

001 2017

## **The Rules of the Association of Revenue and Customs (“ARC”)**

### **Section 1: ARC**

- 1.1 Eligibility
- 1.2 Membership of ARC
- 1.3 The Objects of ARC
- 1.4 Relationship with the FDA

### **Section 2: Structure and Management of ARC - General Provisions**

- 2.1 Officers of ARC
- 2.2 The Committee of ARC
- 2.3 Sub-Committees
- 2.4 The Secretary
- 2.5 Centres
- 2.6 Consultative Bodies or Committees
- 2.7 General Meetings of ARC
- 2.8 Provisions relating to all Meetings of ARC

### **Section 3: Finance and Property - General Provisions**

- 3.1 The ARC Trustees
- 3.2 The Benevolent Fund
- 3.3 The Financial Year of ARC
- 3.4 Members' Subscriptions
- 3.5 Expenses of Members engaged in ARC business
- 3.7 Preparation and Audit of Accounts
- 3.8 Surpluses and Deficits
- 3.9 Custody of ARC Property

### **Section 4: The Officers of ARC - Detailed Provisions**

- 4.1 The President
- 4.2 The Deputy President
- 4.3 The Treasurer
- 4.4 The Vice Presidents

001 2017

## Section 5: ARC Committee - Detailed Provisions

- 5.1 Duties
- 5.2 Committee Meetings
- 5.3 Right to seek Advice and Assistance
- 5.4 Resolution of Uncertainties and Anomalies
- 5.5 Power to make By-Laws
- 5.6 Applications for Relief from the Benevolent Fund

## Section 6: The Procedure Sub-Committee - Detailed Provisions

- 6.1 Functions
- 6.2 Particular Requirements
- 6.3 Accountability
- 6.4 Additional Responsibilities when the Office of Secretary is vacant

## Section 7: The Secretary - Detailed Provisions

- 7.1 Constitutional oversight
- 7.2 Minutes
- 7.3 Annual Report
- 7.4 Right to Attend Meetings
- 7.5 In the event that the Post of Secretary is Vacant

## Section 8: Centres - Detailed Provisions

- 8.1 Membership of Centres
- 8.2 Centre Constitutions
- 8.3 Centre Officers and Representatives
- 8.4 ARC Committee Members Allocated to Centres
- 8.5 Centre Meetings
- 8.6 Financial Provisions Relating to Centres

## Section 9: General Meetings of ARC - Detailed Provisions

- 9.1 Annual General Meetings - Purpose and Agenda
- 9.2 Annual General Meetings - Entitlement to Attend, Speak and Vote
- 9.3 Procedure at Annual General Meetings
- 9.4 Extraordinary General Meetings of ARC
- 9.5 Motions to Alter the Rules of ARC

001 2017

## Section 10: The Trustees - Detailed Provisions

- 10.1 Appointment and Removal of Trustees
- 10.2 Dealing with Property Vested in the Trustees
- 10.3 Indemnity

## Section 11: Applications for Relief from the Benevolent Fund

- 11.1 How Applications for Relief Shall be Made
- 11.2 Powers of the Trustees of the Benevolent Fund
- 11.3 Duty to Make Annual Report
- 11.4 Truncated Procedure in Cases of Special Urgency

## Section 12: Elections of Officers - Detailed Provisions

- 12.1 Eligibility to Vote in Elections of Officers
- 12.2 Nominations for Election of Officers
- 12.3 Conduct of Elections of Officers
- 12.4 Elections of Officers - Declaration of Results and Objections
- 12.5 Procedure where no eligible Member stands for election to an Office

## Section 13: Elections of Ordinary Committee Members - Detailed Provisions

- 13.1 Eligibility to Vote in Elections of Ordinary Committee Members
- 13.2 Nominations for Election of Ordinary Committee Members and Election Addresses
- 13.3 Reserved Seat for Northern Ireland
- 13.4 Conduct of Elections of Committee Members
- 13.5 Declaration of Results and Objections

## Section 14: Periods of Office and Vacancies

- 14.1 Periods of Office for Officers and Committee Members
- 14.2 Periods of Office of Centre Officials and Consultation Representatives
- 14.3 Vacancies on the Committee or among the Officers

## Section 15: Becoming and Ceasing to be a Member of ARC

- 15.1 Becoming a Member of ARC
- 15.2 Ceasing to be a Member of ARC



001 2017

15.3 Associate Members of ARC

Section 16: Conduct of Members

Section 17: Miscellaneous Provisions

- 17.1 Social Meetings
- 17.2 Visitors
- 17.3 Press Reports
- 17.4 Secession from the FDA

Section 18: Dissolution of ARC

- 18.1 Condition for Dissolution
- 18.2 Division of Assets on Dissolution

Schedules to the Rules

- Schedule 1: Instrument of Transfer
- Schedule 2: Rules of the Benevolent Fund
- Schedule 3: Rules for Political Fund
- Schedule 4: Specimen Centre Standing Orders
- Schedule 5: Rules for Conduct of Ballots
- Schedule 6: Disciplinary Code

**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 designed, 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.



001 2017

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 The Objects of ARC

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.



001 2017

#### **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.

001 2017

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.



001 2017

## **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 himself, 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.





001 2017

## **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.



001 2017

### **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**

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.



001 2017

### **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**

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

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

**3.6.1.3** 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**



001 2017

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**

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.



001 2017

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**

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 of 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**

The principal duties of the Committee shall be:

001 2017

- to 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**

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



001 2017

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**

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**

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**

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**

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;



001 2017

- 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 Determine 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**

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**

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.





001 2017

## **Section 7: The Secretary - Detailed Provisions**

### **7.1 Constitutional oversight**

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**

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**

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**

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

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.

001 2017

## **Section 8: Centres - Detailed Provisions**

### **8.1 Membership of Centres**

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**



001 2017

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

001 2017

- 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.

001 2017

**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, after the last day of February preceding the 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 Seventy 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.

001 2017

#### **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.

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

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

9.4.6 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.

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

9.4.8 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

001 2017

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**



001 2017

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**

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 a 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**

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.





001 2017

#### **11.4 Truncated Procedure in Cases of Special Urgency**

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**

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.

001 2017

### **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.



001 2017

12.3.9 No 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**

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



001 2017

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**

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.

001 2017

### **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

001 2017

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.

001 2017

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.



001 2017

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 shall 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





001 2017

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**



001 2017

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**

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**

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**



001 2017

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**

ARC may not be dissolved unless such dissolution be consented to in writing by at least three fourths of its members.

### **18.2 Division of Assets on Dissolution**

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**

001 2017

## **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;



001 2017

- (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. As from the effective date, the secretary of the AIT shall be Derek Stobbs.

#### **Sectional Subscription**

8. 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 0QH 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.



001 2017

"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

001 2017

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



001 2017

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.





001 2017

## 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.

001 2017

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 by 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.

001 2017

### 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;

001 2017

"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, 22<sup>nd</sup> 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.



001 2017

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, 22<sup>nd</sup> Floor, Euston Tower, 286 Euston Road, London NW1 3JJ.
5. The form of exemption notice shall be as follows:-

<p><b>ASSOCIATION OF REVENUE AND CUSTOMS</b></p> <p><b>POLITICAL FUND EXEMPTION NOTICE</b></p> <p><b>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.</b></p> <p><b>Signature:</b> .....</p> <p><b>Address:</b> .....</p> <p><b>Date:</b> .....</p>
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6. 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.
7. 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.
8. 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.
9. 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



001 2017

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.

10. 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.

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

12. 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.

13. 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

14. Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 no member of the Union shall be required to make 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.

15. 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



001 2017

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.....

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.



001 2017

22. 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.

23. 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.

24. 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, 22<sup>nd</sup> 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



001 2017

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 by 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



001 2017

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.

001 2017

## **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;

001 2017

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

001 2017

- (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

001 2017

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.

001 2017

(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 than 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 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.

001 2017

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.



001 2017

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.