's decision was delivered to them.
13. Any appeal against a decision of a Discipline Sub-Committee shall be heard by a Board of three persons nominated by ACAS.
14. Unless and until allowed by the Appeal Board, the decision of the Discipline Sub-Committee shall remain in force.
15. The Appeal Board shall determine its own procedure, but it shall be bound to consider any representations made by the Appellant, and any representations made by or on behalf of the Committee. The Appeal Board must also permit the Appellant to be accompanied by a representative of his choice, who must be a member of ARC, at any appearance before it.
16. The Appeal Board shall proceed to hear and determine the appeal as quickly as it reasonably practicable.
17. The Appeal Board shall not consider any evidence which was not before the Discipline Sub-Committee unless it is satisfied either that it was not reasonably possible for that evidence to be made available to the Discipline Sub-Committee, or that it would be manifestly unjust to exclude the evidence.
18. The Appeal Board may alter, annul, or confirm the decision of the Discipline Sub-Committee, and may if it thinks fit impose a penalty which is more severe than that

which was imposed by the Discipline Sub-Committee, provided only that it must be a penalty which the Discipline Sub-Committee could have imposed.

19. The decision of the Appeal Board shall be final, and shall be given in writing to both the Appellant and ARC Committee.

20. Delegates' Reports, decisions of any Discipline Sub-Committee, and decisions of any Appeal Board are all to be treated as confidential internal documents. They may not be disclosed to anybody who is not a member or employee of ARC or the FDA except in obedience to an Order of the Court; and they may only be disclosed to any member or employee of ARC or the FDA who is not a member of ARC Committee unless such disclosure is necessary in order to give effect to the decision of the Discipline Sub-Committee or Appeal Board, or is made with the consent of the person against whom the allegation was made.

APPENDIX IV: CONDUCT OF BALLOTS

CONDUCT OF BALLOTS HELD IN ACCORDANCE WITH RULE 19

PART I

Rejected ballot papers

1.

a. Any Ballot paper –

i. which does not bear the official mark; or

ii. on which a cross (x) standing alone is not placed so as to indicate a first preference for some candidate; or

iii. on which a cross (x) standing alone is set against the name of both candidates; or

iv. on which anything other than a cross (x) is written or marked by which the voter can be identified; or

v. which is unmarked or void for uncertainty;

shall be void and not counted, but the ballot paper shall not be void by reason only of carrying another mark instead of a cross (x) if, in the opinion of the scrutineers, the word or mark clearly indicates a preference for one candidate.

b. The scrutineers shall endorse "rejected" on any ballot paper which under this paragraph is not to be counted.

c. The scrutineers shall prepare a statement showing the number of ballot papers rejected under each of sub-paragraphs (a), (b), (c), (d) and (e) of paragraph 1(1).

d. The decision of the scrutineers on any question arising in respect of a ballot paper shall be final.

2.

a. The scrutineers shall sort the ballot papers into parcels according to the candidate for whom the votes are given.

b. The scrutineers shall then count the number of votes given on ballot papers to each of the candidates and shall record their numbers.

c. The scrutineers shall also ascertain and record the number of ballot papers.

d. The candidate receiving the highest number of votes shall be deemed elected.

e. In the event that both candidates receive the same number of votes the scrutineers shall decide between the candidates by lot and the candidate on whom the lot falls shall be elected.

PART II

Rejected ballot papers

1.

a. Any ballot paper –

i. which does not bear the official mark; or

ii. on which the figure 1 standing alone is not placed so as to indicate a first preference for some candidate; or

iii. on which the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate; or

iv. on which anything (other than the printed number) is written or marked by which the voter can be identified; or

v. which is unmarked or void for uncertainty;

shall be void and not counted, but the ballot paper shall not be void by reason only of carrying the words "one", "two", "three" (and so on) or any other mark instead of a figure if, in the opinion of the scrutineers, the word or mark clearly indicates a preference or preferences.

b. The scrutineers shall endorse "rejected" on any ballot paper which under this paragraph is not to be counted.

c. The scrutineers shall prepare a statement showing the number of ballot papers rejected under each sub-paragraphs (a), (b), (c), (d) and (e) of paragraph 1(1).

d. The decision of the scrutineers on any question arising in respect of a ballot paper shall be final.

First Stage

2.

a. The scrutineers shall sort the ballot papers into parcels according to the candidates for whom first preference votes are given.

b. The scrutineers shall then count the number of first preference votes given on ballot papers for each candidate and shall record those numbers.

c. The scrutineers shall also ascertain and record the number of valid ballot papers.

The Quota

3.

a. The scrutineers shall divide the number of valid ballot papers by a number exceeding by one the number of members to be elected.

b. The result, increased by one, of the division under paragraph 3(a) (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these rules referred to as "the quota").

c. At any stage of the count a candidate whose total vote equals or exceeds the quota shall be deemed to be elected, except that at an election where there is only one vacancy a candidate shall not be deemed to be elected until the procedure set out in paragraphs 6(a) to 6(c) has been complied with.

Transfer of votes

4.

a. Where the number of first preference votes for any candidate exceeds the quota, the scrutineers shall sort all the ballot papers on which first preference votes are given for that candidate into sub-parcels so that they are grouped –

   i. according to the next available preference given on those papers for any continuing candidate, or

   ii. where no such preference is given, as the sub-parcel of non-transferable votes.

b. The scrutineers shall count the number of ballot papers in each parcel referred to in paragraph 4(a).

c. The scrutineers shall, in accordance with this paragraph and paragraph 5, transfer each sub-parcel of ballot papers referred to in sub-paragraph (i) of paragraph 4(a) to the candidate for whom the next available preference is given on those papers.

d. The vote on each ballot paper transferred under paragraph 4(c) shall be at a value ("the transfer value") which –

   i. reduces the value of each vote transferred so that the total value of all such votes does not exceed the surplus, and

   ii. is calculated by dividing the surplus of the candidate from whom the votes are being transferred by the total number of the ballot papers on which those votes are given, the calculation being made to two decimal places (ignoring the remainder if any).

e. Where, at the end of any stage of the count involving the transfer of ballot papers, the number of votes for any candidate exceeds the quota, the scrutineers shall sort the ballot papers in the sub-parcel of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped –

   i. according to the next available preference given on those papers for any continuing candidate, or

   ii. where no such preference is given, as the sub-parcel of non-transferable votes.

f. The scrutineers shall, in accordance with this sub-paragraph and paragraph 5, transfer each sub-parcel of ballot papers referred to in sub-paragraph (i) of paragraph 4(e) to the candidate for whom the next available preference is given on those papers.

g. The vote on each ballot paper transferred under paragraph 4(f) shall be at –

   i. a transfer value calculated as set out in sub-paragraph (ii) of paragraph 4(d), or

   ii. at the value at which that vote was received by the candidate from whom it is now being transferred,

   whichever is the less.

h. Each transfer of a surplus constitutes a stage in the count.

i. Subject to paragraph 4(j), the scrutineers shall proceed to transfer transferable papers until no candidate who is deemed to be elected has a surplus or all the vacancies have been filled.

j. Transferable papers shall not be liable to be transferred where any surplus or surpluses which, at a particular stage of the count, have not already been transferred, are –

i. less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote; or

ii. less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total numbers of votes and the candidates next above such candidates.

k. Paragraphs 4(a) to 4(j) shall not apply at an election where there is only one vacancy.

Supplementary provisions on transfer

5.

a. If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the largest surplus shall be transferred first, and if –

i. the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest recorded votes at the earliest preceding stage at which they had unequal votes, shall be transferred first; and

ii. the votes credited to two or more candidates were equal at all stages of the count, the scrutineers shall decide between those candidates by lot and the transferable papers of the candidate on whom the lot falls shall be transferred first.

b. The scrutineers shall, on each transfer of transferable papers under paragraph 4 –

i. record the total transfer value of the votes transferred to each candidate;

ii. add that value to the previous total of votes for each candidate and record the new total;

iii. record as non-transferable votes the difference between the surplus and the total transfer value of transferred votes and add that difference to the previously recorded total of non-transferable votes; and

iv. compare

a) the total number of votes then recorded for all the candidates, together with total number of non-transferable votes, with

b) the recorded total of valid first preference votes.

c) All ballot papers transferred under paragraph 4 or 6 shall be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that paper or, as the case may be, all the papers in that sub-parcel.

d) Where a ballot paper is so marked that it is unclear to the scrutineers at any stage of the count under paragraph 4 or 6 for which candidate the next preference is recorded, the scrutineers shall treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper shall be so

treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the scrutineers, the same order of preference is indicated or the numerical sequence is broken.

Exclusion of candidates

6.

a. If –

i. all transferable papers which under the provisions of paragraph 4 (including that paragraph as applied by paragraph 6(k) and this paragraph are required to be transferred, have been transferred; and

ii. subject to paragraph 7 one or more vacancies remain to be filled;

iii. the scrutineers shall exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph 6(l) applies, the candidates with the then lowest votes).

b. The scrutineers shall sort all the ballot papers on which first preference votes are given for the candidate or candidates excluded under paragraph 6(a) into two sub-parcels so that they are grouped as –

i. ballot papers on which a next available preference is given; and

ii. ballot papers on which no such preference is given (thereby including ballot papers on which preferences are given only for candidates who are deemed to be elected or are excluded.

c. The scrutineers shall, in accordance with this paragraph and paragraph 5, transfer each sub-parcel of ballot papers referred to sub-paragraph (i) of paragraph 6(b) to the candidate for whom the next available preference is given on those papers.

d. The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.

e. If, subject to paragraph 7, one or more vacancies still remain to be filled, the scrutineers shall then sort the transferable papers, if any, which had been transferred to any candidate excluded under paragraph 6(a) into sub-parcels according to their transfer value.

f. The scrutineers shall transfer those papers in the sub-parcel of transferable papers with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those papers (thereby passing over candidates who are deemed to be elected or are excluded).

g. The vote on each transferable paper transferred under paragraph 6(f) shall be at the value at which that vote was received by the candidate excluded under paragraph 6(a).

h. Any papers on which no next available preferences have been expressed shall be set aside as non-transferable votes.

i. After the scrutineers have completed the transfer of the ballot papers in the sub-parcel of ballot papers with the highest transfer value they shall proceed to transfer in the same way the sub-parcel of ballot papers with the next highest value and so on until they have dealt with each sub-parcel of a candidate excluded under paragraph 6(a).

j. The scrutineers shall after each stage of the count completed under this paragraph

i. record –

a) the total value of votes; or

b) the total transfer value of votes transferred to each candidate;

ii. add that total to the previous total of votes recorded for each candidate and record the new total;

iii. record the value of non-transferable votes and add that value to the previous non-transferable votes; and

iv. compare –

a) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with

b) the recorded total of valid first preference votes.

k. If after a transfer of votes under any provision of this paragraph, a candidate has a surplus, that surplus shall be dealt with in accordance with paragraphs 4(e) to (j) and paragraph 5.

l. Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred is less that the number of votes credited to the next lowest candidate, the scrutineers shall in one operation exclude such two or more candidates.

m. If where a candidate has to be excluded under this paragraph two or more candidates each have the same number of votes and are lowest –

i. regard shall be had to the total number of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded; and

ii. where the number of votes credited to those candidates was equal at all stages, the scrutineers shall decide between the candidates by lot and the candidate on whom the lot falls shall be excluded.

Filling the last vacancies

7.

a. Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates shall thereupon be deemed to be elected.

b. Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to another of other

continuing candidates together with any surplus not transferred, the candidate shall thereupon be deemed to be elected.

c. Where the last vacancies can be filled under this paragraph, no further transfer of votes shall be made.