
RULES

Mandate, the Union of Retail Bar and Administration Workers

2023

Registered No. 604T, Head Office: 9 Cavendish Row, Dublin 1

In accordance with the Trade Union Acts 1871 - 1990

SIGNED on behalf of Mandate, the Union of Retail Bar and Administrative Workers

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SECTION 1 NAME, OFFICE AND OBJECTIVES

1 NAME

- 1.1 **The name of the Union shall be MANDATE TRADE UNION, the Union of Retail, Bar and Administrative Workers** (hereinafter referred to as the Union).

2 REGISTERED OFFICE

- 2.1 The registered office of the Union shall be at 9 Cavendish Row, Dublin 1 (hereinafter called the Head Office) or at such other place as may be decided by the National Executive Council (hereinafter referred to as the NEC) from time to time. Any change in the registered office of the union shall be notified to the Registrar of Friendly Societies.

3 OBJECTIVES

- 3.1 The principal object of the Union shall be the organisation of workers for the purpose of furthering their social and economic advancement.
- 3.2 The objects of the Union shall also include:
- (a) The regulation of relations between employers and workers and between workers and workers.
 - (b) The provision of benefits to members of the Union in accordance with these rules.
 - (c) The establishment of rules and regulations regarding work practices to which all members shall be bound.
 - (d) The establishment or carrying on, or participation directly or indirectly in the business of printing or publishing a general newspaper or newspapers or of books, pamphlets, or any other publication or of any other kind of undertaking, industrial or otherwise, for the purpose of furthering the interests of the Union or its members, or the trade union movement generally.
 - (e) The furtherance of, or participation directly or indirectly, in the work of any organisation, local, national, or international, any or all of the objects of which are similar to those of the Union.
 - (f) The education of workers in social, industrial and political affairs.
 - (g) The purchase, sale, leasing, hiring, improvement and development, exchange, mortgage or any dealing of any kind in property of all kinds including real and personal property.
 - (h) The entry into arrangements of federation, amalgamation, affiliation or union of interests with, or the acceptance of any transfer of engagements from, any other trade union or trade unions.
 - (i) The furtherance of any action or purpose, or the participation, financial or otherwise, directly or indirectly, in any lawful purpose which in the opinion of the NEC is beneficial to the interests of trade unionism, or the interests of workers generally.

- (j) The furtherance of political objectives of any kind, consistent with the general objectives of the Union.
- (k) To recruit, organise and represent workers who are eligible for membership of the Union as per Rule 20.
- (l) To protect and promote the interests of its members.

SECTION 2 GOVERNMENT OF THE UNION

4 BIENNIAL DELEGATE CONFERENCE

- 4.1 The supreme government of the Union shall be vested in the Biennial Delegate Conference (hereinafter referred to as the BDC) which shall meet on the date and at a time and venue to be determined by the NEC. The BDC shall determine the principles and policies of the Union.
- 4.2 The BDC shall be composed of delegates from the various Local Councils of the Union on the following scale:

Membership	Delegates
15 - 200	2
201 to 300	3
301 to 400	4
401 to 500	5
501 to 700	6
701 to 900	7
901 to 1000	8
1001 plus	8 plus 1 delegate for each complete 200 members above 1001
2001 plus	1 delegate for each complete 500 members above 2000 members

- 4.3 An official of the union shall be entitled to attend the BDC and to speak on any issue coming before the Conference but shall not be entitled to vote on any question coming before the Conference.
- 4.4 It shall be the responsibility of the Local Council to notify the General Secretary of the names and addresses of the delegates appointed to the BDC.
- 4.5 The number of delegates to which a Local Council may be entitled to nominate under this rule shall be computed on the figures of the Local Council's membership given in the Annual Report and Balance Sheet of the Union as of 31 December next preceding the BDC.
- 4.6 Delegates to the BDC shall be members of the Local Council by which they are appointed.
- 4.7 The BDC shall review the entire workings of the Union and shall determine the Union's policy on all matters affecting or touching upon the interests of the Union or its members.
- 4.8 Without prejudice to the generality of the foregoing, the business transacted by the BDC shall include:

- (a) The consideration of the Report of the NEC and the Balance Sheet and Accounts for the Union relating to the two preceding years ended 31 December;
- (b) The consideration of motions and amendments submitted by Local Councils or the NEC provided that such motions do not seek to contravene any provision of these rules;
- (c) The consideration of proposals to amend these rules;
- (d) The hearing and determination of all appeals made against decisions of the NEC and the Union's Appeals Committee brought under these rules;
- (e) The election of such officers of the Union and in such manner as provided for by these rules;
- (f) The endorsement of the election of a NEC in the manner hereinafter provided;
- (g) The endorsement of the election of the Appeals Committee as provided for in Rule 7.2;
- (h) The endorsement of the election of the Standing Orders Committee as provided for in Rule 6.1;
- (i) The conduct of such other business as the Conference is authorised to conduct under any other provision of these rules;

4.9 Where appropriate the NEC may schedule workshops at the BDC.

4.10 The proceedings of the BDC shall be conducted in conformity with the Standing Orders set out and provided for in these rules and at Annexe 1 of these rules.

4.11 The quorum at any BDC shall be a majority of the delegates entitled to attend.

4.12 Members of the NEC shall attend the BDC as a collective body but shall not be entitled to take part in any vote or election, save that the officer presiding at the time shall be entitled to a casting vote in the event of an equal number of votes being cast on each side.

4.13 Other than the election processes voting shall be a show of hands except when a card vote is called by the officer presiding or demanded where it is so demanded by one third of the delegates attending or the delegates of one third of the Local Councils represented.

4.14 Where a card vote is taken in accordance with the preceding paragraph of this rule, the delegation from each Local Council shall appoint from amongst their number a principal delegate, who shall cast a number of votes equal to the entire membership of that Local Council as shown on the Report and Balance Sheet for the period ending 31 December next preceding the date on which the BDC is being held. The question before the BDC shall then be decided on the aggregate majority of the votes cast.

4.15 Local Councils shall be given not less than 15 weeks clear notice of the holding of the BDC.

4.16 Delegates to the BDC shall be paid such expenses as are necessarily incurred by them in attending at the Conference within a scale which shall be determined, from time to time, by the NEC.

5 CONFERENCE MOTIONS AND AGENDAS

5.1 Motions and proposed alterations of rules and nominations for any office or position to be filled by the BDC shall only be accepted as being in order if they are received at the office of the General

Secretary within the time limits set out hereunder and in accordance with Standing Orders as provided for in these rules.

- 5.2 Motions and proposed alteration of Rules must be submitted to reach the office of the General Secretary not later than 15 weeks before the opening of the BDC. A reminder shall be sent to Local Councils by the General Secretary not later than 24 weeks before the opening of the BDC.
- 5.3 The Preliminary Agenda containing motions and proposed alteration of rules received on the due date shall be circulated to Local Councils not later than 10 weeks before the opening of the BDC.
- 5.4 Nominations for ordinary members of the NEC including from these the follow-on nominations for General President, Vice-President, General Treasurer, Trustees, members of Standing Orders Committee and Appeals Committee shall be submitted to reach the office of the General Secretary not later than 7 weeks before the opening of the BDC. A reminder shall be sent to Local Councils by the General Secretary not later than 11 weeks before the opening of the BDC.
- 5.5 Amendments to motions and proposals to amend the union's rules shall be received at the office of the General Secretary not later than 7 weeks before the opening of the BDC. A reminder shall be sent to Local Councils by the General Secretary not later than 10 weeks before the opening of the BDC.
- 5.6 The Final Agenda shall be circulated to each Local Council Secretary, together with the Report and Balance Sheet, not later than 3 weeks before the opening of the BDC.
- 5.7 The NEC, following consultation with the Standing Orders Committee, may in exceptional circumstances provide a general derogation from the dates set out above, and determine alternative dates, to deal with any unforeseen and exceptional circumstances arising at the head office of the Union but may not provide any particular derogation to any Local Council or to Local Councils generally to accommodate any matter arising from the failure of any Local Council or officer thereof to meet the deadlines aforesaid.
- 5.8 Emergency motions may be submitted in accordance with Standing Orders.

6 SPECIAL DELEGATE CONFERENCE

- 6.1 A Special Delegate Conference may be called by the NEC on its own initiative or on receipt of a request in writing from 3,000 members of the Union representing 13 Local Councils across 2 Divisions of the Union.
- 6.2 Where a Special Delegate Conference is requisitioned in accordance with the preceding paragraph of this rule, the requisitionists shall specify the special business to be dealt with at the Special Delegate Conference so called.
- 6.3 A Special Delegate Conference shall have power to deal only with the special business for which it is called and any proposition or propositions to be put to the Special Delegate Conference shall be specified in the notice by which it is summoned.
- 6.4 Where a Special Delegate Conference is called by requisition, the expenses consequent upon the holding of the Conference shall, subject to the direction of the NEC, be borne by the requisitionists if the proposition which they place before the Conference is rejected by two-thirds of the delegates present and voting.

- 6.5 The timetable for convening a Special Delegate Conference shall be determined by the NEC, save that the NEC shall give Local Councils 4 weeks' notice of the date of the Conference.
- 6.6 Delegates to a Special Delegate Conference shall be appointed in the same manner as delegates to the BDC.
- 6.7 Delegates to the BDC shall be paid such expenses as are necessarily incurred by them in attending at the Conference within a scale which shall be determined, from time to time, by the NEC.

7 STANDING ORDERS COMMITTEE

- 7.1 A Standing Orders Committee of five members shall be elected by ballot vote at the BDC and shall serve for two years being then eligible for re-election. The Chairperson shall be elected biennially by the Standing Orders Committee at its first meeting following the BDC. Members of the NEC and the Appeals Committee shall not be eligible to serve on the Committee. In the event of a vacancy occurring on the Standing Orders Committee, the NEC may appoint the person who is the next highest on the list of unsuccessful candidates at the last relevant election who is still a Union member and who is willing to serve on the Standing Orders Committee.
- 7.2 The Secretary to the Standing Orders Committee shall be an employee of the Union designated by the General Secretary.
- 7.3 Nominations for election to the Standing Orders Committee shall be forwarded in writing to reach the General Secretary as per Rule 5.4 and appropriate Standing Order arrangements as provided for at Annex 1 in these rules.
- 7.4 The Local Councils provide the related nominees for election to the Standing Orders Committee.
- 7.5 The Standing Orders Committee shall have transmitted to it by the General Secretary all motions and proposed alterations of rules submitted by the Local Councils and NEC for the consideration of Biennial or Special Delegate Conference.
- 7.6 The Standing Orders Committee – in conjunction with the President - shall have sole responsibility for the acceptance and rejection of motions and nominations for the BDC consideration in relation to the time of their arrival at Head Office, i.e. 2.00 pm on the date specified.
- 7.7 The Standing Orders Committee shall arrange all motions received into a convenient Agenda.
- 7.8 The Standing Orders Committee, in consultation with the President, i.e. the Chairperson of Conference, shall draw up a timetable for Conference covering the Agenda.
- 7.9 The Standing Orders Committee shall supply the General Secretary with all material with which it is concerned to enable Rules 4, 5 and 6 are observed.
- 7.10 The Standing Orders Committee shall submit Agenda, timetable and any other recommendations to facilitate Conference business to Conference for consideration and decision.
- 7.11 During the period of Conference the Standing Orders Committee shall consider all matters relating to Conference procedure and recommend thereon, as necessary by way of appropriate Standing Order Reports as presented by the Standing Orders Committee Chairperson.

8 APPEALS COMMITTEE

- 8.1 An Appeals Committee of five (5) members shall be established to hear and decide upon complaints from members concerning matters referred to in Rule 26. The General Secretary shall act, or nominate an Assistant General Secretary to act, as Secretary to the Appeals Committee, ensuring that that nominee has had no earlier involvement in the referred complaint process.
- 8.2 The Appeals Committee shall be elected by ballot vote and ratified at the BDC and shall serve for two years being eligible for re-election. Members of the NEC or Standing Orders Committee shall not be eligible to serve on the Appeals Committee.
- 8.3 Nomination for election to the Appeals Committee requires that all nominees for the same must be submitted in writing to the General Secretary in line with Rule 5.4 and Standing Orders arrangements as provided for at Annexe 1 in these rules.
- 8.4 The Local Councils provide the related nominees for election to the Appeals Committee.

9 NATIONAL EXECUTIVE COUNCIL

- 9.1 For the general administration of the Union's business and for the government of the Union between meetings of the BDC there shall be a NEC. The NEC shall consist of such members and have such powers as are provided by these rules.
- 9.2 Each division of the Union shall be allocated a number of ordinary seats of the National Executive Council in accordance with the following scale of members within each division as recorded on the 31st of December prior to the BDC:

500	-	4,000	2 members
4,001	-	5,000	3 members
5,001	-	15,00	4 members
15,00	-	35,00	5 members
35,00	-	45,00	6 members
45,001	-	plus	7 members

- 9.3 A President, a Vice-President, a Treasurer and three Trustees who shall be collectively known and herein referred to as the "Officers" will be elected by the BDC from the ordinary elected members of the incoming NEC which is to take office at the close of the BDC. The remaining members shall be called ordinary members.
- 9.4 The ordinary members of the NEC shall be elected to hold office for a period of 2 years or if retired from employment or becoming unemployed, up to the close of the BDC next following such an event.
- 9.5 The President, the Vice-president, the Treasurer and the three trustees shall be elected at the BDC and shall hold office for a period of two years or if retired from employment or becoming unemployed, up to the close of the BDC next following such an event.

9.6 For the purpose of this rule only, all members of the NEC are considered Officers of the union, for the purpose of the Industrial Relations Act 1990, Part 2, Section 11, Subsection 5, peaceful picketing.

10 STAFF REPRESENTATIVE ON THE NEC

10.1 In addition to the members elected to the NEC under this rule, employees of MANDATE with one or more years' service shall be entitled to elect one ordinary member to the NEC who shall hold office for a period of two years. The employee elected to the NEC shall have at least three years' service with the union and shall not be eligible to vote on any issue coming before the NEC or to hold any "officer" position on the NEC. Rule 11 shall not apply to the election of the employee representative.

10.2 Where practicable and prior to any NEC meeting the General Secretary will advise the Staff Representative (NEC) in good time of all agenda items concerning Mandate staff as employees (individual or collective). The Staff Representative is entitled to consult with such employees prior to the commencement of the NEC meeting. Subsequent to the NEC meeting it will be the duty of the General Secretary to inform the relevant employees of any decision taken by the NEC and the reason for such a decision.

11 NOMINATION, QUALIFICATION AND ELECTION OF MEMBERS TO THE NEC

11.1 NOMINATION OF PERSONS FOR ELECTION AS ORDINARY MEMBERS OF THE NEC MAY BE MADE BY ANY LOCAL COUNCIL OF THE UNION WITHIN THE SAME DIVISION AS THE LOCAL COUNCIL TO WHICH THEY BELONG. NOMINATIONS SHALL BE MADE IN WRITING OVER THE SIGNATURE OF THE LOCAL COUNCIL SECRETARY AND SHALL BE NOTIFIED TO THE GENERAL SECRETARY WITHIN THE TIME PROVIDED BY RULE 5.4 AND THE APPROPRIATE STANDING ORDERS FOR BDC – SEE ANNEXE 1 OF THESE RULES.

11.2 No person may be nominated for election as an ordinary member of the NEC unless such person is and has been a member for at least 3 consecutive years prior to the date of their nomination and have a proven record as an elected shop steward or activist at workplace level. At the date of their nomination election and during their continuance in office, the ordinary members of the NEC shall be less than 8 weeks' in arrears of contributions.

11.3 Further to satisfying the provisions of Rules 11.1, 11.2 and 11.4 Officers of the NEC will be elected from those successfully elected to the NEC as ordinary members.

11.4 No person may be nominated for election as an officer of the NEC unless they satisfy the provisions in Rule 11.2 and 11.3. Nomination of persons for election by the BDC as Officers may be made by any Local Council of the Union. Such nominations shall be made in writing over the signature of the Local Council Secretary and shall be notified to the office of the General Secretary within the time provided by Rule 5.4 and the appropriate Standing Orders for BDC – see Annexe 1 of these rules.

11.5 The number of vacancies to be filled within each division will be determined on the basis of the membership within the division as shown on the Report and Balance Sheet of the Union for the period ending 31 December in the year next, preceding the year in which the election is being held.

11.6 Where more nominations are received for the election of persons as ordinary members of the NEC than the division in which they are nominated is entitled to elect, an election shall be held at the BDC on the basis of proportional representation with each delegate having a single transferable vote. The Division's highest placed nominee at the result of the election will be deemed elected to

the NEC having ensured that nominee is a member and wishes to take their NEC seat. In the event that that nominee is not a member or does not want to take their NEC seat, then the seat will be offered to the Division's next highest nominee on the electoral result list. Each election shall be presided over by a Returning Officer and Scrutineers appointed for the purpose by the BDC at which the election is being held. A member shall enter into NEC at the close of the BDC at which they are elected.

- 11.7 In the event that for whatever reason a Division cannot fill their NEC seat, then the vacancy will be offered to the next highest candidate on the electoral result list where that person is a member, so wishes to take the seat on the NEC and hasn't been so elected, irrespective of which Division they are from.
- 11.8 Where less nominations are received for the election of persons as ordinary members of the NEC than the Division in which they are nominated is entitled to elect, then that resulting vacancy or vacancies can be filled in line with Rule 11.7.
- 11.9 Where more nominations are received than vacancies to be filled for any officership an election shall be held at the BDC on the basis of proportional representation with each delegate having a single transferable vote. Each election shall be presided over by a Returning Officer and Scrutineers appointed for the purpose by the BDC at which the election is being held. An Officer shall enter into office at the close of the BDC at which they are elected.
- 11.10 Where only one valid nomination is received for any officership, the person so nominated shall be deemed to have been elected to office.
- 11.11 Where no valid nominations are received for any vacant officership, the BDC may take nominations of candidates for election to the vacant office in accordance that the provisions of Rules 11.1, 11.2 and 11.3 are met.
- 11.12 The results of the election in each division shall be declared at the BDC and shall be subject to the endorsement of the BDC.

12 COMPLAINTS CONCERNING NEC ELECTIONS

- 12.1 Any complaint as to an alleged breach of the rules relating to the NEC elections shall be made in writing to the Returning Officer. If the opinion of the Returning Officer there has been a breach of these rules, the Returning Officer shall consult the President. The Returning Officer shall then decide whether the election shall proceed, whether an election shall be declared null and void or if the election of any person void or any nominee disqualified, and take such decisions as may be proper to him or her.
- 12.2 The decision of the Returning Officer on any matter under this section of the rules shall be final and binding on all members. The General Secretary shall publish to Local Councils the written report of the Returning Officer on any investigation conducted by him/her, together with the Returning Officer's decision thereon.

13 REMOVAL AND RESIGNATION OF MEMBERS OF THE NATIONAL EXECUTIVE COUNCIL

- 13.1 The Officers of the Union and the ordinary members of the NEC may be removed from office by the BDC or a Special Delegate Conference should they be deemed to have acted in a manner injurious to the Union or its members, or should they become so incapacitated as to be unable to fulfil the

duties of their office or if they should, from any cause, be unable or unwilling to act in the office or position to which they were elected. The NEC may suspend an Officer or any ordinary member of the NEC for any of the foregoing reasons pending a determination by the BDC or a Special Delegate Conference.

- 13.2 An Officer of the Union or an ordinary member of the NEC who fails, without reasonable excuse, to attend three consecutive meetings of the NEC shall be deemed to have resigned unless the NEC, having called upon the Officer or ordinary member to state the reason for the said absences, receive and accept a satisfactory explanation.
- 13.3 A statement shall be appended to the Annual Report of the Union showing the number of meetings of the NEC and its Sub-committees during the previous year(s) and the attendance of the members during their periods of office.
- 13.4 Other than in the circumstances set out in the foregoing paragraph of this rule, an Officer of the Union or an ordinary member of the NEC shall resign by written statement of resignation submitted to the President and such resignation shall take effect when it is received by the President.

14 FILLING CASUAL VACANCIES ON NATIONAL EXECUTIVE COUNCIL

14.1 WHERE AN OFFICER POST BECOMES VACANT DURING THE TERM OF THE NEC, THE NEC SHALL APPOINT A PERSON FROM AMONGST THEIR NUMBER TO CONTINUE IN THE VACANT OFFICE FOR THE REMAINDER OF THE TERM OF OFFICE OF THE OFFICER THEY REPLACE.

14.2 Where an ordinary vacancy arises during the term of the NEC, the NEC will fill that vacancy by calling upon the person, who is then standing highest on the list of unsuccessful candidates at the last relevant election, who is a member and who is still willing to serve on the NEC subject to satisfying the provisions of Rule 11.6. In the event that there is no person on the list of unsuccessful candidates at the last relevant election to satisfy the provisions of Rule 11.6, then the NEC will call upon that person who is then standing highest on the same said list to fill the NEC vacancy as per Rule 11.7. A person elected as an ordinary member of the NEC at a bye-election shall continue in office for the remainder of the term of the person whom he/she replaces.

14.3 If it is not possible to fill any vacancies as per Rule 11 the NEC will continue as is with due regard given to the quorum as provided in Rule 15.1.

14.4 Where a vacancy arises in respect of the employee representative member of the NEC, a bye-election shall be held. The employee elected as an ordinary member of the NEC at a bye-election shall continue in office for the remainder of the term of the person he/she replaced.

15 POWERS AND FUNCTIONS OF THE NEC

15.1 The NEC shall meet at least 6 times per year at the Head Office or at such other place as they may decide. A quorum shall consist of any 2 Officers and one-third of those otherwise entitled to attend except when required to be amended as per Rule 14.3 above.

15.2 Subject only to these rules and to the BDC, the NEC shall have full power of government in all the affairs of the Union and shall have power to act for the Union in a manner consistent with these rules and in dealing with matters upon which these rules are silent.

15.3 Without prejudice to the generality of the foregoing, the NEC shall in particular perform the following powers and functions:

- (a) The appointment and, if necessary, the dismissal or suspension of a General Secretary;
- (b) The appointment and, if necessary, the dismissal or suspension of any number of employees which it considers necessary for the proper discharge of the Union's business;
- (c) The supervision of the General Secretary in the discharge of the duties of that office;
- (d) The fixing of the and other conditions of employment of the General Secretary and all employees of the Union and enter into any agreement with them as it considers appropriate, subject to these rules;
- (e) The supervision and direction of the industrial affairs of the Union;
- (f) The carrying into effect, insofar as it is practicable, of policy laid down by the BDC from time to time;
- (g) The interpretation and enforcement of these rules. On any matter on which these rules are silent, the President, in conjunction with the NEC, shall make a determination and any determination so made shall be final and binding on all the Unions constituent parts unless and until reversed by the BDC;
- (h) The provision and maintenance of democratic structures within the Union, i.e. subject to these rules and to consultation with those concerned, to organise, open, amalgamate, sub-divide or close Local Councils, Divisions or other bodies of the Union comprising members employed by the same employer, or performing similar functions, or section or department of an employer or in the same geographical area;
- (i) The exercise of such other powers and duties as are provided by these rules or which may be assigned to the NEC by the BDC from time to time;
- (j) The NEC shall be empowered, at its absolute discretion, to make available out of any funds at its disposal, benevolent grants to members and the dependants of deceased members to relieve any special case of sickness or hardship;
- (k) Except as specifically provided for elsewhere in these rules, to make, vary, suspend or rescind regulations and by-laws for the conduct of the business of the Union and all committees, or bodies of the Union;
- (l) To fill any vacancy in any office filled by election for which no other provision is made in these rules;
- (m) To co-opt one or more additional members on to the NEC or its Committees, but such members shall be without voting powers;
- (n) To invite to its meetings one or more persons to act in an advisory capacity in respect of matters regarding which they possess special knowledge or competence, but such persons shall be without voting powers;
- (o) To invite to its meetings observers from the executives of affiliated organisations;
- (p) To appoint Committees of the NEC for the conduct of Union business with all decisions of

such Committees being subject to ratification by the NEC;

- (q) To appoint Advisory Committees which may include members who are not members of the NEC;
- (r) To call conferences of any group or section of members or officers for the purposes of consultation;
- (s) To require the attendance of any member or employee of the Union at any meeting of the NEC or of its Committees.

15.4 All questions arising at a meeting, except any questions which by these rules or by any agreement or contract made by the NEC are to be decided in a special manner, shall be decided by a majority of the votes cast. In the event of an equality of votes the presiding officer shall have a casting vote.

15.5 At meetings of the NEC which determine the policies of the Union in relation to the bi-annual conferences of the ICTU, these affairs shall be vested in the NEC.

15.6 The NEC shall in all matters where its procedure is not expressly laid down in these rules determine its own procedure.

15.7 The Honorary Officers and the General Secretary shall be ex-officio members of all Committees and Sub-committees of the NEC and shall be entitled to participate in any meeting of members of the Union.

15.8 The NEC shall act as a collective body in the discharge of its powers and functions under these rules. The business of the NEC shall be conducted in private and its deliberations and those of any of its sub-committees shall be confidential. No disclosure of any business shall be made without the authority of the NEC. In the event of the NEC deciding collectively to release any information it will be done through an agreed written report.

15.9 In determining their policy decisions and determinations all members of the NEC and their respective sub-committee levels – shall be bound by the same and will actively support these and other NEC positions, unless and until reversed or changed by the BDC or legislation.

15.10 A Special Meeting of the NEC shall be convened at the written request of any four officers of the Union, such meeting to be convened as soon as is practicable and not later than seven days from the receipt of such request.

16 STANDING SUB-COMMITTEE OF THE NATIONAL EXECUTIVE COUNCIL

16.1 At its first meeting immediately following a BDC at which the election of its ordinary members has been endorsed, the NEC shall appoint a Sub-Committee of its own members comprising the officers of the Union together with 5 other members of the NEC who shall exercise such limited authority in the conduct of current business of the Union as the NEC shall decide. The Sub-Committee so appointed shall meet as required, between meetings of the NEC, at the Union's Head Office or at such other place as it may decide, to discharge the functions entrusted to it and shall act strictly within the authority so entrusted and report thereon to the NEC.

17 SUB-COMMITTEES

17.1 The BDC, the NEC, the National Finance Committee and any other committee established by

these rules may delegate any of the powers and functions given to it by these rules to a sub-committee of its own members who shall in the function entrusted to them conform to the instructions given by the body by which they were established.

18 NATIONAL FINANCE COMMITTEE

- 18.1 There shall be a National Finance Committee which shall consist of the President, Vice-President, Treasurer, and the 3 Trustees together with 3 members of the NEC who shall be appointed by the NEC. The National Finance Committee shall examine all items of income and expenditure of the Union and report thereon to the NEC. The National Finance Committee may be authorised by the NEC to disburse the funds of the Union, on its own initiative, up to such maximum amount as may be determined from time to time by the NEC.
- 18.2 The National Finance Committee shall be authorised to direct the Trustees to invest any portion of the Union's funds not required to meet normal running expenses of the Union in a manner authorised by the NEC and by these rules, and in accordance with the law for the time being in force. All cheques drawn on the Union's account shall be signed by two members of the National Finance Committee and counter-signed by the General Secretary or, in the absence of the General Secretary, by such person as shall be appointed and authorised for the purpose by the NEC.

19 DUTIES OF PRESIDENT

- 19.1 The President shall preside at the BDC and at the meetings of the NEC, the Standing Sub-Committee of the NEC and the National Finance Committee. She/he shall preserve order at the meetings and be the sole judge of order at such meetings. The President shall sign the minutes of the meetings over which she/he presides and ensure that they represent a true record of the proceedings. The President shall ensure that the books of the Union are kept in good order. The President shall be kept informed by the General Secretary of all matters affecting the interests of the Union.

20 DUTIES OF VICE-PRESIDENT

- 20.1 The Vice-President shall act for the President during the absence of the President and when so acting shall have all the powers and duties conferred on the President by these rules.

21 DUTIES OF THE TREASURER

- 21.1 The Treasurer shall:
- (a) see that all monies of the Union received at the Head Office are deposited with the Union's bank without delay in the name of the Union and its Trustees;
 - (b) ensure that a correct statement on the position of the Union's bank accounts shall be available from the bank for presentation to meetings of the National Finance Committee and the NEC and the Standing Sub-Committee of the NEC;
 - (c) render to the Trustees of the Union a true and fair view of all monies received and paid by her/him since she/he last rendered a like account and of the balance then remaining in her/his hands and so required by the said Trustees;
 - (d) produce to the Trustees or to the Auditors, on being so requested, any bank books, statements, certificates of investment or any other book or document whatsoever held by her/him appertaining to the funds or financial transactions of the Union;

- (e) attend at the meetings of the National Finance Committee;
- (f) when required at the BDC or at a meeting of the NEC deliver to whosoever may be appointed to receive the same all money and property belonging to the Union in her/his possession.

22 DUTIES OF TRUSTEES

- 22.1 All real and personal property whatsoever belonging to the Union shall be vested in the Trustees for the time being for the use and benefit of the Union and the members thereof and shall be under the control of the Trustees, their respective executors or administrators according to their respective claims and interests and upon the death, resignation or removal of any Trustees the same shall be vested in the succeeding Trustees, or the remaining Trustees for the same estate and interests as the former Trustees had therein and subject to the same trusts, without any conveyance or assignment whatsoever, save and except in the case of stocks and securities in the public funds of Ireland which shall be transferred into the names of such new Trustees as may be appointed.
- 22.2 The Trustees shall carry out such transactions in the property or funds of the Union which the NEC may direct and which are consistent with these rules and are otherwise lawful.
- 22.3 Should a necessity arise the Trustees shall stand empowered to borrow by way of overdraft or otherwise sufficient funds to meet the liabilities incurred by the Union and to offer any deed or document of title held in their names as collateral security.
- 22.4 It shall be the duty of any Trustee who has resigned or who has been removed from office to execute such documents and take all other steps that may be necessary to vest in the Trustees for the time being of the Union all securities and other properties held by the said Trustees on behalf of the Union.

SECTION 3 MEMBERSHIP

23 MEMBERSHIP

- 23.1 The Union shall consist of any number of persons who are employed – including temporary employees – or normally employed or seek to be employed of an appropriate employment, as determined by the NEC, who accept the principles, objects and methods of the Union and whose application for membership is accepted in accordance with this rule.
- 23.2 Applicants for membership shall make application on the form provided for this purpose or by any other method approved by the NEC.
- 23.3 Notwithstanding anything contained to the contrary in these rules the NEC may, at its absolute discretion, accept or reject the application of any person for membership of the Union without assigning any reason therefore, and may impose any special condition for admission to membership of any person.
- 23.4 The NEC may accept persons into membership by way of transfer from any recognised trade union provided such applicants for transfer are not in arrears of contributions on the books of the Union from which they desire to transfer. The NEC may, at its discretion, deem all or part of the service which such persons have accrued within the Union from which they desire to be transferred, to be service within the Union for the purposes of these rules.
- 23.5 The Union shall maintain at its Head Office a register of members which, together with the Books of the Union, shall be open for inspection at all reasonable times by any member of the Union or any person having an interest in the funds of the Union.
- 23.6 Members will be bound by all collective agreements in force on the date of their acceptance into membership, and by all future collective agreements ratified on behalf of the members.
- 23.7 A new member or an ex-member re-joining must be a fully paid up member for a minimum period of eight (8) weeks to avail of the rights, privileges and services of the union. The National Executive Council may at its absolute discretion waive the above requirement on a written application by the appropriate Local to the General Secretary.

24 CANCELLATION OF MEMBERSHIP

- 24.1 Notwithstanding any other provisions of these rules, the NEC may terminate the membership of any person who, in its opinion, has obtained membership by fraud or misrepresentation and shall likewise be empowered to terminate the membership of any person whose continued membership of the Union conflicts with the findings of the Irish Congress of Trade Unions (hereinafter referred to as the ICTU) concerning disputes between unions on the organisation of members. The NEC shall be empowered at its absolute discretion, to re-admit any such person to membership in such circumstances and on such terms as it deems fit.

25 RIGHTS OF MEMBERS

- 25.1 For the purposes of this rule and Rule 53, the term “member” shall mean a member of the Union whose arrears of contributions are less than the amount payable by that member in any period of 8 weeks and who is not suspended from membership or under disciplinary sanction imposed under the provisions of rule 26, such as would disqualify or prevent him/her from

exercising the rights, privileges and entitlements prescribed by this rule or in rule 53. Any member whose union subscriptions are paid through deduction at source or by direct debit is automatically deemed to be a fully paid-up member of the union so long as the deductions at source or direct debits are continued and are ongoing. The responsibility to ensure that union subscriptions are continued and up to date lies solely with the member concerned.

- 25.2 Every member shall have the right to equal treatment and opportunity within the Union without discrimination on grounds of gender, marital status, family status, sexual orientation, occupation, age, race, religion, political beliefs, disability or membership of the traveller community, i.e.:
- (a) the right to representation in any matter of difference between the member and his/her employer concerning or touching upon the member's employment provided that the member's claim has been endorsed and processed by the Union or an official acting on its behalf;
 - (b) the right to advice and where necessary representation in processing a claim or an appeal concerning the member's Social Welfare entitlements;
 - (c) the right to participate in the democratic procedures of the Union;
 - (d) the right to a fair opportunity to seek nomination to contest elections for any elected office or position within the Union;
 - (e) the right to canvas support in any election within the Union for any candidate;
 - (f) the right to canvas support or opposition on any question to be decided by the members;
 - (g) the right, subject to the preservation of order, to speak and be heard at any meeting of the Union which he/she is entitled to attend;
 - (h) the right to seek information of a general nature concerning the policy and activity of the Union in matters touching upon the interests of the member and as deemed appropriate by the NEC;
 - (i) the right to fair procedures in the processing of complaints concerning lack of service or denial of any of the rights herein prescribed;
 - (j) the provisions of paragraphs (e), (f) and (g) shall not apply to any employee of the Union except where such activity relates to an election held in accordance with Rule 4.

26 DISCIPLINE OF MEMBERS

- 26.1 The NEC on receiving a complaint in writing of any member/s as per Rule 25.1, and/or Mandate employee, and/or on a report from any Local Council shall have power to investigate the conduct of any member/s in order to determine if that member/s has been guilty of any breach of these rules, and/or of conduct injurious to the interests of the Union and/or its members and/or of conduct unbecoming a member.
- 26.2 Such complaints must in the first instance be put in writing to the General Secretary within one month of the date of the actual complaint.
- 26.3 The NEC will afford such member/s details in writing of any charge contained in such a complaint or report, and the source thereof not less than one calendar month before the meeting of the NEC at which the complaint shall be heard and determined.
- 26.4 Subsequent to exercising Rule 26.1 the NEC will consider any complaint referred to them in whatever way they consider appropriate and consistent with the principles of natural justice and fair procedures. At the hearing of the charge, the member shall be entitled to be accompanied and/or represented by another member of the union who is not an employee of the union. There

shall no legal right to legal representation on the hearing of a complaint. If the NEC considers that there are exceptional reasons which make legal representation appropriate, it may allow the member and the NEC to be legally represented at the hearing.

- 26.5 The NEC will respond to the member/s concerned regarding their findings and decision on the matter within 3 months or as soon as practicable thereafter.
- 26.6 A member who is deemed guilty of the charges may be subject to one or more of the following penalties as may be decided by the NEC:
- (a) be cautioned as to future conduct;
 - (b) be fined a sum as determined by the NEC;
 - (c) be debarred from attending Union meetings for a period as decided;
 - (d) be debarred from holding office or participating in any way in a Local Council or Union administration for a period as decided;
 - (e) be suspended from membership for a period as decided;
 - (f) be expelled from membership
 - (g) any other action deemed appropriate by the NEC.
- 26.7 Notwithstanding the following appeals procedures, the decision of the NEC will stand unless and until annulled or varied in accordance with these rules and shall remain in force and effect.
- 26.8 If either party not satisfied with the NEC's decision/s on the complaint they can exercise their right of appeal to the Appeals Committee. The appellant must exercise the same by writing to the General Secretary within one calendar month of receiving the NEC's findings/decisions outlining the grounds of the appeal, otherwise the matter is deemed closed. The right of appeal and the associated time limit will be explained in the General Secretary's written response of the NEC's findings.
- 26.9 The General Secretary will notify in writing the other party concerned, the NEC and the Appeals Committee of the appeal and the grounds supplied in support of it.
- 26.10 The Appeals Committee will consider any appeal referred to them by the General Secretary in whatever way they consider appropriate and consistent with the principles of natural justice and fair procedures. The Appeals Committee will respond to both parties and the NEC regarding their decision/s and/or recommendation/s on the matter. This will be completed within 3 months or as soon as practicable thereafter.
- 26.11 If either party is not satisfied with the NEC's response to the Appeals Committee's decision/s and/or recommendations they may appeal the same to the BDC, having notified the General Secretary in writing in line with appropriate Standing Orders rules for that conference.
- 26.12 The BDC will consider any such appeal in closed session and in keeping with the Standing Orders of Conference. Subject to Rule 26.13 the decision of the BDC will be final and conclusive and binding on both parties concerned.
- 26.13 Should the member/s of whom the original complaint was made against them as per Rule 26.12 wish to exercise their right of appeal it must be done in accordance with their entitlements under the ICTU. If no such appeal is exercised to the ICTU, the matter will be deemed closed.

27 LEGAL AID

- 27.1 Free legal assistance may be given to any member who is qualified under these rules if they sustain injury or illness while carrying out their employment. Any member requiring free legal assistance shall apply to the Head Office and give any information about the matter reasonably required by the NEC.
- 27.2 Any member who resigns or lapses their membership while still eligible to belong to the Union shall not upon re-joining the Union be entitled to free legal assistance until such times as they have been a member for 3 months and paid their subscription for this period of time.
- 27.3 Where a decision is taken to provide legal aid under the provisions of this rule the NEC may determine the maximum amount which may be committed towards the case and may discontinue the provision of legal aid at any time.
- 27.4 Where costs are subsequently recovered from another party in a case in relation to which legal aid has been provided by the Union, the amount of legal aid so provided shall be refundable to the Union.
- 27.5 The NEC will from time to time set out the conditions and make regulations for the grant of legal assistance and the termination of the grant of such assistance.

28 CONTRIBUTIONS

- 28.1 The contribution payable by members shall be at a rate decided, from time to time, by the BDC on the recommendation of the NEC.
- 28.2 Contributions shall be paid into the Head Office of the Union or into the Local Council of the Union to which the member belongs or to a person appointed by the Union for the purpose of collecting contributions. Contributions may also be paid by direct debit, or through a deduction at source scheme operated by an employer with the agreement of the Union.
- 28.3 Where contributions are paid through a deduction at source scheme the amounts so deducted shall be credited to the members' account with the Union, for the purpose of any benefit provided by these rules, for the time at which it was deducted by the employer.
- 28.4 The NEC may, at its absolute discretion, in exceptional circumstances, waive or remit all or part of the contribution payable by a member of the Union on that member's application in writing to the General Secretary.

29 UNEMPLOYED MEMBERS

- 29.1 Notwithstanding any other provisions of these rules, the NEC shall be empowered to reduce the contribution payable by a member who becomes unemployed, for as long as they remain unemployed, to a rate to be determined by the NEC.
- 29.2 Unemployed members are not entitled to contest elections for NEC positions but NEC members who become unemployed during the tenure of their office shall be covered by Rules 9.3 and 9.4 of these rules.
- 29.3 Unemployed members – with the exception of Rule 29.2 of these rules – shall have the same rights, obligations, privileges and benefits as provided by these rules.

30 LEVIES

- 30.1 The NEC shall be empowered to impose a levy on all or any of the members of the Union for any purpose of the Union.
- 30.2 Any levies so imposed shall take priority over all contributions and it shall be competent for any person or persons acting on the NEC's behalf to credit to the levy account of any member the first of any subsequent monies received from or on behalf of such member until such levy is fully paid.
- 30.3 A member whose contribution arrears, including levies, exceed the amount due in any period of 17 weeks shall thereupon cease to be a member of the Union. A member who fails to pay contributions (or levies) due in any period of 8 weeks shall be disqualified from receiving any of the benefits of the Union or the services of the Union until the arrears are fully paid and for 3 weeks thereafter.
- 30.4 A person who ceases to be a member of the Union under the provisions of this rule may be re-admitted to membership by the National Executive Council on such terms and conditions as may be decided in each case.

SECTION 4 ALLOCATION OF INCOME

31 ALLOCATION OF INCOME

- 31.1 All income received by the Union and all funds maintained by the Union – in the jurisdiction of the Republic of Ireland or otherwise - shall be used in the maintenance and administration of the Union and in the furtherance of the objectives of the Union.

32 DEFENCE FUND AND GENERAL FUND

- 32.1 The Union shall maintain three funds, namely, (i) a Defence Fund, (ii) a General Fund and (iii) an Education and Organising Fund.
- 32.2 The Defence Fund shall be used to meet any of the liabilities of the Union which, in the opinion of the NEC are exceptional, including costs arising from industrial disputes and litigation. All income received by the Union by way of interest or return on the investment of the amount maintained in the Defence Fund shall be allocated to that fund.
- 32.3 The NEC shall be empowered to allocate to the Defence Fund any amount of revenue from the General Fund as it may from time to time determine.
- 32.4 All income derived by the Union, from any source whatsoever, other than income derived from the investment of the Defence Fund, shall be maintained in the General Fund. The General Fund shall be used to meet the day to day liabilities incurred in the running and maintenance of the Union.
- 32.5 Should the General Fund be unable to discharge its liabilities, the NEC may transfer to the General Fund, by way of loan, such amount of the reserve of the Defence Fund as it deems necessary.

33 DISPUTES BENEFIT

- 33.1 Any member who is in dispute with an employer within the meaning of this rule is eligible to receive disputes benefit subject to the decision of the NEC.
- 33.2 For the purposes of this rule, a member shall be deemed to be in dispute with an employer if:
- (a) the member is on strike with the consent of the NEC or
 - (b) if the member is locked out – that is to say if the member's employer having to accede to a demand by the NEC or an official of the Union acting on the member's behalf for the maintenance and/or alteration of the terms and conditions of employment of that member refuse to retain the member in employment.
- 33.3 Payment of disputes benefit as provided herein may be refused or suspended in the case of a member who fails to report as directed at the address of the Strike Committee or Local Council, in order to be available for any work or duty which an authorised officer or official of the Union may appoint.
- 33.4 In any case where exemption from such work or duty is sought a member must in person, where possible, and otherwise in writing, apply to the Strike Committee or the Local Council, or a duly authorised representative of the NEC for such exemption. Where exemption is granted with the sanction of the NEC, disputes benefit will be granted.
- 33.5 The NEC may, at its absolute discretion, waive any requirement for the payment of disputes benefit

set out in this rule.

34 SUPERANNUATION FUND

34.1 The NEC shall establish a Superannuation Fund to which the Union and the employees of the Union (including the General Secretary) shall contribute such sum or sums as the NEC shall deem necessary for making provision for the payment of such superannuation benefit to the employees of the Union and the General Secretary as may be provided for by any superannuation scheme authorised and adopted by the NEC. The NEC shall also arrange such policies of assurance or other matters as may be deemed proper in furtherance of this rule. Those entitled to benefit from the superannuation scheme shall retire from the employment of the Union on the date on which their superannuation benefit comes into effect or on such other date that may be agreed between them and the NEC.

35 AUDITORS

35.1 The Trustees, acting on the advice of the NEC, shall appoint annually a Public Auditor or other qualified accountant or firm of accountants who shall audit the accounts of the Union and report thereon as often as the NEC may direct but not less frequently than once in each year. A copy of the auditor's report shall be presented to the BDC and sent to each Local Council of the Union. An annual return of the receipts, funds, effects and expenditure of the Union shall be sent to the Registrar of Friendly Societies before the 1st day of June of each year.

35.2 The NEC may, at any time, make provision for an audit of the finances of any Local Council of the Union.

35.3 In the event of the death, resignation or removal by resolution of the NEC of the duly appointed auditor or auditors or in the event of their incompetence or unwillingness to act, the Trustees, acting upon the advice of the NEC shall appoint in their place a duly qualified person to perform the duties of auditor until the next BDC.

SECTION 5 STAFFING

36 EMPLOYEES OF THE UNION.

36.1 There shall be a secretariat which shall comprise the General Secretary and such other staff as the NEC deem necessary.

37 GENERAL SECRETARY

37.1 The General Secretary shall be appointed to office by the NEC and shall continue in office on such terms as the NEC may from time to time determine.

37.2 The General Secretary shall be responsible to the NEC for the proper management of the day to day affairs and general administration of the Union. The General Secretary shall, in particular, ensure that all obligations imposed on the Union by law, whether by the Trade Union Acts or otherwise, are complied with.

37.3 In particular the General Secretary shall ensure compliance by Councils of the Union within the general timescale for the submission of resolutions and proposals for the alteration of these rules to be considered by the BDC and for the receipt of nominations for all positions to be filled at the BDC and for the preparation of a Conference Agendas for BDC, as set out in Rule 5 and the Standing Orders for the BDC as provided at Annexe 1 of these rules.

37.4 Without prejudice to the generality of the foregoing provisions, the General Secretary shall exercise the following powers and duties:

- (a) the superintendence and control of all Union employees;
- (b) the convening and attendance at the BDC, the meetings of the NEC, the Standing Sub-Committee of the NEC and the National Finance Committee and may take part in all meetings of the Union and its Councils but shall not be entitled to vote on any question arising at such meetings;
- (c) the maintenance of minutes at the BDC, the meetings of the NEC and the Standing Sub-Committee of the NEC;
- (d) the receipt of all contributions and all monies forwarded by the Local Council Secretaries or members or such other monies as the NEC may instruct, which shall be lodged to the Union's bank account without delay;
- (e) the taking charge of the accounts, correspondence and general office business of the Union and the conduct of the business of the Union in accordance with the rules and instructions of the NEC;
- (f) the preparation of a yearly financial statement and report containing a true and fair view of the income and expenditure of all the funds and general condition of the Union, such report and statement to be issued as soon as is practicable after the close of each year;
- (g) the preparation of the Annual Returns to the Registrar of Friendly Societies and the forwarding of such returns to the Registrar of Friendly Societies not later than 1st June in each year;
- (h) the making of arrangements for the holding of the BDC and for the holding of elections to fill any officership or position on the NEC falling vacant;
- (i) the carrying into effect of all lawful instructions issued by the NEC and the compliance with any obligations placed on the General Secretary by these rules.

37.5 The General Secretary shall act in a full time capacity in the discharge of the duties of that office and may not hold any other remunerative position without the consent of the NEC.

38 REMOVAL OF GENERAL SECRETARY FROM OFFICE

38.1 The General Secretary may be removed from office, or suspended from office by the NEC on being found guilty of persistent failure to discharge the duties of that office or on being found guilty of serious misconduct.

39 EMPLOYEES OF THE UNION – GENERAL

39.1 The NEC may employ and remunerate out of Union funds any number of employees which it considers necessary to properly conduct the Union's business. All Union employees shall work under the direction, superintendence and control of the General Secretary.

39.2 Employees of the Union deemed - Officials of the Union shall be eligible to represent the Union on any outside body to which they may be nominated by the NEC.

39.3 At the time of their appointment and during their continuance in employment, employees of the Union shall be members of a trade union. The Union shall recognise and deal with an independent trade union or trade unions representing employees of the Union for the purposes of collective bargaining.

39.4 Expenditure reasonably and properly incurred by employees of the Union in the performance of their duties shall be reimbursed out of Union funds.

39.5 The description, status, range of duties, pay and conditions of employment attaching to the posts to which employees of the Union are appointed shall be determined by the NEC.

40 ASSISTANT GENERAL SECRETARIES

40.1 The NEC may appoint two Assistant General Secretaries of the Union who shall, under the General Secretary, have national responsibility for the discharge of such duties and the provision of such services to the Union as the NEC may from time to time determine. The Assistant General Secretaries so appointed shall be officials of the Union for the purposes of Rule 39.

41 NATIONAL CO-ORDINATORS

41.1 The NEC may appoint two National Co-ordinators of the Union who shall, under the General Secretary, have national responsibility for the discharge of such duties and the provision of such services as determined by the NEC.

41.2 The National Co-ordinators so appointed shall be employees of the Union for the purposes Rule 39.

42 DIVISIONAL ORGANISERS AND INDUSTRIAL OFFICERS

42.1 The NEC may appoint Divisional Organisers, Industrial Officers and any other category of Officers of the Union as required. These Officers shall work directly on behalf of the members of the Union and shall include negotiations with employer, the processing of appeals on behalf of members, the recruitment of new members, the carrying out of research, the development and implementation of industrial policy, the provision of legal aid to members or such other duties as may be assigned to them by the NEC or the General Secretary. These posts shall be collectively known and herein referred to as the "officials" of the Union.

42.2 The Officers so appointed shall be employees of the Union for the purposes Rule 39.

43 ADMINISTRATIVE STAFF

43.1 The NEC may appoint any number of persons for the discharge of clerical, administrative, technical or other work of the union. These employees of the Union will be known as the Administrative Staff of the Union. The NEC will determine the pay and conditions of these staff.

43.2 At the time of their employment and during their continuance in employment, Administrative Staff shall be members of a trade union. The Union shall recognise and deal with an independent trade union or trade unions representing Administrative Staff for the purposes of collective bargaining.

44 COMPLAINTS AGAINST UNION EMPLOYEES

44.1 The General Secretary on receiving a complaint in writing about any alleged act or omission by any Mandate employee/s from one or more Mandate members, shall have power to initiate an **investigation** into the alleged act or omission so complained of. Such complaints must in the first instance be put in writing by the member/s involved to the General Secretary within one month of the date of the alleged offence.

44.2 The investigation shall be conducted in accordance with the terms and provision of the relevant staff relations policy/s and in particular will be directed in a manner that adheres to the principles of natural justice and the Union's Staff General Data protection policies and procedures as outlined in the Mandate Staff Policies Manual.

SECTION 6

LOCAL COUNCILS AND DIVISIONS

45 LOCAL COUNCILS

- 45.1 The membership of the Union shall be divided into Local Councils and Divisions to one of which every member shall belong. Local Councils shall be formed, dissolved amalgamated or divided by the NEC. Insofar as it is practicable, Local Councils shall be based on geographical areas.
- 45.2 Local Councils shall conduct their business in strict conformity with these rules, union policy and do so under the direct control and supervision of the NEC.
- 45.3 Without prejudice to the generality of the foregoing the business of the Local Councils shall be:
- (a) The nomination of candidates within the Division for election to the NEC, the Appeals Committee and Standing Orders Committee;
 - (b) The submission of motions for inclusion on the agenda of the BDC and the submission of amendment thereto;
 - (c) the nomination, and, if required, election of candidate(s) to the BDC as processed at the Local Council's Biennial General Meeting;
 - (d) The mandating of delegates appointed by the Local Councils to the BDC in matters relating to the agenda for Conference and the election of officers by the Conference;
 - (e) recruitment of workers eligible for membership of the Union with that Local Council's geographical area;
 - (f) the submission of proposals and reports on Local Council activity to the NEC as and when directed;
 - (g) the recording of financial transactions carried out with monies provided by the NEC in furtherance of Local Council activity;
 - (h) the engagement and cessation of any activity as directed by the NEC.

46 DIVISIONS

- 46.1 Local Councils shall be grouped into Divisions which shall be the organisation's electoral units for the NEC. Divisions shall be formed, dissolved, amalgamated or sub-divided by the NEC.

47 LOCAL COUNCIL GENERAL MEETINGS

- 47.1 Every Local Council of the Union shall hold a Biennial General Meeting at such time as determined by the submission of nominations for delegates to the BDC. The Council shall determine the venue of that meeting and will advise the General Secretary in advance and in writing of its date, time and place.
- 47.2 Without prejudice the Local Council Biennial General Meeting shall perform the following:
- (a) the election of Chairperson, Vice-chairperson and Secretary;
 - (b) nomination, and if required the election, of candidate(s) for the BDC;

- (c) determine future Local Council policy providing it does not conflict with current NEC and organisational policy

47.3 Where it is necessary for the orderly dispatch of Local Council business, the Local Council may convene any additional number of General Meetings of that council.

47.4 The Local Council shall comprise of those Shop Stewards, activists or selected representatives from each employment in that particular Local Council area.

47.5 A quorum of 7 members of the Local Council's membership will be required to conduct the Biennial General Meeting.

47.6 A casual vacancy arising on the Local Council may be filled by the Local Council by way of co-option. Similarly the Local Council may from time to time co-opt members that can provide advice and assistance in helping the Local Council's activity. A Local Council shall continue to function notwithstanding vacancies among its number.

47.7 A Local Council, with the consent of the NEC, shall have the power to rent any office in the name of the Union which may be required for the use of the Local Council. The Local Council shall do or cause to be done such business as it may consider necessary to promote the objectives and interests of the Union.

47.8 The Local Council will meet regularly to discuss and progress Union activity and profile within its council area and in so doing will meet on no less than four occasions per annum. A simple majority of the Local Council members will serve as a quorum to conduct the Local Council meeting.

47.9 A Special General Meeting of a Local Council may be called by the Local Council on its own initiative or on receipt of a request in writing to the Local Council Officers and signed by not less than one third of the membership within that Local Council's area to deal with any special business.

47.10 Where a Special General Meeting is requisitioned in accordance with the preceding paragraph of this rule, the requisitionists shall specify the special business to be dealt with at the Special General Meeting so called.

47.11 Special General Meeting shall power to deal only with the special business for which it is called and that business is specified in the notice by which it is summoned.

48 LOCAL COUNCIL CHAIRPERSONS

48.1 The Local Council Chairpersons shall preside at their respective Council meetings. In his or her absence the Vice-Chairperson, if present, shall deputise, otherwise a Chairperson shall be elected.

49 LOCAL COUNCIL VICE-CHAIRPERSONS

49.1 The Local Council Vice-Chairpersons will assist their respective Chairpersons and will deputise for him or her in his or her absence.

50 LOCAL COUNCIL SECRETARIES

50.1 The Local Council Secretaries shall convene and attend all meetings of his or her respective Council and shall take minutes of the proceedings recording those that are present and all business transacted.

- 50.2 The Local Council Secretaries shall be responsible for the action prescribed in Rule 47.1 of these Rules.
- 50.3 The Local Council Secretaries shall be responsible for correspondence and any records of returns as and when required by the General Secretary, NEC and Divisional Organiser.
- 50.4 The Local Council Secretaries shall make available to every relevant member of its respective Council on request a copy of the Union's Biennial Report and Balance Sheet as provided by the NEC at least 2 weeks prior to the commencement of the BDC.
- 50.5 Where applicable the Local Council Secretaries shall forward to Mandate Head or Divisional Office all application forms received by his or her respective Council for membership of the Union.

SECTION 7 DISPUTES AND MISCELLANEOUS MATTERS

51 DISPUTES

- 51.1 Where a dispute develops between members of the Union and an employer, every attempt should be made to resolve the dispute by negotiation. Where it appears that a dispute cannot be so resolved and a strike, lock-out or other form of industrial action is contemplated or anticipated, the Official having charge of the case shall (after having obtained the opinion and advice of the appropriate Local Council Committee and affected members, or in the case of urgency without so doing) immediately transmit to the General Secretary in writing a fully and accurate report of the nature and facts of the case and no further action shall be taken by the Official, or the Local Council or such members concerned, until the matter has been considered and decided upon by the General Secretary.
- 51.2 Where an Official, Local Council Committee or any group of members take action in contravention of this rule or without having obtained the consent and approval of the NEC given in accordance with these rules, or against the advice or instructions of the NEC, no responsibility shall rest with the Union and any action taken by the parties concerned may be repudiated by the NEC.

52 STRIKES AND INDUSTRIAL ACTION

- 52.1 The provisions of this rule shall apply notwithstanding any other provision contained in these rules. In this rule the terms "strike" and "industrial action" shall have the same meaning as in the Industrial Relations Act 1990. In this rule the term "member" shall have the same meaning as in Rule 23. The provisions of this rule shall apply to the Republic of Ireland only.
- 52.2 The Union shall not organise, participate in, sanction or support a strike or other industrial action without a secret ballot, entitlement to vote in which shall be accorded equally to all members whom it is reasonable at the time of the ballot to believe will be called upon to engage in the strike or other industrial action.
- 52.3 The Union shall take reasonable steps to ensure that every member entitled to vote in the ballot votes without interference from, or constraint imposed by, the Union or any of its members, Officials or employees and, so far as is reasonably possible, that such members shall be given a fair opportunity of voting.
- 52.4 The NEC shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in paragraph 53.7 of this rule; favour such strike or other industrial action.
- 52.5 The NEC shall not organise, participate in, sanction or support a strike or other industrial action against the wishes of a majority of the Union's members voting in a secret ballot, except where, in the case of a ballot by more than one trade union, an aggregate majority of all the votes cast favours such strike or other industrial action.
- 52.6 Where the outcome of a secret ballot conducted by the Union or in the case of ballots conducted by the Union and any number of other trade unions which are affiliated to the ICTU an aggregate majority of all the votes cast is in favour of supporting a strike organised by another trade union, a decision to take such supportive action shall not be implemented by the Union without the sanction of the ICTU.

52.7 As soon as practicable after the conduct of a secret ballot the Union shall take reasonable steps to make known to the members of the Union entitled to vote in the ballot:

- (a) the number of ballot papers issued
- (b) the number of votes cast
- (c) the number of votes in favour of the proposal
- (d) the number of votes against the proposal and
- (e) the number of spoiled votes.

52.8 Nothing in this rule shall constitute an obstacle to negotiations for the settlement of a trade dispute, and any decision taken in accordance with this rule to organise, participate in, sanction or support a strike or industrial action may be rescinded or amended without the necessity of a further ballot of the members concerned.

53 VOLUNTARY DISSOLUTION

53.1 The Union shall not be dissolved except by the votes of five-sixths of the members present and voting at a Special Delegate Conference of the Union called for that purpose. Twenty eight clear days' notice of such a meeting must be given to each member specifying the intention to propose a resolution for the dissolution of the Union and one half of the total membership of the Union represented by Local Council delegates shall be required to form a quorum at such a meeting, which shall decide the manner in which assets and funds will be dispersed following the dissolution of the Union. In the event of dissolution notice thereof shall be given forthwith by the General Secretary to the Registrar of Friendly Societies in form provided by statutory regulations for that purpose.

SECTION 8 RULES

54 ALTERATION OF AND RULE OBLIGATION

- 54.1 All members are bound by these rules.
- 54.2 Except as expressly provided for elsewhere in these rules, these rules (including the provisions of the Annexes thereto) shall not be rescinded, added to or altered except by a Biennial or Special Delegate Conference of the Union. A motion to rescind, add to or alter these rules should be submitted in accordance with rule 5. Notice of any such amendment shall be given on the agenda of the Conference, and in order to be carried a resolution approving an amendment shall require no dissent on a show of hands or support by at least two-thirds of the total votes cast on a card vote.
- 54.3 Every such proposal shall specify the rule, clause or paragraph which it is proposed to alter and shall set out clearly the proposed alteration on not only that rule but all other related rules.
- 54.4 Proposals to alter or amend these rules may also be submitted to the BDC by the NEC.
- 54.5 Local Councils, or where necessary, the NEC may submit amendments to the proposed alterations of rules. Such amendments, which must indicate clearly the proposals to which they refer, shall be accepted only if they reach the General Secretary not later than 7 weeks before the opening of the BDC at which they are to be considered. Where necessary, the NEC may make technical alterations in such amendments to bring them into conformity with the language of existing rules.
- 54.6 The Registrar of Friendly Societies shall be advised of any amendment to these rules.
- 54.7 Should any question arise as to the interpretation or meaning of these rules the President shall determine the same.
- 54.8 Should any question arise as to whether or not the rules are silent on any matter the President shall answer that question. Should any question arise on a matter upon which the rules are silent the NEC shall determine the same which will be delivered by the President.
- 54.9 Every member of the Union shall, on reasonable request, be entitled to receive a copy of these rules.

ANNEX A STANDING ORDERS FOR BIENNIAL DELEGATE CONFERENCE

- 1 These standing orders will apply to Biennial Delegate Conference until they are amended or rescinded by a motion adopted by a Biennial Delegate General Conference. If any such motion is adopted it shall not come into effect until the conclusion of the conference at which it is adopted.

REPORTS OF STANDING ORDERS COMMITTEE

HOURS OF MEETING

- 2 The hours of assembly and adjournment shall be fixed by the Standing Orders Committee, with the exception of the date, venue and time of opening of the Conference, which shall be decided by the National Executive Council.
- 3 Subject to the provisions of these standing orders, the Standing Orders Committee will draw up reports for each conference, setting out its recommendations on the timetable, agenda and such other matters as it considers necessary for the business of the conference. The reports of the Standing Orders Committee will be presented to the conference for consideration and decision.
- 4 The Standing Orders Committee may, if it considers it necessary recommend additional standing orders on matters not covered in these standing orders. Such additional standing orders shall apply only to the conference at which they are adopted.
- 5 The first report of the Standing Orders Committee to a Biennial Delegate Conference hereinafter referred to as "Report No 1", shall comprise the final agenda, which shall contain all the motions received in accordance with these standing orders and the Standing Orders Committee's recommendation on the timetable and other matters.

THE AGENDA

- 6 The Preliminary Agenda containing motions and proposed alteration of Rules received on the due date shall be circulated to Local Councils not later than 10 weeks before the opening of the Biennial Delegate Conference.
- 7 Amendments to motions and proposals to amend the union's rules shall be received at the office of the General Secretary not later than 7 weeks before the opening of the Biennial Delegate Conference.
- 8 The Final Agenda shall be circulated to each Local Council Secretary, together with the Report and Balance Sheet, not later than 3 weeks before the opening of the Biennial Delegate Conference.
- 9 The National Executive Council, following consultation with the Standing Orders Committee, may in exceptional circumstances provide a general derogation from the dates set out above, and determine alternative dates, to deal with any unforeseen and exceptional circumstances arising at the head office of the Union but may not provide any particular derogation to any Local Councils or to Local Councils generally to accommodate any matter arising from the failure of any Local Council or officer thereof to meet the deadlines aforesaid.

- 10 The Standing Orders Committee will in conjunction with the President include in the final agenda those motions which require a decision by conference in the primary schedule and will place the remaining motions in a secondary schedule.
- 11 In each section of the primary schedule any motions which relate to pay and conditions of service shall be placed at the beginning of the section.
- 12 The secondary schedule will include the following categories:-
- (a) Category A – motions which are covered by a composite or comprehensive motion on the primary schedule.
 - (b) Category B – motions which restate existing union policy.
 - (c) Category C – motions which can be dealt with by correspondence with Union Head Office.
 - (d) Category D – motions which are competent to be dealt with by a body established under rule 15.3, vii, of the rules of the Union and which are to be remitted to NEC for reference to that body.
 - (e) Category E – motions which in the opinion of Standing Orders fall into the following:
 - I. Motions which are unclear, vague to the extent that the motion is not understandable and/or is not written properly and/or in proper motion format.
 - II. Motions which could bring the union into disrepute, or which expose the union to legal challenge.
- 13 Composite motions will be used whenever possible to cover a number of motions directed at the same issue. The motion selected as a composite is the one which, in the opinion of the Standing Orders Committee, incorporates the points made in motions covered by it.
- 14 Comprehensive motions will whenever possible be constructed by the Standing Orders Committee to cover motions, when although directed on the same issue, contain a number of diverse points. The Standing Orders Committee will recommend who should move a comprehensive motion.
- 15 The passage of a composite or comprehensive motion does not imply acceptance of the detailed variants in the motions which they cover.
- 16 Motions which seek to amend the rules of the Union or the annexes to them or which would require an amendment to the rules of the Union or the annexes to them will be out of order, unless they are presented in a form which sets out clearly the wording of the amendment(s) necessary in line with Rules 54.2 and 54.3.
- 17 An emergency motion shall deal only with urgent business which has arisen since the closing date for the submission of motions to conference and shall require a decision by conference. The Standing Orders Committee shall include in Report No I, the procedure for dealing with emergency motions.
- 18 The Standing Orders Committee shall have the sole authority to decide whether or not a motion is competent for consideration as a matter of urgency. It shall publish those motions which it considers to be emergency motions in a report which shall also include provisions for their discussion.

THE TIMETABLE

- 19 The Standing Orders Committee – in conjunction with the President – will arrange motions in the primary schedule of the final agenda into sections and specify periods of time for the discussion of each section and for other conference business. If alterations to the timetable become

necessary during the course of a conference the Standing Orders Committee shall submit recommendations to the conference. For such an alteration it is not necessary to resort to the procedure set out in Standing Order No 37.

- 20 The time allotted to each section of the agenda shall be adhered to as far as possible.
- 21 The Standing Orders Committee may recommend an opportunity, before motions in a section of the agenda are discussed, for the NEC to place before the delegates any factual material necessary to bring up-to-date the annual report in respect of subjects to which the section relates. The time allocated for this purpose to a speaker for the NEC shall be limited to 10 minutes, subject to the President's discretion in exceptional circumstances.
- 22 Motions shall be taken in the order in which they appear on the primary schedule of the final agenda. The time allotted to each motion shall be at the discretion of the Standing Orders Committee.
- 23 In order to make the maximum use of conference time for the discussion of motions on which there may be differing opinions, the NEC will indicate which motions, if any, on the primary schedule it is willing to have adopted without discussion. These motions will be listed in a report of the Standing Orders Committee and by adopting the report the conference will carry the motions.
- 24 Motions which are not taken because of lack of time shall be dealt with as if they had been remitted by conference to the NEC.

CONDUCT OF DEBATES

- 25 At the beginning of each item of business the conference doors shall be closed and no one will be permitted to enter or leave until the item (including any vote thereon) has been concluded.
- 26 It shall not be necessary to second motions or emergency motions included in a Standing Orders Committee report which has been adopted by conference.
- 27 If the mover of any motion is not present when it is called, the President may invite a Local Council or the NEC, to move the motion. If the motion is not moved, it will be deemed to have fallen.
- 28 Each speaker shall announce his or her name and Local Council or, in the case of a person speaking on behalf of the NEC or the Standing Orders Committee, his or her name and office before speaking on any point.
- 29 Speeches by movers of motions shall be limited to 10 minutes and other speeches to 5 minutes, but these times may be varied at the discretion of the President.
- 30 The mover of a motion on the agenda shall have the right of reply at the close of the debate upon the motion, if anyone has expressed opposition to the motion.
- 31 Immediately before the mover of a motion on the agenda exercises his or her right of reply or before the vote is taken if there is no right of reply or it is waived, a speaker on behalf of the NEC will be afforded the opportunity of addressing conference.
- 32 A motion may be withdrawn only by the proposers with the approval of conference.
- 33 No one other than a delegate, an official or a member of the Standing Orders Committee may address conference unless authorised by the NEC.

- 34 Speakers must on all occasions confine themselves strictly to the matter under discussion.
- 35 Points of information shall be allowed only at the discretion of the President.
- 36 If the President rises to call a member to order, or for any purpose connected with the proceedings, the member speaking shall thereon resume his or her seat and no other member shall rise until the chair is resumed.
- 37 The ruling of the President on any question under standing orders or on points of order or explanation, shall be final unless challenged by not less than 10 delegates. In the event of such a challenge the President shall vacate the chair. The Vice-President, failing whom a member of the NEC, shall then take the chair and shall put it to the vote that the ruling of the President be upheld. Unless two-thirds of the delegates present and voting vote against the motion that the ruling of the President be upheld, the ruling of the President shall stand. When the result of the vote has been declared, the President shall resume the chair and proceed in accordance with the result of the vote.

VOTING

- 38 Voting, except for the filling of elective positions, shall be by show of hands.
- 39 Any delegate shall be at liberty to demand an aggregate card vote. In the event of member calling for a card vote such call must be made in advance of the issue being put to a vote on a show of hands. If the request is supported by one third of the delegates attending or the delegates of one third of the Local Councils represented, a card vote shall be taken.
- 40 An aggregate card vote shall mean that each Local Council shall be entitled to record one vote for the number of its members recorded on the Annual Report and Balance Sheet of the Union as of 31 December next preceding the Biennial Delegate Conference.
- 41 In the event of the votes on any question before the Conference being equal, the presiding Chairperson shall have a second or casting vote.
- 42 Delegates shall address their remarks to the presiding Chairperson and shall only put questions or make reply through the Chairperson.

SUSPENSION OF DELEGATES

- 43 A simple majority of the delegates present and voting may suspend and exclude from the meeting any delegate who is insubordinate or guilty of improper conduct. A delegate so suspended may be re-instated on tendering an apology acceptable to the meeting.

CONTINUITY OF MEETING

- 44 These standing orders or any part of them or any provision of a Standing Orders Committee report made under them shall be suspended if a motion to that effect is supported by two-thirds of the delegates present and voting. The mover of such a motion shall be allowed by the President sufficient time to explain the purpose of the proposed suspension within the time limit for speeches then applying. If the motion is seconded the President shall similarly allow the Standing Orders Committee to reply before taking the vote.

Delegates who absent themselves from the business of the meeting for more than 30 minutes without the consent of the Chairperson may be suspended and their expenses disallowed.

PROCEDURAL MOTIONS

- 45 Motions on procedural matters must be moved and seconded by delegates or members of the NEC. The mover of a procedural motion may speak on the motion only once and no other speeches shall be allowed save as provided elsewhere in these standing orders.
- 46 When the motion to adopt a report of the Standing Orders Committee has been moved the President may call any Local Council or the NEC, which wishes to move reference back to vary or delete a part of the report. The Standing Orders Committee may reply to such a reference back before it is voted upon. If subsequently the motion to adopt the report is carried, the report shall have effect as amended by any reference back accepted by the conference.
- 47 Reference back of Report No 1 of the Standing Orders Committee or any part of it, must be notified to the Committee in writing at least one week before the start of conference and should be discussed with the Committee before the conference. The Standing Orders Committee shall announce arrangements for such discussions.
- 48 A debate shall be closed if:
- (a) A motion “that the vote now be taken” is carried but such a motion cannot be put to Conference until the opportunity to oppose the motion under debate has been given. Then if such a motion is moved and seconded it shall be put to the vote without discussion. Such a motion shall not be moved or seconded by a delegate who has previously spoken in the debate. If such a motion is carried the mover of the motion under debate shall before the motion is put exercise any right of reply that s/he may have but no other speeches shall be allowed.
 - (b) A motion “that conference proceed to next business” is carried but such a motion cannot be put to Conference until the opportunity to oppose the motion under debate has been given. Then if such a motion is moved and seconded it shall not be moved or seconded by a delegate who has previously spoken in the debate. If such a motion is carried, conference shall proceed forthwith to the next item on the agenda.
- 49 A motion “that this motion be remitted to the NEC” may be moved and seconded by delegates or members of the NEC. The debate on the original motion may continue after the motion to remit it to the NEC has been proposed and seconded, unless the President decides otherwise. At the conclusion of the debate the mover of the original motion shall exercise his or her right of reply, following which the President shall immediately put to conference the proposal that the motion be remitted to the NEC. If the motion to remit is carried, conference shall proceed forthwith to the next item on the agenda, otherwise the original motion will be put to conference.

TELLERS

- 50 For the purpose of counting votes which are taken by a show of hands, 5 Tellers shall be elected from amongst the delegates who shall be supervised and organised by an Official(s) of the Union as designated by the General Secretary. That official shall report the result of any teller count taken at Conference to the Chairperson of the Conference. If the Tellers disagree on the outcome of a vote the Chairperson may order a recount.

SCRUTINEERS

- 51 For the purpose of counting votes taken by ballot, 5 Scrutineers shall be elected from amongst the delegates and will be supervised and organised by an Official(s) of the Union as designated by the General Secretary. That Official shall declare the Scrutineers results of any such election/ vote count to Conference when requested to do so by the Chairperson of Conference in line with appropriate direction of the Standing Orders Committee.

CREDENTIALS

- 52 Delegates can be admitted to the meeting only on production of credential cards to an Official(s) of the Union as designated by the General Secretary. The credential cards shall be supplied and signed by the General Secretary.

MISCELLANEOUS

- 51 The General President shall preside at the Conference and formally open the business of the meeting. In the absence of the General President, the Vice-President shall preside. If both the General President and the Vice-President are absent, the NEC shall elect a member of the NEC to preside until such time as the General President or Vice-President arrive. The use of the term "President" in these standing orders shall be construed to include the person, other than the President, who presides at conference in accordance with this standing order.

STANDING ORDERS FOR OTHER MEETINGS OF THE UNION

- 52 These Standing Orders shall, where the context admits, govern other meetings of the Union.

