



# 2026

## RULE BOOK

Rules of Prospect as revised by National Conference 6-9 June 2026, Brighton

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### Name

- 1.1** The Union shall be called **Prospect**. Its registered office shall be 100 Rochester Row, London SW1P 1JP or such other place in the United Kingdom as the National Executive Committee may determine from time to time.

### Objects

- 1.2** The objects of the Union shall be:
- (1) to protect, represent, promote and unite, the interests of members, their dependants and the dependants of deceased members;
  - (2) to maintain and improve the conditions of employment of members and the relationships between them and their employers;
  - (3) to promote the advancement and efficiency of industries and organisations where members are employed;
  - (4) to maintain and improve the status of all members represented by the Union;
  - (5) to promote equal opportunities for all members within the Union and within their employment irrespective of race, ethnic origin, sex, disability, sexual orientation, gender identity, age or religion;
  - (6) to promote policies on the utilisation of science and technology and professional knowledge to the benefit of society;
  - (7) to promote educational and social activities relevant to the interest of the membership;
  - (8) to watch over, consider, advise and consult upon, all or any legislation or regulations, whether pending or in force, that may appear, directly or indirectly, to affect members in connection with their work, pensions or retirement, to diffuse information and to act as a channel of communication on their behalf;
  - (9) to co-operate with, support (financially or otherwise), or participate in the work of, other bodies whose objects or activities seem to the Union likely to advance, directly or indirectly, the interests of members of the Union;
  - (10) to recruit and retain in membership all eligible persons in order to ensure that the Union is fully representative.
- 1.3** Without prejudice to any other provision of these Rules the Union may in furtherance of the objects:
- (1) collect and receive subscriptions, contributions and other payments from or in respect of members;

- (2) establish, administer and support (financially or otherwise) funds or trusts for the purpose of benefiting members, their dependants and the dependants of deceased members, employees and such other persons or groups as the National Executive Committee may from time to time determine;
- (3) institute and administer a legal assistance scheme on behalf of members;
- (4) accept any property or monies as gifts or bequests or otherwise and carry out any trusts subject to which any such property, monies, gifts or bequests be given or bequeathed;
- (5) contribute to the funds of any organisations having all or any objects similar to those of the Union and co-operate with any such organisation in the attainment of those objects;
- (6) with the approval of National Conference, affiliate to organisations having all or any objects similar to those of the Union, save only that the Union shall not affiliate to any political party;
- (7) employ such staff as are necessary;
- (8) maintain any pension fund and pay therefrom pensions and allowances to employees or former employees of the Union or effect policies of insurance for the purpose of ensuring payment of any such pensions or allowances;
- (9) to acquire, hold, charge and dispose of real and personal or heritable and moveable property and borrow or otherwise raise finance; and
- (10) do such other lawful things as are incidental or conducive to the attainment of the objects.

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

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

## Part 2: Membership

### Eligibility

- 2.1** (1) A person shall be eligible for membership:
- a) if they are employed in professional, scientific, technical, managerial, creative or such allied work in such organisations and industries as the National Executive Committee shall from time to time determine; or
  - b) if they have ceased working while in membership due to retirement, redundancy or some other reason; or
  - c) if they fall within a category of persons which the National Executive Committee has from time to time determined to be appropriate for acceptance into membership of the Union.

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

## **Classification of membership**

**2.4** There shall be the following classes of member:

- (1) Working Member – a member eligible under Rule 2.1 who is currently:
  - (a) employed whether on a full time or part time basis including self-employed members; or
  - (b) engaged on or between contracts for services.
- (2) Unemployed Member – a Member eligible under Rule 2.1 who is not currently employed or engaged on a contract for services and who immediately prior to unemployment was a Working Member in good standing. Unemployed Members should be intending to find further employment.
- (3) Retired Member – a Member eligible under Rule 2.1 who is not currently employed or engaged on a contract for services, and is a Member who has retired or one who has accepted premature retirement and who immediately prior to retirement was a Working or Unemployed Member in good standing.

## Rights and duties

- 2.5** (1) Subject to any restrictions imposed by these Rules, a Working Member shall be entitled to take part in all of the activities of the Branch to vote on any matter requiring decisions by ballot, and shall be qualified to hold any office in the Union, and shall be entitled to such benefits and privileges as are provided by these Rules or as may from time to time be determined in accordance with these Rules.
- (2) Retired Members shall enjoy all of the benefits of Working Members, except as otherwise provided for in these rules, but shall not be entitled to vote in any election, ballot (other than a ballot held pursuant to Rule 10.2 – election for the post of General Secretary), conference (other than at National Conference held pursuant to Rules 8.1 and 8.2 – meetings of National Conference – where voting shall be in accordance with Rule 8.12), or meeting except insofar as such a meeting or ballot is organised solely on behalf of such members as is provided for in these Rules.
- (3) Unemployed Members shall enjoy all of the benefits of Working Members, except as otherwise provided for in these Rules.
- (4) Members shall at all times observe the Rules of the Union and any regulations made thereunder and abide by any decision properly made under the Rules.
- (5) Members shall be expected at all times to behave reasonably in dealing with fellow members and Prospect staff and to treat them with respect and courtesy. Any member deemed by the National Executive Committee to have behaved unreasonably towards another member or a Prospect staff member may be subject to the disciplinary regulations contained in Appendix A.
- (6) Every member shall seek to enhance and maintain the well-being of the Union through recruitment of additional members.
- (7) A person ceasing to be a member of the Union for any reason shall cease to have any interest or rights whatsoever on or over the funds and property of the Union.
- 2.6** A member shall not hold any office of the Union remunerated by salary or fees, or be paid or given from the property of the Union any money or any benefit in money's-worth, except insofar as that is allowed under Rule 2.7
- 2.7** A member may out of the property of the Union:
- (1) be given an honorarium in accordance with a resolution of Conference or at the discretion of the National Executive Committee;
- (2) be paid a sum of money in respect of:
- a) out-of-pocket expenses wholly, exclusively and necessarily incurred by the member on or in connection with the business of the Union;

- b) any deduction from salary or wages made by the employer in respect of special leave taken for the disposal of any business of the Union;
- c) other expenses incurred by the member which are payable or repayable in accordance with any provision of these Rules or with a resolution of the National Executive Committee; and
- d) services rendered to, or action taken at the request of, the Union to the extent that the National Executive Committee considers payment for such services to be justified;

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

- 2.8** A member or member's dependents may be paid a sum of money out of any Benevolent Fund or like fund or trust established under the provision of the Rules in accordance with the rules or regulations of the fund or relevant instrument of trust.
- 2.9** It is a term of membership of the Union that a member agrees that such personal data as may be held by the Union in respect of the member (including the fact of membership) may be processed by the Union (or such other person as may be authorised to process the data on the Union's behalf) for the purposes of furthering any of the objects of the Union. For the purposes of this rule the term "personal data" shall be given the meaning assigned to it under the Data Protection Act 2018 (as amended from time to time).
- 2.10** Every member may on giving at least 28 days' notice in writing to the General Secretary inspect at all reasonable times during business hours and subject to any reasonable restrictions imposed by the National Executive Committee the financial accounts of the Union.
- 2.11** The rights and privileges of all classes of member shall be personal to the member and shall not be transferable by the member's own act or by operation of law.
- 2.12** A member may resign from the Union by giving notice in writing to the General Secretary.

## Subscriptions

- 2.13** Subject to the following provisions of this Rule every member shall pay to the Union a subscription at such rate as may from time to time be determined by National Conference.
- 2.14** The National Executive Committee may determine a subscription rate or rates for members who are members of a sector under Part 6 of these Rules. Subscriptions for Bectu Sector members are set by the NEC and will be as described in BECTU Sector

Rules 2, 3, 4 and 5. Future subscription rates will be determined as per paragraph 7 of the Instrument of Transfer (IoT).

- 2.15** The National Executive Committee may set specific subscription rates for clearly-identified areas for the purpose of improved recruitment. Actions determined under this Rule shall be the subject of a specific report to National Conference.
- 2.16** Any fully paid up member who is absent on long term sickness absence shall not be required to pay subscriptions from the time the member's salary is reduced to zero until such time as the member resumes work or retires, during such time there shall be an entitlement to the full benefits of membership.
- 2.17** Retired members, in lieu of paying an annual subscription, may pay a single subscription of such an amount in respect of such a period as may be determined by the National Conference.
- 2.18** A member joining in the course of a subscription year is required to pay in respect of the remainder of that year only such a proportion of the annual subscription as corresponds to the number of complete calendar months remaining in that year.
- 2.19** A fully paid up member may at any time after giving notice to the General Secretary change from one method of payment to any other method of payment from those specified by the National Executive Committee provided that there shall be no arrears of subscription after the change has been effected.
- 2.20** The subscription shall in all cases be payable to the Union, and shall not be deemed to have been paid until received by the General Secretary on behalf of the Union.
- 2.21** Unless the National Executive Committee shall otherwise direct by reason of exceptional circumstances, no subscription or any part of a subscription shall be repaid to a member or to a person who has ceased to be a member.
- 2.22** (1) Subject to paragraphs (2) and (3) of this Rule, a member shall cease to be a member for non-payment of subscription as follows:
- (a) if a member whose subscription has been paid by deduction from salary cancels authority for such deduction, membership shall cease as from the date upon which cancellation takes effect;
  - (b) if a member whose subscription has been paid by bank transfer cancels authority for such deduction, membership shall cease as from the date upon which cancellation takes effect;
  - (c) if the subscription of a member who has ordinarily paid by a single yearly payment has not been received by the General Secretary within 2 months after the same is due, that member shall cease to be a member of the Union at the expiration of such period of 2 months.
- (2) Paragraph (1) of this Rule shall not apply if the authority for deduction is cancelled, or the subscription or instalment is unpaid, only by reason of the member substituting, by virtue of Rule 2.19, some other permissible method of payment for that hitherto adopted.

- (3) Paragraph (1) of this Rule shall not apply where a Working or Unemployed Member applies to become a Retired Member provided that the application is received within six months of the change in membership status as defined in Rule 2.4 and the member makes satisfactory alternative arrangements in accordance with these Rules for payment of the subscriptions then due.
- 2.23** A member who ceases to be a member for non payment of subscriptions or who resigns in accordance with these Rules shall be readmitted to membership at the absolute discretion of the National Executive Committee who may require payment of a re-admission fee which shall not exceed three months' subscription at the appropriate rate.
- 2.24** In the circumstances of a Transfer of Engagements of another union to the Union, the National Executive Committee may agree such transitional arrangements in terms of subscriptions which it believes would facilitate such a transfer.

## Part 3: Death benefit

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

## Part 4: Branches

- 4.1** There shall be such Branches, designated as either 'Employer Based' Branches, 'Occupation Based' or 'Regional Branches' consisting of members of the Union as the National Executive Committee may from time to time determine in accordance with this Rule.
- 4.2**
- (1) Working Members shall as far as possible belong to such Branch of the Union, appropriate to their unit of employment as may be determined by the National Executive Committee. Where membership in any employment unit is too small to allow designated Employer Based Branch organisation, members shall be allocated to a Regional Branch.
  - (2) Unemployed Members shall be allocated to a Regional Branch except as may otherwise be determined by the National Executive Committee.
  - (3) If any question shall arise as to which Branch is appropriate in relation to any member or group of members, the question shall be determined by the National Executive Committee.
  - (4) Where a Branch so requests or the National Executive Committee determines of its own Motion, there shall be such sub Branch organisation as is necessary to ensure the possibility of membership participation in organisation, policy making and other functions of the Branch. Such arrangements shall be specified in the Rules of the Branch itself.
- 4.3**
- (1) Where, in exercise of the powers conferred on them by this part of the rules, the National Executive Committee determines to transfer members from one Branch to other Branches then the determination shall not have effect until the expiration of a period of 14 weeks after it is made provided that, if the matter is referred to the Appeals Committee appointed by Conference to deal with appeals against disciplinary action taken by the National Executive Committee under the provisions of Rule 4.3(4), the determination shall not have effect unless or until it is approved by a resolution of that Appeals Committee.
  - (2) Upon the making of any such determination by the National Executive Committee, the General Secretary shall give notice in writing to the Branches concerned specifying:
    - (a) the names of the members affected by the determination;
    - (b) the Branch(es) to which those members would belong upon the taking effect of the determination; and
    - (c) the grounds upon which the National Executive Committee's determination was based.
  - (3) The secretary of the Branch to which the members affected belong shall inform each of those members that the Branch has received the notice but failure by the secretary to do so or the fact that any of those members was unaware of

the receipt by the secretary of the notice shall not affect the operation of this Rule.

- (4) Upon receiving such a notice, any of the Branches concerned may refer the matter to the National Appeals Committee by giving notice in writing to the General Secretary specifying the grounds upon which the matter is to be challenged and nominating not more than two members of the Branch who will present the matter to the Committee. The National Appeals Committee must conclude the appeal within 2 months of receiving it.

#### **4.4 Employer Based Branches and Occupation Based Branches –**

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

#### **4.5 Regional Branches –**

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

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

### **Branch duties**

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

Branches shall have duties:

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

## **Branch rules**

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

- 4.9** All expenditure which the National Executive Committee is satisfied has been reasonably incurred by a Branch in the exercise of its functions under its Rules and these Rules shall be defrayed out of the funds of the Union in such manner as the National Executive Committee may determine.
- 4.10** The Branch shall keep true accounts of all monies received and paid by it in the exercise of its functions under its Rules and these Rules and of the matters in respect of which such monies are received or paid.
- 4.11** The Branch shall furnish to the National Executive Committee such information as the National Executive Committee may from time to time require relating to the membership of the Branch, the activities or finances of the Branch or otherwise concerning the affairs of the Branch or the Union or any member of the Union.
- 4.12** Branches shall have no independent authority to affiliate to other organisations but they may, with the consent of the National Executive Committee, affiliate to local branches of bodies to which the Union is nationally affiliated and to local Trades' Councils.
- 4.13** The accounts of each Branch shall be audited each year and a copy of the audited accounts shall be submitted to the National Executive Committee before such date as that Committee shall determine.

## Part 5: Retired Members' Group

- 5.1** There shall be a national group for Retired Members, which will comprise members under Rule 2.4(3). The group shall be organised on an area basis, as determined by the National Executive Committee from time to time. There will be a representative National Committee which will conduct its business in accordance with the policy determined by an Annual Delegate Conference.
- 5.2** The Retired Members' Group shall have rules for the conduct of its business. These rules and any amendments thereof shall not take effect until they have been approved by the National Executive Committee.
- 5.3** The Retired Members' Group shall elect such officers as are deemed necessary, but at least a President and a Vice-President. The Secretary of the Group National Committee shall be a full-time official of Prospect nominated by the General Secretary.
- 5.4** All expenditure which the National Executive Committee is satisfied has been reasonably incurred by a Retired Members' Group in the exercise of its functions under these Rules shall be defrayed out of the national funds in such manner as the National Executive Committee shall determine.

### Duties of the Retired Members' Group

- 5.5** The duties of the Group shall be:
- (1) to facilitate liaison and information exchange between Retired members.

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

## Part 6: Sectors

- 6.1** There shall be such Sectors consisting of all of the Branches in an industry or like industries, as determined by National Executive Committee. Each Sector shall be governed by a Sector Executive Committee.
- 6.2** The Sector Executive Committee shall either:
  - (1) be elected at their Sector Conference, by and from the Members employed within the Sector and by and from those who were employed within the Sector but have become unemployed within a period of twenty-six weeks prior to the date of the Sector Conference. Where it appears to the National Executive Committee that there are good reasons for not applying this general principle, the National Executive Committee may use other specified electoral arrangements or;
  - (2) consist of one, or more, representative of each branch or division that falls within the sector, as selected by that branch or division in line with their rules. The method for determining the number of representatives per a branch or division shall be set out in the sector rules and agreed by the NEC.

### Sector duties

- 6.3** Sectors shall exercise delegated and autonomous authority in matters of policy and negotiation affecting Sector members only insofar as no policy shall be implemented which is in conflict with these Rules or any national policy of the Union determined in accordance with these Rules. To this end Sectors shall have duties:
  - (1) to maintain and/or improve the conditions of employment of Sector members and the relations between them and their employers;

- (2) to organise a biennial sector conference
- (3) to promote the policy of the Sector as agreed at a Sector Conference or General Meeting of the Sector;
- (4) to further the objects of the Union;
- (5) to carry out the policies of the Union as determined in accordance with these Rules;
- (6) to facilitate liaison and information exchange between members in different Branches within the Sector;
- (7) to investigate and if appropriate organise potential recruitment opportunities in branches within the Sector and within non organised areas within the Sector;
- (8) to liaise with Retired Members as appropriate; and
- (9) to establish industry committees.

**6.4** The National Executive Committee shall provide model Sector Rules for the guidance of Sectors.

## **Sector finance**

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

## **Part 7: Employer based and occupational groups**

### **Employer based and occupational groups**

- 7.1** Where the members who are employed by the same organisation or work in the same occupation, do not all belong to the same Branch, the National Executive Committee may determine to create an employer based or occupational group. The Rules governing each such group shall be drawn up by the National Executive Committee in consultation with the relevant Branch committees.
- 7.2** The duties of an Employer Based Group or Occupational Group shall be:

- (1) to operate according to the rules approved by the National Executive Committee;
- (2) to manage and transact all matters and business relating to the interests of Union members employed in the appropriate employing organisation or occupation where those matters directly affect members in more than one Branch within the Group;
- (3) to determine policy on matters solely affecting its members only insofar as no policy shall be implemented that is in conflict with these Rules or any national policy of the Union determined in accordance with these rules. In the event of any conflict the matter shall be referred to the National Executive Committee;
- (4) to exercise those functions conferred on it by the National Executive Committee; and
- (5) to safeguard and improve the status and conditions of employment of such Union members and to co-ordinate the means of furthering their interests.

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

## Part 8: Conferences

- 8.1** (1) The governing and policy-making body of the Union shall be National Conference constituted as provided in this part. For the purposes of this Part of these Rules, "Member" or "Members" means, as appropriate, "Working or Unemployed Member" or "Working or Unemployed Members" of the Union, unless the context otherwise provides.
- (2) There shall be a biennial meeting of National Conference held in accordance with the provisions of Rule 8.2 and such special meetings of Conference as may be held in accordance with the provisions of Rule 8.20.
- 8.2** (1) There shall be a National Conference in every even numbered year which shall commence its sittings on a date between 1 May and 23 June.
- (2) The National Executive Committee shall determine and publish the place and date of each National Conference at least 14 months before it takes place.
- (3) The National Executive Committee shall give not less than 22 weeks notice in writing to every Branch and the Retired Members Group of the place and date of the National Conference.

### Composition of National Conference

- 8.3** (1) National Conference shall comprise:
- (a) delegates elected by Branches in accordance with Rules 8.4, 8.5 and 8.6;
  - (b) the National Executive Committee;
  - (c) the Standing Orders Committee;
  - (d) the General Secretary and such other employees of the Union as the National Executive Committee shall determine; and

- (e) Twelve delegates from the Retired Members' Group, who shall be eligible to vote on a show of hands.
  - (f) Where a card vote is called, the Retired Members' Group card vote shall be restricted to those items set out in Rule 8.13 (4).
  - (g) The Retired Members' Group card vote shall be calculated at 25% of the Retired Members' Group numbers, as recorded at 31 December of the preceding year.
- (2) The delegates present at National Conference and whoever is in the Chair of Conference (and no others) shall have votes in accordance with the provisions of these Rules.

**8.4** (1) Representation at the National Conference shall be determined in accordance with the following provision, namely:

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

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

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

- (b) In the case of a Branch consisting of less than 21 members as at 31 December in the year preceding the year of the National Conference year, that Branch shall be entitled in the next following year to elect from its members one delegate to National Conference if, and only if, the National Executive Committee so determine in relation to that branch.

- (2) The number of members who belong to a branch as at 31 December in any year (or in the case of a Special Conference, at such date as the National Executive Committee may determine) shall be determined by the certificate of the General Secretary, which shall be conclusive.
- 8.5** If, between the 31st day of December in any year preceding the National Conference year and the date on which the National Conference is to commence its sittings in the next succeeding year, a new Branch be formed or the number of members belonging to a Branch be substantially changed by the transfer of members between Branches or by the admission to membership of members of an organisation other than the Union, the National Executive Committee shall determine how many delegates, if any such Branch shall be permitted to elect to attend at that National Conference, and the number of votes such delegates shall be entitled to cast in any ballot or card vote.
- 8.6** A Branch and the Retired Members Group may appoint a deputy from amongst its members for each delegate whom it elects to any Conference and, where a delegate is unable to attend any session of Conference, a deputy so appointed may attend as if the deputy had been elected a delegate.
- 8.7** (1) A member of the National Executive Committee or the Standing Orders Committee may not be a delegate.
- (2) A delegate appointed under the provisions of Rules 8.4 and 8.6 to any National Conference shall not be appointed, or act as a scrutineer, teller, or steward at that Conference.
- 8.8** (1) A Member shall be admitted as a delegate provided:
- (a) the Member's name was notified by the Member's Branch or the Retired Members' Group to the General Secretary not later than midday on the day occurring 13 weeks before the date on which the relevant Conference is to commence its sittings; or
- (b) the Member can produce to the Standing Orders Committee evidence authenticating appointment by the Member's Branch or the Retired Members' Group as a delegate or deputy; and
- (c) the Member has not changed membership category to Retired in the period since the nomination was submitted.
- (2) The General Secretary shall call upon Branches and the Retired Members Group to provide the names of delegates not later than 9 weeks before these names are due to be submitted.
- (3) Any member of the Union may attend conference as an observer, but will not have the right to speak during debates or to vote on any motion or other matter. Such attendance will be entirely at the member's own expense.

## Proceedings

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

- (4) On a card vote the Retired Members' Group card vote shall be restricted to a) Rule changes relevant to Part 5 of the Rules of the 'Retired Members' Group, b) any proposed changes to the Retired Members' Group subscriptions and c) such policy motions that the Standing Orders Committee determines have an equivalence of impact on working and retired members. The Retired Members' Group shall not have a card vote on any other rule changes or motions whose instructions specifically refer to working members or workplace policy or activity of the Union.
  - (5) The Retired Members' Group card vote shall be calculated at 25% of the Retired Members' Group numbers, as recorded at 31 December of the preceding year.
  - (6) If the number of delegates from the Retired Members' Group present when a card vote is taken is fewer than the total number of delegates elected by that Retired Members' Group, then the votes of the absent delegates may be transferred to those delegates who are present, subject to such transfer being authenticated by a scrutineer. If no delegate from the Retired Members' Group is present, that Retired Members' Group shall not participate in the vote and its total number of votes shall be ignored.
- 8.14** (1) Any question put at any meeting of Conference shall, excepting as provided in Rules 8.18, 14 and 15.3(1) or as otherwise provided by these Rules, be decided by the majority of votes cast thereon.
- (2) In the event of an equality of votes, whoever is in the Chair of Conference shall have a casting vote.
- 8.15** Voting at any meeting of Conference shall be conducted as prescribed by Standing Orders agreed by Conference or, failing any such Standing Orders, as whoever is in the Chair at that meeting may decide.

## **Annual report and accounts**

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

- (4) In any year when a National Conference does not take place the National Executive Committee shall secure, by no later than 1 June of that year, that a copy of the preceding year(s) Annual Report(s) and Financial Statement(s) be circulated to all Branches and the Retired Members' Group.
- (5) Any Branch shall be entitled to raise in writing with the General Secretary, no later than 30 June of that year, any matter contained within the Annual Report or relating to the Financial Statements. The General Secretary shall ensure that the National Executive Committee is notified of the matter raised and that a report of the National Executive Committee's consideration of the matter be made to the Branch, no later than 31 August of that year.

## Motions

- 8.17** (1) Notice of motions which it is proposed be moved at any National Conference may be given only by a Branch or the Retired Members' Group or by the National Executive Committee.
- (2) The General Secretary shall call for motions from Branches and the Retired Members Group and the National Executive Committee not less than 9 weeks before the date such motions have to be received.
  - (3) Notice of a motion given by a Branch shall not be valid unless approved by resolution of the Branch passed at a Branch General Meeting or Branch Delegate Conference, or by the Executive Committee of the Branch or by such other meeting or committee of the Branch as its rules may provide. The motions submitted by the Retired Members Group shall have been carried at the Group Annual Delegate Conference."
  - (4) Notice of such a motion setting out the terms thereof shall, save as provided in paragraph (6) of this Rule and in Rule 8.18, be given to the General Secretary not later than midday on the day occurring 13 weeks before the date on which the relevant Conference is to commence its sittings.
  - (5) A notice under paragraph (4) shall be accompanied by a certificate signed by the Secretary of the Branch or such other member of the Branch or the Retired Members' Group as has been authorised by the Branch or the Retired Members' Group for the purpose, that the provisions of paragraph (3) of this Rule have been complied with.
  - (6) Notwithstanding the provisions of paragraph 4 of this Rule, a notice shall be deemed not to have been given until it has been delivered to the General Secretary at the registered offices of the Union, or been delivered to an e-mail address specified in the notice given under Rule 8.2 (3). Where any such notice is delivered to the General Secretary after the time prescribed in paragraph (4) of this Rule, the motion to which it relates may, on a recommendation of the Standing Orders Committee made in the special circumstances of any particular case, be moved, if the recommendation be, on a show of hands, accepted by a majority of the delegates present and voting.

- 8.18** (1) A motion may be moved at any National Conference as an emergency motion:
- (a) if, on a show of hands, not less than two-thirds of the delegates present and voting shall have consented to the moving thereof; and
  - (b) it is moved in accordance with such procedure as may be determined by the Conference on the recommendation of the Standing Orders Committee.
- (2) A motion shall not be treated for the purposes of this Rule as an emergency motion if the matter to which it relates could have been submitted for discussion in a motion to which Rule 8.17 applies.
- 8.19** The National Executive Committee shall cause the Agenda for the National Conference to be circulated to each Branch and the Retired Members Group not later than 5 weeks before the date on which a National Conference is to commence its sitting.

## Special Conference

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

that date and as if in substitution for “National Conference” there were inserted “Special Conference.”

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

## Standing Orders

- 8.21** (1) There shall be a Standing Orders Committee whose duty it shall be to prepare the agenda and standing orders for each National Conference and Special Conference and to make recommendations as it may think necessary for the efficient and expeditious despatch of business. The Standing Orders Committee shall have such other functions as are conferred upon it by these Rules or as may be so conferred by National Conference.
- (2) The Committee shall consist of four working or unemployed members not being members of the National Executive Committee, each of whom has been elected or otherwise appointed in accordance with the following provisions of this Rule.
  - (3) Each National Conference shall elect two members to the Standing Orders Committee and the persons so elected shall take up office at the conclusion of the National Conference at which elected and shall relinquish office at the conclusion of the second National Conference held thereafter.
  - (4) The Standing Orders Committee shall elect a Chair from amongst its number at the first meeting following each conference or as otherwise required. In the event of there being a tied election, the tied candidates shall draw lots to determine which of them shall chair the Committee.
  - (5) Members of the Standing Orders Committee shall be elected according to the following conditions:
    - (a) they shall be elected by each National Conference from Members of the Union nominated by Branches for election;
    - (b) notice of nomination shall be given to the General Secretary in accordance with the provisions within the conference calling notice and nomination form and be delivered not later than mid-day on the day occurring 13 weeks before the date on which the National Conference is to commence its sittings.
    - (c) upon receipt of nomination the General Secretary shall obtain confirmation from the individual nominated that they are prepared to stand for election and, if elected, to serve as a member of the Standing Orders Committee.
    - (d) if, before the voting for the election of members of the Standing Orders Committee has taken place, there are insufficient nominees Conference may permit the nomination, by delegates, of other members for the election.

- (e) election to the Standing Orders Committee shall be by card vote at National Conference.
- (6) (a) In the event of any member of the Committee vacating office other than upon completion of their full term of office, the National Executive Committee shall appoint in their place one of the persons who were candidates at the last foregoing National Conference for election to the Committee, regard being had in the making of the appointment to the number of votes received by each of these persons.
- (b) If it should not be possible so to fill any such vacancy in accord with Rule 8.21 (6) (a), it may be filled by the National Executive Committee by appointment of such a Member, other than a member of the National Executive Committee, as it may determine. The person appointed shall have been a member delegate to the last National Conference.
- (7) Any person appointed to the Committee under Rule 8.21(6) shall be deemed to have taken up office at the date of such appointment and shall serve only for the remainder of the term of the person they are replacing.

**8.22** In the event of there being any conflict between the Standing Orders and these Rules, the Rules shall prevail. Standing Orders, once agreed by delegates at the beginning of National Conference, may be suspended only by a resolution of the National Conference carried by two thirds of delegates present and voting.

## Record of decisions

- 8.23** (1) The General Secretary shall ensure that there is kept a proper record of all decisions taken (other than decisions relating to procedure at Conference), and elections and appointments made, by each meeting of Conference. The record shall be authenticated by the signatures of whoever was in the Chair of the Conference at which the decisions were taken and the elections and appointments were made, of whoever was in the Chair of the Standing Orders Committee which officiated at the Conference, and of the General Secretary.
- (2) Any record authenticated as aforesaid shall, for all purposes, be sufficient proof that the decisions, elections or appointments to which it relates was taken or made.
- (3) The General Secretary shall be responsible for the safe custody of such record.
- 8.24** The National Executive Committee shall publish the decisions taken and elections and appointments made by Conference as soon as practicable.
- 8.25** The National Executive Committee shall publish a report on Actions Taken on Motions from the preceding Conference, and circulate to all Branches and the Retired Members' Group not less than 15 weeks prior to the subsequent Conference.

### Functions of the committee

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

### Powers of the committee

- 9.2** (1) The Committee shall have such powers, authorities and discretions as are necessary for or incidental to its functions and, without prejudice to the foregoing generality, shall have power:
- (a) to invite two representatives from the Retired Members’ Group to attend meetings of the Committee for the purpose of providing the Committee with factual information or with technical or professional advice with respect to matters taken into account by the Committee in carrying out its function; such representatives will not be entitled to vote at the meetings;
- (b) to appoint representatives of the Union to any council and any other committee, union or organisation on which the Union is empowered or invited to be represented;
- (c) to engage and dismiss persons as employees of the Union, which power shall be exercised in accordance with these rules;
- (d) to determine the conditions of service of such persons as aforesaid;
- (e) to direct the Trustees to enter into agreements or contracts for the purchase of any property whether real or personal, heritable or moveable, to authorise the sale charging disposal or other dealing of or with any real or personal property held by the Trustees and to borrow or otherwise raise finance;
- (f) to make provision for superannuation benefits for persons employed by the Union, to arrange for the constitution of Trusts for that purpose and

- for the administration of any such Trusts including the appointment and removal of employer's trustees;
- (g) to constitute a Retired Members' Group and such employer based and occupational groups and sectors as from time to time to be determined, and to authorise the financial arrangements and rules of such bodies;
  - (h) to obtain the views or directions of Branches, Sectors or members on any matters in such manner and following such procedure as it may determine;
  - (i) to authorise industrial action in accordance with procedures laid down by the National Conference or the Committee from time to time;
  - (j) to appoint from time to time such committees (hereafter in this Rule referred to as "Sub-Committees") as it may think necessary for the despatch of its business and to delegate to them such of its functions or refer to them such matters as it may in its discretion determine;
  - (k) to make provision for provident benefits and individual services; and
  - (l) to affiliate to any organisation or body which has similar or complementary objectives to the Union.
- (2) The Committee shall report to the National Conference on any Sectors, Employer Based or Occupational Groups formed since the preceding National Conference closed.
  - (3) Any Sub-Committee shall conduct its business in accordance with such procedure as the Committee may direct or failing such a direction in accordance with such procedures as the Sub-Committee may itself decide.
  - (4) The Committee may co-opt as non voting members of a Sub-Committee persons who are not members of the Union.
  - (5) Notwithstanding anything in these rules the Committee may by giving 6 weeks notice in writing terminate the membership of any member if necessary in order to comply with any decision reached through an agreed inter-union procedure for resolving membership disputes between unions.
  - (6) Where another trade union or staff union has objects and/or policies similar to those of the Union, the Committee shall have power to accept such an organisation as a body affiliated to the Union on terms which it may agree subject to ratification at the next National Conference of the Union and to review after a period not exceeding five years.
  - (7) The Committee shall have the right to act as the committee of management for all the purposes of the Trade Union and Labour Relations (Consolidated) Act 1992 where it is proposed that any other trade union should amalgamate with or transfer its engagements to the Union.

## **Constitution of the National Executive Committee**

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

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

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

## **Election of National Executive Committee**

- 9.5**
- (1) The Voting Members of the Committee shall be elected by all Working or Unemployed Members of the Union in the manner appearing in Rules 9.6 and 9.7(2)-(5).
  - (2) The General Secretary shall call for nominations from branches no less than nine weeks before the date such nominations have to be received.
  - (3) The election of the Voting Members of the Committee shall take place every other year during the period nominated by the Committee which period shall, unless the National Executive Committee in its absolute discretion decides otherwise, commence on the day occurring 9 weeks before the first day of the next National Conference and close on the day occurring 5 weeks before the first day of the said National Conference. Any voting paper received by the independent scrutineer after 6pm on the day occurring 5 weeks before the first day of the said National Conference shall be declared invalid.
  - (4) A Working or Unemployed Member only shall be entitled to stand as a candidate in the election of Voting Members of the Committee provided as follows:
    - (a) the Working or Unemployed Member is nominated as a candidate by at least one Branch of the Union and the candidate is still a Working or Unemployed Member at the time of the election;
    - (b) notice of nomination has been given in writing to the General Secretary by midday on the day occurring 13 weeks before the first day of the said National Conference;
    - (c) the nomination is accompanied by brief particulars of the member so nominated, and by an undertaking signed by the nominee to act in all respects in accordance with the Code of Conduct from time to time laid down by Conference in accordance with Rule 9.9, and to accept office and act as a member of the Committee if so elected provided that:
      - (i) where a member is so nominated by more than one Branch, only one of the nominating Branches shall be required to furnish such signed undertaking; and,

- (ii) any notice of nomination shall be deemed not to have been given until it has been delivered to the General Secretary at the registered office of the Union; or been delivered to an e-mail address specified in the call for nominations given under Rule 9.5 (2).
- (d) the notice of nomination shall be accompanied by a certificate signed by the Secretary of the Branch, or such other member of the Branch as has been authorised by the Branch, that the nomination has been approved by a general meeting, or Annual Conference of the Branch, or by a committee of the Branch authorised to approve it;
- (5) members nominated in accordance with Rule 9.5(4) under this sub-Rule may withdraw their nomination at any time before the date on which the election is declared to be closed.

**9.6** So far as is reasonably practicable every Working or Unemployed Member will have sent as allowed by statute:

- (1) a voting paper which will list the candidates in the election
- (2) an election address in respect of each candidate; and
- (3) instructions about how to return the voting paper.

## **Election addresses**

- 9.7** (1) Every candidate in the election shall have the opportunity to prepare an election address which shall be sent, together with the ballot paper, to the members voting in the election, provided that:
- (a) the election address has been submitted to the General Secretary before a date determined by the Executive Committee being no earlier than midday on the day occurring 13 weeks before the first day of the said National Conference;
  - (b) the election address submitted shall not exceed 500 words;
  - (c) the election address submitted may incorporate one photograph of the candidate taken in the twelve months preceding the date of nomination.
- (2) The General Secretary shall cause to be made copies of the election address(es) to be sent to each Working or Unemployed Member, and the Union shall bear any cost of producing such copies.
- (3) The General Secretary shall secure that no modification of any election address so submitted is made by any person in any copy of the address to be distributed except at the request or with the consent of the candidate or where the modification is necessarily incidental to the method adopted for producing that copy;
- (4) The General Secretary shall secure that the same method of producing copies is applied in the same way to every election address so submitted, and so far as

reasonably practicable, that no such facility or information as would enable a candidate to gain any benefit from:

- (a) the method by which copies of election addresses are produced; or,
  - (b) the modifications which are necessarily incidental to that method, are provided to any candidate without being provided equally to all the others.
- (5) The General Secretary must so far as is reasonably practicable secure that the same facilities and restrictions with respect to the preparation and submission or modification of an election address and with respect to the incorporation in any such address of a photograph, are applied equally to each of the candidates.

## **Procedures for the election of the National Executive Committee**

- 9.8** (1) The Committee will appoint a properly qualified scrutineer to carry out the following functions:
- (a) to supervise the production and distribution of the voting papers;
  - (b) to receive the voting papers returned by the members;
  - (c) to take such steps as appear to the Scrutineer to be appropriate for the purposes of enabling the Scrutineer to make a report to the Union, as required under statute with respect to the ballot; and
  - (d) to retain custody of all voting papers returned for the purpose of the ballot for the appropriate period.
- (2) The result of any election will be published by the General Secretary and circulated to Branches and the Retired Members Group without delay once the report referred to under sub-paragraph (1)(c) hereof has been received by the Union. In addition to this report the results of an election for the National Executive Committee (in the year on which there is a National Conference) shall be announced at National Conference.
- 9.9** A Code of Conduct for the election of the Voting Members of the Committee designed to ensure fairness and equality of opportunity between each candidate, shall be laid down by National Conference and shall be amended from time to time by National Conference only.
- 9.10** In the event of a vacancy occurring in the Voting Members of the Committee more than three months prior to the beginning of the National Conference, the vacancy shall be filled by the candidate who in the preceding election for Voting Members of the Committee, after those candidates being members of the Committee on the date the casual vacancy occurred, received the highest number of votes.
- 9.11** Except as provided for in Rule 9.12, a Voting Member of the Committee shall take up office for the period from the close of the National Conference at which they were declared elected until the close of the following National Conference.

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

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

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

- 9.13** (1) During their term of office a Voting Member of the Committee shall be entitled to stand as a candidate in the election of the President, Vice-President and Deputy Vice-President provided as follows:
- (a) The General Secretary shall call for nominations from branches no later than nine weeks before the date such nominations have to be received.
  - (b) The Voting Member is nominated as a candidate by at least one Branch of the Union.
  - (c) Notice of nomination has been given to the General Secretary not later than midday on the day occurring 13 weeks before the opening date of the Conference.
  - (d) The nomination is accompanied by brief particulars of the member so nominated, and by an undertaking signed by the nominee to act in all respects in accordance with the Code of Conduct from time to time laid down by Conference in accordance with Rule 9.9, and to accept office and act as a member of the Presidential Team if so elected provided that:
    - (i) where a member is so nominated by more than one Branch, only one of the nominating Branches shall be required to furnish such particulars; and
    - (ii) any notice shall be deemed not to have been given until it has been delivered to the General Secretary at the registered office of the Union; or been delivered to an e-mail address specified in the call for nominations given under Rule 9.13 (1) (a).
  - (e) the notice of nomination shall be accompanied by a certificate signed by the Secretary of the Branch, or such other member of the Branch as has been authorised by the Branch, that the nomination has been approved by a general meeting, or Annual Conference of the Branch, or by a committee of the Branch authorised to approve it;
  - (f) Voting Members nominated under this sub-Rule may withdraw their nomination at any time before the date on which the election is declared to be closed.

- (2) The election procedure for the President, Vice-President and Deputy Vice-President shall be by a ballot of Branches at the National Conference.
- (3) The General Secretary will act as the Scrutineer for the ballot for President, Vice-President and Deputy Vice-President.
- (4) The President, Vice-President and Deputy Vice-President shall take up office from the end of National Conference.
- (5) In the event of the President resigning or ceasing to qualify for office, the Vice-President shall become President.
- (6) In the event of the Vice-President becoming President as in (5) above, resigning or otherwise ceasing to qualify for office, the Deputy Vice-President shall become Vice-President and the National Executive Committee shall vote for another candidate to replace the Deputy Vice-President.
- (7) In the event of the Deputy Vice-President resigning or ceasing to qualify for office, the National Executive Committee shall vote for another candidate to replace the Deputy Vice-President.

## **Proceedings of the National Executive Committee**

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

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

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

### Election of the General Secretary

- 10.2** (1) At intervals of not more than five years, the National Executive Committee shall seek nominations for the post of General Secretary.
- (1A) Any candidate in the election for the post of General Secretary must be either:
- (a) any Working or Unemployed Member with not less than 5 years' continuous membership immediately preceding the date on which the National Executive Committee announces the call for nominations (except as detailed in Rule 10.2(6));
  - (b) any employee of the Union with not less than 5 years' continuous employment immediately preceding the date on which the National Executive Committee announces the call for nominations;
- and in each case be nominated by either the National Executive Committee, or by at least 10 branches; or
- (c) a person nominated by the National Executive Committee if it so decides.
- (2) The National Executive Committee may nominate any member, official or other employee of the Union or any other person to stand as a candidate in the election except as detailed in Rule 10.2 (6) below, provided that such nomination is approved by a majority of the voting members of the Committee except as in the circumstances set out in Rule 10.2 (3) below..
- (3) Not less than 12 months, nor more than 15 months prior, to the end of the General Secretary's term of office the National Executive Committee shall ascertain if the incumbent of that office wishes to be nominated for a further term of office and, if so, they shall be its nominee unless the National Executive Committee has lawfully terminated, or given notice to terminate, the incumbent's contract of employment as provided for under the terms of the General Secretary's contract of employment.

- (4) The National Executive Committee shall determine the period during which nominations for the election may be received and shall circulate to all members notice of the election by the insertion of a notice within the Union journal.
  - (5) The notice of nomination shall be accompanied by a certificate signed by the Secretary of the Branch, or such other member of the Branch as has been authorised by the Branch, that the nomination has been approved by a general meeting, or Annual Conference of the Branch, or by a committee of the Branch authorised to approve it.
  - (6) A member who is out of benefit on 31st July immediately preceding the date upon which the National Executive Committee calls for nominations by reason of non payment of subscription shall not be entitled to nominate, to second a nomination, to be nominated or to vote in any election under Rule 10.4.
  - (7) All duly approved valid nominations shall be submitted by the Branch or the National Executive Committee in writing to the National Executive Committee. The closing date for the receipt of nominations shall be not less than 6 weeks after the date upon which the National Executive Committee calls for such nominations.
  - (8) Those nominated shall indicate their acceptance of each nomination in writing either at the time of nomination or within ten days of the closing of nominations. The acceptance shall in all cases be accompanied by an undertaking signed by the nominee to act in all respects in accordance with the code of conduct from time to time laid down by the Conference in accordance with Rule 10.5 and to accept office if so elected on the terms and conditions laid down by the National Executive Committee in these Rules.
  - (9) A candidate who is not nominated by the National Executive Committee must receive 10 or more branch nominations in order to be eligible to stand as a candidate in the election.
- 10.3** (1) If more than one nomination is received for the post of General Secretary, the National Executive Committee shall arrange a national ballot. There shall be no requirement to hold a ballot at an uncontested election.
- (2) All Members of the Union shall be entitled to vote in the election.
- 10.4** (1) The National Executive Committee will appoint a properly qualified scrutineer to carry out the following functions:
- (a) to supervise the production and distribution of the voting papers;
  - (b) to receive the voting papers returned by the members;
  - (c) to take such steps as appear to the scrutineer to be appropriate for the purposes of enabling the scrutineer to make a report to the Union as required under statute with respect to the ballot, and to make such report

following which the result of the election shall be published to members;  
and

(d) to retain custody of all voting papers returned for the purposes of the ballot for the appropriate period.

- (2) Voting papers shall be prepared under the supervision of the scrutineer, and shall contain the names of each of the respective candidates whose nominations have been accepted as valid.
- (3) The voting papers, together with any election address referred to in rule 10.4 (4), shall, so far as reasonably practicable, be sent as allowed by statute to each member entitled to vote under rule 10.3 (2).
- (4) Every candidate in the election shall have the opportunity to prepare an election address provided that:
  - (a) the election address has been submitted by the candidate before a date determined by the National Executive Committee;
  - (b) the election address submitted shall not exceed 1,000 words; and
  - (c) the election address submitted may incorporate one photograph taken in the twelve months preceding the date of nomination.
- (5) The Union shall bear any cost of producing copies of such election addresses. The President shall secure that no modification of any election address is made except in accordance with the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (6) The President must so far as is reasonably practicable secure that the same facilities and restrictions with respect to the preparation and submission or modification of an election address and with respect to the incorporation in any such address of a photograph are applied equally to each of the candidates.
- (7) Completed ballot papers must be returned to arrive not more than 3 weeks after the date upon which they were sent out, which date shall appear on the ballot paper. Each member voting may vote for one candidate and no more, otherwise the ballot paper shall be invalid.

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

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

## Duties of the General Secretary

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

## Employees of the union

- 10.8** The National Executive Committee may invite to meetings of the National Executive Committee such members of the Union's staff as the National Executive Committee may from time to time determine. Such members of the Union's staff as have been invited in accordance with this Rule shall attend meetings of the National Executive Committee only by invitation and only for the purpose of providing the National Executive Committee with factual information or with technical or professional advice relating to matters being considered by the National Executive Committee and they shall not have the right to vote.

## Part 11: Finance

- 11.1** The financial year of the Union shall be from 1st January to 31st December.
- 11.2** (1) The National Executive Committee shall control the expenditure of the Union in conjunction with the General Secretary.

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

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

- 11.4**
- (1) The National Executive Committee shall keep proper accounts of all monies received and paid by or on behalf of the Union and of the matters in respect of which such monies are received or paid and of the assets and liabilities of the Union.
  - (2) Such accounts shall be open to the inspection of any member subject to the provisions of Rule 2.10.
  - (3) The National Executive Committee shall each year submit for audit the accounts made up to the 31st day of December preceding the date on which they are submitted, together with all vouchers relating thereto, all deeds, documents of title and securities relating to the property and monies of the Union, and such other information as the auditor may reasonably require.
  - (4) The Auditor shall be a person eligible for such appointment in accordance with current relevant legislation and shall be appointed by National Conference. Any Auditor so appointed shall be eligible for re-appointment. The Auditor may only be removed from office by a resolution passed at a meeting of National Conference and after compliance with the requirements of current relevant legislation.

## Trustees

- 11.5**
- (1) There shall be 3 Trustees of the Union each of whom shall hold office until the close of the National Conference held in the fourth year after appointment, unless the term of office shall be terminated earlier by death, resignation, resolution of Conference, Order of the Court, resignation from the Union, or any other reason.

- (2) All appointments of a Trustee shall be by Resolution of Conference from persons nominated by the National Executive Committee except that if a vacancy occurs on a date more than 12 weeks before the next meeting of Conference is due to commence its sittings, the National Executive Committee may by Resolution appoint another person to be a Trustee to act until the close of that Conference.
  - (3) The remaining or surviving Trustees shall execute any deed necessary to perfect the appointment under these Rules of another Trustee and to vest any property of the Union in the Trustee so appointed; in the event of there being no remaining or surviving Trustee any such deed may be executed by the President of the Union.
  - (4) A Trustee shall be eligible for re-appointment if nominated for this purpose under paragraph (3) of this Rule.
  - (5) No trustee shall be a member of the National Executive Committee, or hold any other office of the union.
- 11.6** (1) All real and leasehold property, stocks, shares and other investments belonging to the Union or to which the Union is entitled (other than stocks, shares and other investments held by Trustees under any Trust for the superannuation of employees of the Union) shall be held, on the direction of the National Executive Committee, either in the names of the Trustees or, provided that only Trustees shall be the directors of such a corporate body, by a corporate body ("a corporate Trustee") in trust for the union. The Trustees or any corporate Trustee shall act in accordance with any directions given to them by the National Executive Committee and shall invest the funds of the Union available for investments in accordance with such directions, but failing any such directions such funds shall be invested by the Trustees or any corporate Trustee in investments for the time being authorised by law for the investment of trust funds.
- (2) All deeds, documents of title and securities relating to the real and leasehold property, stocks, shares and other investments of the Union shall be held by the Trustees or any corporate Trustee in accordance with Rule 11.6 (1) who shall take such measures for the safe custody and preservation thereof, at the expense of the Union, as they shall think fit, and who shall be responsible for the safe custody of all such deeds documents and securities and shall produce them for inspection when required by the auditor, by National Conference or by the National Executive Committee.
  - (3) Nothing in this Rule shall impose on the Trustees any personal or other liability in addition to that imposed upon them by law.
- 11.7** (1) The National Executive Committee shall each year acquire a Membership Audit Certificate from a qualified independent person acting as assurer for

submission to the Certification Office in accordance with section 24A of the Trade Union and Labour Relations (Consolidation) Act 1992 as amended.

- (2) The Assurer shall be a person eligible for such appointment in accordance with current relevant legislation and shall be appointed by National Conference. Any Assurer so appointed shall be eligible for re-appointment. The Assurer may only be removed from office by a resolution passed at a meeting of National Conference and after compliance with the requirements of current relevant legislation.

## Part 12: Legal assistance

- 12.1** Any member shall be eligible, at the discretion of the National Executive Committee, to receive appropriate legal assistance from the Union in matters arising from their employment. The decision as to whether legal assistance is appropriate and, if so, what assistance is to be provided is a matter for the sole interpretation of the National Executive Committee or the General Secretary acting on the National Executive Committee's behalf. Legal assistance is offered at the discretion of the National Executive Committee and will be decided on an individual basis dependent on the facts of the case.
- 12.2** To this end the National Executive Committee shall provide a code of guidance to the full range of services provided which shall be updated from time to time in accordance with changes in the law, industrial relations practice and relevant decisions of the National Conference.
- 12.3** Every grant of legal assistance shall be on the understanding that the National Executive Committee may withdraw its support if the member fails to pay subscriptions as required by rule, does not follow the advice of the appointed solicitors or if in its view the continued provision of support would be unreasonable. The National Executive Committee shall indemnify the member against any liabilities incurred on the National Executive Committee's authority up to the date of withdrawal of support, but shall not be liable for any costs incurred without its authority or consent.

## Part 13: Affiliations

- 13.1** The Union in furtherance of its objects may affiliate to organisations having all or any objects similar to those of the Union.
- 13.2** When Branches wish to submit motions to National Conference seeking affiliations to such organisations, proposers shall supply details of the aims of the organisation and any other details they consider relevant on not more than two sides of A4 paper. Provided such information does not contravene the Rules of the Union in any way, it shall be copied, as submitted, and circulated with the Conference Agenda as prescribed under these rules.

- 13.3** Branches have no independent authority to affiliate to other organisations but, they may, with the consent of the National Executive Committee, affiliate to local branches of bodies to which the Union is nationally affiliated, to local Trades Councils or to other local bodies which have similar aims and may help promote the objectives of the branch or the Union.
- 13.4** The National Executive Committee shall have power to appoint representatives of the Union to any committee, association or organisation on which the Union is entitled or invited to be represented.

## Part 14: Alterations to rules

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

## Part 15: Miscellaneous and winding-up

- 15.1** (1) If any question as to the meaning or intention of these Rules or of any of them or of any bye-laws or regulation made thereunder arise, that question shall be decided by the National Executive Committee.
- (2) Any decision of the National Executive Committee made in accordance with the provisions of this part may, on a motion, be reviewed by National Conference whose decision thereon shall be final; provided that any such decision of the Conference shall not invalidate anything done or suffered by virtue of any such decision of the National Executive Committee.
- 15.2** (1) No meeting and no vote, act or proceeding at any meeting of National Conference or in relation to a ballot or card vote or at any meeting of the National Executive Committee or of any committee appointed by the National Executive Committee shall be rendered void or voidable by reason only that:
- (a) it is afterwards discovered that there was a defect in the appointment, election or nomination of any person attending such a meeting or so voting or acting or by reason of the fact that any person had become disqualified from attending, or voting at, the meeting; or
- (b) there was some accidental omission to give due notice to any person, or any person failed to receive such a notice; or
- (c) there was not issued to any person any ballot paper or card which should have been issued or any person failed to receive such a paper or card.
- 15.3** (1) The Union shall be wound up only by decision of a Special Conference in favour of which decision there were cast, on a card vote, at least two-thirds of the total votes cast thereon, followed by a vote in favour of such a proposal by 60% of the total membership of the Union in a postal ballot.

- (2) The Special Conference by which such a decision is made or any subsequent National Conference may appoint two or more persons to carry out such winding-up and all or any matters consequent thereon, and may vote to these persons such remuneration or honoraria as it may determine.
  - (3) If upon the winding-up of the Union there remain after satisfaction of all its liabilities any property, such property may be given or transferred to such other institution or association having objects wholly or partly similar to those of the Union or shall be disposed of in such other manner as may be determined by the final National Conference.
- 15.4** A notice may be served by any Committee or by its Secretary upon any member either personally or by being sent pre-paid through the post addressed to such person at their address as registered with the Union. Any notice served by post shall be deemed to have been served on the fifth day succeeding that on which it was posted, and in proving such service, it shall be sufficient to prove that the notice was properly addressed and posted.
- 15.5** The Rules of the Union which were in operation immediately prior to the date at which these Rules came into operation are hereby revoked.
- 15.6** (1) Nothing in these Rules shall affect any order, bye-law, regulation, undertaking, notice, approval, certificate, direction or determination given or made, or any election or appointment made, or any other thing done under or for the purpose of the Rules revoked by these Rules but any such order, bye-law, regulation, undertaking, notice, approval, certificate, direction, determination, election, appointment or thing shall, if in force at the date on which these Rules come into operation, continue in force and shall so far as it could have been made, effected, given or done under these Rules have effect as if made, effected, given or done under the corresponding provision of these Rules.
- (2) Any document referring to any rule revoked by these Rules shall be construed as referring to the corresponding provisions of these Rules.

## Part 16: Interpretation

- 16.1** Except where the context indicates to the contrary, all words denoting one gender shall be deemed to include the other gender and all words denoting the singular shall be deemed to include the plural and vice versa, and the following expressions shall have the following meanings:
- (1) Retired Member has the meaning attributed by Rule 2.4(3);
  - (2) Branch means a Branch of the Union within the meaning of Part 4;
  - (3) Branch Rules means Rules adopted by a Branch under Part 4;

- (4) Conference means (unless the context otherwise requires) any National Conference or Special Conference as provided for in Part 8;
- (5) Employer based and Occupational Group means an employer based and occupational group established in accordance with Part 7;
- (6) General Secretary means the General Secretary for the time being of the Union;
- (7) National Appeals Committee means the committee provided for by the Disciplinary Regulations at Appendix A to these Rules;
- (8) National Conference means the National Conference of the Union as provided for in Part 8;
- (9) National Executive Committee means the National Executive Committee of the Union provided for in Part 9;
- (10) National President means the President elected in accordance with Part 9;
- (11) National Rules means these Rules;
- (12) President means the President elected in accordance with Part 9;
- (13) Presidential Team means the President, Vice President and Deputy Vice President elected in accordance with Part 9;
- (14) Sectors means Sectors established under Part 6;
- (15) Division means part of a Sector where members either work for the same employer or work within a sub-sector of a specific industry.
- (16) Standing Orders Committee means the committee established in accordance with Rule 8.21;
- (17) Special Conference means a Special Conference called in accordance with Rule 8.20;
- (18) Transfer of Engagements means a transfer of engagements within the meaning of section 97(2) of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (19) Trustee means a trustee of the union appointed in accordance with Part 11;
- (20) Union Headquarters means the registered office for the time being of the Union in accordance with Rule 1.1;
- (21) Working Member shall have the meaning attributed by Rule 2.4(1)
- (22) Unemployed Member shall have the meaning attributed by Rule 2.4(2).
- (23) Union journal means an appropriate means of electronic communication to all members.

**16.2** Save as otherwise provided in these Rules any requirement of these Rules as to the giving of notice shall be deemed to have been complied with if a letter containing the notice be posted to the person to whom the notice is to be given in a properly

pre-paid envelope addressed to the person's last known residence or place of business and any notice so given shall be deemed to have been received by the person to whom it was addressed on the date on which the letter containing it would have been delivered in the ordinary course of post. Provided that (a) in any case in which notice is required to be given to a Branch, the foregoing provisions of this paragraph shall have effect as if for references to a person there were substituted references to the secretary of the Branch or, where the notice relates wholly or mainly to subscriptions or other financial matters, to the treasurer of the Branch; (b) where the last day prescribed by these Rules for the giving of any notice could be a bank holiday or other public holiday it shall suffice if the notice is given on the first working day thereafter.

- 16.3** The terms 'signed by' and 'signature' used in these Rules include the use of electronic or digital forms of signature where these conform to technical standards laid down by the National Executive Committee.
- 16.4** The terms 'Vote', 'card vote', 'ballot paper' and 'voting paper' used in these Rules includes the use of electronic or digital forms of voting where these conform to technical standards laid down by the National Executive Committee or as allowed by statute as appropriate.
- 16.5** References in these Rules to a Rule or Part shall be construed as a reference to that Rule or these Rules of that Part of these Rules.

## Part 17: Political fund

### Introduction

- 17.1** The objects of Prospect include the furtherance of the political objects to which section 72 of the amended Trade Union and Labour Relations (Consolidation) Act 1992 (the 1992 Act) applies. Those political objects are:

#### **72 Political objects to which restriction applies.**

- (1) The political objects to which this Chapter applies are the expenditure of money—
- (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
  - (b) on the provision of any service or property for use by or on behalf of any political party;
  - (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the union in connection with any election to a political office;
  - (d) on the maintenance of any holder of a political office;

- (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
  - (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.
- (2) Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his attendance as such shall, for the purposes of subsection (1)(e), be taken to be expenditure incurred on the holding of the conference or meeting.
- (3) In determining for the purposes of subsection (1) whether a trade union has incurred expenditure of a kind mentioned in that subsection, no account shall be taken of the ordinary administrative expenses of the union.
- (4) In this section –
- “candidate” means a candidate for election to a political office and includes a prospective candidate;
- “contribution”, in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;
- “electors” means electors at an election to a political office;
- “film” includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;
- “local authority” means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and
- “political office” means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

**17.2** Any payments in the furtherance of these political objects shall be made out of a separate fund of the union. This fund shall be called the political fund.

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

(3) Notwithstanding the provisions of Rule 11.2, any contributions to the fund of a political party will be subject to prior Conference approval following a full ballot of the membership, such ballot being authorised by Conference alone.

- 17.3** The union shall make clear how much of any regular contribution is for the political fund. If the political fund is included in regular contributions, the union shall specify that £0.60 of each annual contribution is for the political fund. The union shall ensure that members who have opted out do not pay this amount, by reducing or removing it from their contribution. Except for members who joined between 1 March 2018 and 17 February 2026, where the political fund is charged as a separate levy, the union shall set the amount at £0.60 per year.
- 17.4** Any member who chooses not 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). Any form (including an electronic form) that a person has to complete to become a member of the union must include a statement to that effect, as well as a statement to the effect that the person may opt out of contributing to the political fund.
- 17.5** Any member who claims to be aggrieved by a breach of these political fund rules may complain to the Certification Officer. After making such enquiries as they think fit, the Certification Officer shall give both the complainant and a representative of the union an opportunity to make written representations. They may also give both the complainant and a representative of the union an opportunity to make oral representations. After this, if the Certification Officer considers that such a breach has been committed, they make such order for remedying the breach as they think appropriate in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the 1992 Act, be enforced in the manner provided for in sections 82(4A) and 82(4B) of the 1992 Act.
- 17.6** Contribution to the political fund of the union shall not be made a condition for admission to the union, and members of the union who choose not to contribute to the political fund must not be placed under any obligation to do so.
- 17.7** The union shall ensure that a copy of the political fund rules is available, free of charge, to any member of the union who requests a copy.

## **Opt-out information notices**

- 17.8** As soon as possible, and no later than eight weeks after the union votes to adopt political objects, the union shall publish the notice at Appendix 1 to every member.
- 17.9** The union will publish the notice using the same methods it normally uses for important information. At present, this includes:
- Sending in a regular email newsletter to members.

**17.10** The same notice shall be published again, within eight weeks of each ten-year anniversary of a vote to adopt political objects (including any vote that took place before the commencement of the new section 84A of the 1992 Act, as substituted by the Employment Rights Act 2025), unless the resolution has been rescinded or otherwise ceases to have effect.

## **Submitting an opt-out notice**

**17.11** Any member can give notice to opt out of contributing to the political fund at any time.

To do so, members can:

- (a) Use the official opt-out notice form, or
- (b) Send a written request that clearly states that they do not want to contribute to the political fund. Such a written request can be delivered in person, sent by post, email, or through any electronic form the union provides.

**17.12** Members can get a copy of the official opt-out notice form:

- (a) From the union's website;
- (b) From the Certification Officer by emailing  
**info@certoffice.org**

**17.13** The official opt-out notice form in use can be found at Appendix 2.

**17.14** When the union receives an opt-out notice from a member, it will send the member an acknowledgement to the address provided.

## **When the opt-out notice takes effect**

**17.15** The opt-out takes effect on 1 January in the year following the year in which the notice is given.

**17.16** The union shall make sure that members who have opted out do not pay into the political fund.

## **Withdrawing an opt-out notice**

**17.17** Any member who has opted out of contributing to the political fund may withdraw their opt-out at any time. Doing so means the member will start contributing to the political fund again. To withdraw an opt-out notice, the member should give the union an opt-out withdrawal notice, which is a written statement saying they wish to withdraw their opt-out notice and start contributing to the union's political fund again.

**17.18** The opt-out withdrawal notice can be delivered in person, sent by post, email, or through any electronic form the union provides.

**17.19** When the union receives the opt-out withdrawal notice, it will send the member an acknowledgement to the address provided and process the withdrawal of the opt-out notice as soon as reasonably practicable.

## **Transitional arrangements for members who joined Prospect between 1 March 2018 and 17 February 2026**

**17.20** Between 1 March 2018 and 17 February 2026, members were not automatically opted in to the political fund. Instead, they had to actively opt-in. The Employment Rights Act 2025 has amended the Trade Union and Labour Relations (Consolidation) Act 1992, so that new members are treated as opted-in unless they choose to opt-out. The following rules explain how unions must handle members who joined between 1 March 2018 and 17 February 2026.

### **Default opt-outs for certain members**

**17.21** Any member who joined the union between 1 March 2018 and 17 February 2026 and was not contributing to the political fund immediately before 18 February 2026, is treated by law as having given an opt-out notice under the new section 84 of the 1992 Act, substituted by the 2025 Act. This opt-out remains in effect until the member gives a withdrawal notice in accordance with these rules. The union does not need to take any action to process these opt-outs, as they apply automatically under the law. This automatically applied opt-out notice is treated as effective from 18 February 2026 and will remain in effect until the member gives an opt-out withdrawal notice to cancel it (*as addressed above in paragraphs 17.17-17.19*).

### **Transitional period for opt-in withdrawals**

The following rules (17.22-17.25) apply to members who joined the union between 1 March 2018 and 17 February 2026 and submitted an opt-in notice that remains in force on 17 February 2026. These rules cover the four-week period until (and including) 17 March 2026. After that period, these members will be captured by the processes described earlier in these rules.

**17.22** Any member who joined the union between 1 March 2018 and 17 February 2026 and, during that time, submitted an opt-in notice, may for a short period give a withdrawal notice under section 84 of the 1992 Act, as it stood before the 2025 Act.

**17.23** During the transitional period until (and including) 17 March 2026, if a member who submitted an opt-in notice wishes to stop contributing to the political fund, they may give the union an opt-in withdrawal notice, which is a written statement saying they no longer wish to contribute.

**17.24** The opt-in withdrawal notice can be delivered in person, sent by post, email, or through any electronic form the union provides.

**17.25** The opt-in withdrawal notice takes effect one month after the date on which it is given.

## Appendix 1: Opt-out information notice

### Notice to Members in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992

Prospect has a political fund. This fund is used for activities connected with political objects as defined by section 72 of the above Act. All spending on these activities comes from this separate political fund.

Every member has the right not to contribute to the union's political fund. To exercise this right, you must give the union an opt-out notice.

You can give an opt-out notice in any of these ways:

- Deliver it in person, by post, or through a person you have asked to deliver it on your behalf
- Send it by email to **membership@prospect.org.uk**;
- Complete an electronic form provided by the union and submit it online following the union's instructions.

A form of opt-out notice can also be obtained:

- From the union's website; or
- From the Certification Officer by emailing **info@certoffice.org**

If you later change your mind, you can give a withdrawal notice to cancel your opt-out. This will put you back into contributing to the political fund.

Date	
------	--

## Appendix 2: Opt-out notice

<b>Prospect</b>	
<b>Political fund opt-out notice</b>	
I do not want to contribute to the union's political fund. By giving this notice, I will be exempt from making any payments to the political fund.	
Signature	
Print name	
Postal or email address	
Date	

## Political Fund (Northern Ireland)

- 17.26** In the application of the rules to Northern Ireland the following modifications shall have effect
- 17.27** Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, no member of Prospect in Northern Ireland shall be required to make any contribution to the political fund of Prospect unless that member has delivered, as provided in Rule 17.30 at Prospect headquarters, or to any Branch Secretary of Prospect, a notice in writing, in the form set out in Rule 17.28 of a willingness to contribute to that fund, and has not withdrawn that notice in the manner provided in Rule 17.29. Every member of Prospect who has not delivered such a notice or who, having delivered such a notice, has withdrawn it in manner provided in Rule 17.29 is to be deemed for the purpose of these rules to be a member who is exempt from the obligation to contribute to the political fund of Prospect.
- 17.28** The form of notice of willingness to contribute to the political fund of Prospect is as follows:

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

Prospect

Name of member's branch.....

Political Fund. ....

(Contribution notice).....

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

Signature .....

Number of Branch .....

Address .....

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

- 17.29** If at any time a member of Prospect who has delivered such a notice as is provided for in Rules 17.27 and 17.28 gives notice of withdrawal thereof delivered as provided in Rule 17.30 at Prospect headquarters, or to any Branch office of Prospect, that member shall be deemed to have withdrawn the notice as from the next following first day of January.
- 17.30** The notices referred to in Rules 17.27, 17.28 and 17.29 may be delivered personally by the member or by any authorised agent of the member and any notice shall be

deemed to have been delivered at Prospect headquarters, or to any Branch office of Prospect, if it has been sent by post properly addressed to that office.

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

No levy shall come into force as respects a new member who has agreed to the political fund until the expiration of one month from that member being supplied with a copy of these rules under Rule 17.7 hereof on admission to Prospect.

- 17.32** If any Northern Ireland member alleges being aggrieved by a breach of any of the rules made pursuant to Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, that member may complain to the Northern Ireland Certification Officer at [info@nicertoffice.org.uk](mailto:info@nicertoffice.org.uk), under Article 57 (2) to (4) of that Order.

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

Moreover, if any Northern Ireland member alleges being aggrieved by a breach of the political fund rules made pursuant to Section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992, that member may complain to the GB Certification Officer at

[info@certoffice.org](mailto:info@certoffice.org). After giving the complainant and a representative of the Union an opportunity of being heard, the GB Certification Officer considers that a breach has been committed, the GB Certification Officer may make an order for remedying it as the GB Certification Officer thinks is just in the circumstances. Any such order of the GB Certification Officer is subject to the right of appeal provided for by Section 95 of the 1992 Act.

## Appendix A

### Disciplinary Regulations

- 1.1** Subject to the provisions of the Union's Rules, the National Executive Committee may by resolution reprimand and/or fine and/or remove from office and/or prohibit from holding office for such specified period as it thinks fit or suspend from

membership for such specified period as it thinks fit or expel from membership any member if in its opinion:

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

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

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

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

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

**1.5** A resolution by the National Executive Committee in accordance with this Regulation shall take effect on the date on which it is passed save that where in a

case of expulsion the person concerned gives notice of appeal the person shall be suspended from membership pending the disposal of the appeal. Save as provided in Regulation 6.1 the decision of the National Executive Committee shall be final.

- 2.1** Where a complaint is made to a Branch or the Retired Members' Group that a member of that Branch or the Retired Members' Group has acted in a manner as set out in parts (1) or (2) of Regulation 1.1 the Branch Committee or the Retired Members' Group shall investigate the complaint.
- 2.2** The person concerned shall be informed of the complaint and afforded an opportunity of making representations on the matter to the Branch Committee or the Retired Members' Group.
- 2.3** If the Branch Committee or the Retired Members' Group is satisfied that there is a prima facie case established against the person, the Branch Committee or the Retired Members' Group shall refer the matter together with all relevant material relating thereto to the National Executive Committee for consideration under Regulation 1.1. If it is not so satisfied, the complaint shall be dismissed.
- 3.1** (1) There shall be a National Appeals Committee whose duties are defined by the National Rules.
  - (2) The National Appeals Committee shall consist of five Working or Unemployed Members not being members of the National Executive Committee, each of whom has been elected in accordance with the following provisions of this Rule.
  - (3) At the conclusion of each National Conference the two members of the committee who have served the longest terms since their election shall relinquish office. Should there be a tie in length of term served then those tied will agree who is to step down, should they not be able to reach agreement then all those tied will relinquish office. Any other member of the committee wishing to stand down shall give notice at the start of the conference and relinquish office at the conclusion of conference. The aforementioned National Conference shall elect members of the committee to fill these vacancies.
  - (4) Members of the National Appeals Committee shall be elected according to the following conditions:
    - (a) they shall be elected at each National Conference from Working or Unemployed Members of the Union nominated by Branches for election;
    - (b) notice of nomination shall be given to the General Secretary not later than mid-day on the day occurring 13 weeks before the date on which the National Conference is to commence its sittings, and shall be accompanied by brief particulars of the persons nominated and by an undertaking signed by the nominee of willingness to act as a member of the committee if elected; provided that:

- (i) where a member is so nominated by more than one Branch, only one of the nominating Branches shall be required to furnish such particulars and such undertaking; and
  - (ii) the provisions of Rule 16.2 as to the date on which a notice is to be deemed to have been received shall not apply to a notice given under this paragraph but any such last mentioned notice shall be deemed not to have been given until it has been delivered to the General Secretary.
- (c) a notice under the last foregoing paragraph shall be accompanied by a certificate signed by the Secretary of the Branch or such other member of the Branch as has been authorised by the Branch, that the nomination has been approved by a General Meeting or Annual Conference of the Branch or by a committee of the Branch authorised to approve it
- (d) persons may withdraw their nomination for election as a member;
- (e) if insufficient nominations are received to fill all vacancies or if, before the voting for the election of one or more members of the National Appeals Committee has taken place, sufficient persons nominated for that office withdraw their nomination that there are unfilled vacancies, Conference may permit the nomination by delegates of other persons for election to the office and whoever is in the Chair of Conference shall, before accepting a nomination so made, be satisfied that the proposed nominee is willing to serve and shall determine in what manner the provisions of this paragraph shall be given effect;
- (f) election to the National Appeals Committee shall be by card vote of Working and Unemployed Member delegates.
- (5) (a) In the event of any member of the Committee vacating office otherwise than in accordance with Rule 3.1(3) the National Executive Committee shall appoint in their place one of the persons who were candidates at the last foregoing National Conference for election to the Committee, regard being had in the making of the appointment to the number of votes received by each of these persons.
- (b) If it should not be possible so to fill any such vacancy, it may be filled by the National Executive Committee by appointment of such a Working or Unemployed Member, other than a member of the National Executive Committee, as it may determine.
- (6) Any person appointed to the Committee under Rule 3.1(5) shall be deemed for the purpose of this Rule have taken up office at the conclusion of the National Conference by which the predecessor in office was appointed.

**3.2** The Appeal Committee shall draw up standing orders for the conduct of appeals which shall be published and which shall be binding on the parties thereto and shall have power to decide all matters in relation to appeals procedure not specifically provided for in these Regulations. The Appeal Committee may act by any 3 of its

members, such number being a quorum which may exercise all the powers of the full Committee.

- 3.3** Each meeting of the Appeal Committee shall appoint its own Chair and the appeal shall be decided by a majority vote of the members of the Committee present throughout the hearing but the Chair shall have a casting vote in case of equality.
- 4.1** There shall be a right of appeal to the Appeal Committee in the following cases:
- (1) where the National Executive Committee has decided that a member shall be expelled from membership, or is ineligible for membership under Rule 2.1, and that person is dissatisfied with the decision; an appeal under this Regulation shall however be limited to the question of whether the National Executive Committee's decision is or is not correct in relation to the appellant and nothing in these Rules and Regulations shall be construed as conferring upon the Appeal Committee any power to vary or override any determination previously made by the National Executive Committee;
  - (2) where any disciplinary action has been taken against any member under Rule.
- 5.1** A person wishing to appeal to the Appeal Committee shall give notice of such desire in writing to the General Secretary within 4 weeks of being notified of the decision being appealed against, stating the grounds of such appeal. The said period of 4 weeks shall begin to run as from the date when the notification has been given to the member or if posted by first class mail, as from the day following the date of posting, but the Appeal Committee shall have power in its discretion to extend this period. The General Secretary shall furnish the Appeal Committee, the National Executive Committee and the appellant with a full copy of the evidence considered by the National Executive Committee and a copy of the current standing orders within 2 weeks of receipt of such notice of appeal.
- 5.2** The Appeal Committee may consider any written representations made by the appellant in support of the appeal or by the National Executive Committee opposing the same. The Appeal Committee may in its discretion allow the appellant the opportunity of making oral representations to it; in which case the National Executive Committee shall be given similar opportunity to reply. In this event, the appellant shall have the right to make the final address and be assisted by a friend or colleague.
- 6.1** The Appeal Committee shall only be entitled to annul or uphold the decision of the National Executive Committee but have no right otherwise to amend or vary the same.
- 6.2** The decision of the Appeal Committee shall be final and binding upon the Union and its members and if an appeal against expulsion or suspension is allowed the decision shall have the effect of re-admitting the appellant to membership or as the case may be terminating the suspension as from the date of such decision or (where an appeal against suspension has been allowed in part only) from the date specified in such decision:

provided that such a decision:

- (1) shall be without prejudice to the power of the National Executive Committee to suspend or expel in accordance with these Regulations in respect of any subsequent event or discovery concerning the member;
- (2) shall not have the effect of requiring the member to pay a subscription for any year for which a subscription has already been paid.

**6.3** Suspension in accordance with the provisions of these Regulations shall not relieve the member of any duties thereby imposed (including liability for the payment of any subscription to the Union) but the member shall not be entitled to take part in the business or affairs of the Union or of any committee thereof or of the Branch thereof to which the person belongs or of any committee of any such Branch and shall so long as the suspension lasts cease to occupy any office, position or appointment in any such committee or Branch or committee of any such Branch.

## Codes of conduct for elections

### Code of conduct for General Secretary election

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

#### Nomination/Selection of Candidates

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

## **Candidates' Statements**

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

## **Election Campaigns**

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

## **Membership Ballot**

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

## **Breaches of the Code**

13. Any member may complain of a breach of the Code.
14. Such complaints will be investigated by the Appeal Committee appointed by National Conference to deal with appeals against disciplinary action taken by the National Executive Committee.
15. Any complaint that there has been a violation of this Code must be submitted not later than seven days after the declaration of the result of the election and the Appeal Committee will arrange to complete the process of considering the complaint within three weeks from the date of receiving the complaint.

16. If the Appeal Committee upholds the complaint that the candidate by their own acts or by the acts of any other person has caused a violation of the Code the candidate may be debarred from the election and/or their election may be declared null and void.
17. The decision of the Appeal Committee shall be final.

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

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

### **Nomination Procedure**

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

### **Candidates' Statements**

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

### **Election Campaigns**

9. No funds of the amalgamated union or other resources shall be used by any candidate or by a candidate's supporters in the promotion of their nomination/candidacy, other than required for the official circulation of the authorised candidate's election statement. Similarly, no amalgamated union funds or other resources shall be used by any candidate or any candidate's supporters in

denigrating any other candidate. Any civil or criminal liability in respect of publishing or copying an election address which has been prepared in accordance with the statutory requirements rests solely with the candidate concerned.

10. Candidates shall not spend any of their own funds, nor shall they or their supporters use any funds, or official resources, in an election campaign. This shall include spending on travel, subsistence, entertainment, stationery, postage, telephone, or use of faxes or e-mail, with the object of promoting any nomination/candidacy.
11. Candidates should not attend Branch or work-place meetings for the purpose of canvassing for nominations or votes, but this shall not prevent them carrying out their normal responsibilities as representatives of members.
12. Branches may advise their members of the names of those candidates in an election who have been nominated by that branch. Branches may also advise members to participate in a ballot (to "use their vote"); but branches must not make any other comment on any other aspects of candidates, whether nominated by them or not.

### **Breaches of the Code**

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







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