

Broadcasting Entertainment Cinematograph and Theatre Union**RULES**

adopted in accordance with the Instrument of Amalgamation between ACTT and BETA at the first rules revision conference 26th-28th October 1991; altered at the second rules revision conference 15th-16th May 1993; partially altered under rule 9(e) at annual conference 7th May 1994; partially altered 7th July 1995 to facilitate the Transfer of Engagements to BECTU of the FAA; altered at the third rules revision conference 26th-27th April 1996; partially altered under rule 9(e) at annual conference 16th May 1998; altered at the fourth rules revision conference 12th June 1999; partially altered under rules 9(e) and 45(b) at annual conference 12th May 2001; altered at the fifth rules revision conference 18th May 2002; partially altered under rule 45(b) at annual conference 17th May 2003; political fund rules partially altered 5th May 2004; partially altered under rules 9(e) and 45(b) at annual conference 8th May 2004; altered at the sixth rules revision conference 4th June 2005; partially altered under rules 9(e) and 45(b) at annual conference 21st May 2006; altered at the seventh rules revision conference 9th May 2008.

All previous rules of the former ACTT, BETA and FAA, and of BECTU, are hereby rescinded.

BECTU was formed on 2nd January 1991 by the amalgamation of the Association of Cinematograph Television and allied Technicians (ACTT) and the Broadcasting and Entertainment Trades Alliance (BETA). The ACTT was founded in 1933. BETA was itself a product of the amalgamation in 1984 of the Association of Broadcasting Staffs (ABS, founded 1940) and the National Association of Theatrical Television and Kine Employees (NATTKE, origins dating to 1890). On 7th July 1995 the Film Artistes' Association (FAA, founded 1927) transferred its engagements to BECTU.

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1 Name

The trade union formed under these rules shall be known as the Broadcasting Entertainment Cinematograph and Theatre Union (hereinafter referred to as "BECTU" or "the union").

2 Head office

The head office of BECTU shall be situated at 373-377 Clapham Road, London SW9 9BT, or at such other place as may be determined by the National Executive Committee. In the event of any change in the situation of the head office, notice of such change shall be sent to the Certification Officer by the General Secretary within seven days in the prescribed manner.

3 Property, trustees and auditors

- (a) The property and funds of BECTU shall be vested on behalf of the union in two trustees elected or re-elected by the delegates at each annual conference, who shall deal with the funds and property in such manner as the National Executive Committee shall direct. The trustees shall have the right to attend and speak at annual conference but not to vote.
- (b) Candidates for the office of trustee shall be paid-up members with not less than five years membership of the union (and/or its predecessor unions), and shall not be members of the National Executive Committee or employees of the union.
- (c) Any vacancy occurring among the trustees for whatever reason shall be filled by the member who secured the next highest number of votes in the election for the position of trustee at the previous ballot. Where there is no such member, the National Executive Committee shall, if it deems the efficient administration of the union's affairs would otherwise be prejudiced, make a temporary appointment by a simple majority vote, to hold office until the next annual election.
- (d) The National Executive Committee shall appoint auditors qualified as required by Sections 33-37 of the Trade Union and Labour Relations (Consolidation) Act 1992, as amended by the Trade Union Reform and Employment Rights Act 1993. The auditors may be removed from office only by a majority vote of an annual conference of the union.

4 Inspection of books and membership lists

The books of the union may be inspected by members of the union, auditors appointed by the union, the Certification Officer, an independent scrutineer and/or counting officer appointed by the union, a court, or any other person authorised by the National Executive Committee, subject to reasonable notice being given. The right of inspection is subject to the duty of confidentiality and the Data Protection Principles.

5 Objects

The objects of the union shall be:

- (a) to regulate the relations between its members and employers and/or between its members and any other persons employed;

- (b) to obtain membership in the union of all persons employed or engaged in the broadcasting, cinematograph, theatre, entertainment and allied industries, and of such other persons as may be deemed eligible from time to time by conference or by the National Executive Committee;
- (c) to promote the interests of all members of the union commercially or otherwise by any method deemed appropriate by conference or by the National Executive Committee;
- (d) to advance the standard of technical and production work in the relevant occupations of its members, by any means which conference or the National Executive Committee think fit; to promote the knowledge, skill and experience of members generally and individually; to pursue the development and promotion of comprehensive vocational training and retraining provision on behalf of all members of the union, at local, national and international level; to promote the general education of members;
- (e) to concern itself actively in the cultural aspects of theatre, film, broadcasting and recorded material, to cultivate and promote views on the arts, science and technology and on broadcasting and film programme contents, to consider the implications of these activities for the public, and to encourage in every way possible the production of indigenous theatre, film, broadcast and recorded programme and audio-visual material;
- (f) to promote the interests of members in any future developments in the fields in which the union organises;
- (g) to take part in any activity deemed appropriate by conference or by the National Executive Committee that is organised by any body, voluntarily, statutorily, or otherwise constituted, the purposes of which include the interests of members of the union;
- (h) to promote, or help in securing, legislation in the interests of its members, to secure where necessary amendment to published legislation, and to oppose legislation contrary to the interests of the union or its members;
- (i) to collate and tabulate statistics and publish information useful to its members, and to issue suitable literature, publications or other media, including an official journal, to help in promoting the interests of the union and its members;
- (j) to undertake organising, propaganda and educational work and training for branch and other representatives of the union in order to strengthen the effectiveness of the union;
- (k) generally to promote the welfare and interests of its members and to ensure that, in all of the objects defined in this rule, equality of opportunity policies shall be pursued regardless of sex, sexuality, race, colour, creed, religion, age, disability or marital status at local, national and international level;
- (l) to defend and actively promote equal rights and equal opportunities in the workplace, in the union's structures and in the community, and to challenge all forms of discrimination irrespective of gender, race, sexuality, disability, age or religion, by all means considered appropriate by the National Executive Committee and to include the standards of conduct as set out in rule 24(f);

- (m) to ensure that the organisation of the union shall include and incorporate provision for the regional organisation and representation of its membership on a democratic basis;
- (n) to ensure that proper arrangements are made for effective provision to protect and enhance the health and safety of members through collective bargaining and any other means deemed appropriate by conference or by the National Executive Committee, at local, national and international level;
- (o) to provide members and their dependants with such benefits as are in these rules;
- (p) at the discretion of the National Executive Committee, to provide pay and benefits to members who lose remuneration because of a stoppage of work or restrictions on work which shall be approved by the union, whether or not called or authorised or imposed by the union, and to make ex gratia payments to such members;
- (q) to establish or maintain a benevolent fund by allocation of moneys from the general fund, by voluntary contribution, or by any other means approved by conference or the National Executive Committee, in order to provide at the discretion of the National Executive Committee payments to members who are wholly or partially prevented from working through sickness, old age or disability, who are in financial straits because of unemployment, or who are suffering hardship for other sufficient reasons;
- (r) to establish and maintain a death benefit fund for the benefit of the dependants of members, in accordance with the arrangements set out in rule 22;
- (s) where, in the opinion of the National Executive Committee it is necessary or appropriate, to give or arrange for legal advice and assistance to the union, its officers (whether paid or unpaid), officials, members or any dependants of such persons, in accordance with the arrangements set out in rule 21;
- (t) to purchase, lease, mortgage or sell such properties as the National Executive Committee may consider appropriate in the interests of the members for the purpose of furthering any of these objects;
- (u) to make contributions to such organisations as may be determined by conference or the National Executive Committee;
- (v) to regulate relations between film artistes and employers, producers, managers, agents and others;
- (w) to secure unity of action, by organisation and otherwise, in order to improve the position and status of film artistes;
- (x) to abolish all abuses detrimental to the welfare of film artistes;
- (y) to promote industrial peace and progress for film artistes by all amicable means, and when difficulties arise to seek an amicable settlement;
- (z) to procure, or assist in procuring, legislation for the protection of, and to oppose legislation contrary to, and otherwise to promote, the interests of members who are film artistes;

- (aa) to assist in the provision, at the discretion of the National Executive Committee, of the union's legal services, subject to rule 21 of these rules, for securing the due fulfilment of contracts or engagements for the benefit of members who are film artistes;
- (bb) to establish and issue, subject to the approval of the National Executive Committee, a journal, newsletter or magazine to publicise the work and professional abilities of film artistes and further the objects of the Film Artistes' subdivision;
- (cc) to take any other action in the interests of the membership which may be decided upon by conference or by the National Executive Committee.

6 Eligibility for membership

- (a) All persons working in the broadcasting, satellite, cable, film and video production, film manufacturing and processing, audio-visual manufacturing and duplication, educational technology, multi-media, theatre, cinema, leisure, corporate and other sectors of the cultural, entertainment and media industries shall be eligible for membership of the union, subject to the approval of the National Executive Committee. No employee of the union shall be eligible for membership of the union, save at the discretion of the National Executive Committee and then on such terms as it may prescribe. BECTU will not knowingly and actively take into membership present or recent members of another trade union affiliated to the Trades Union Congress without the agreement of that union. In the event of a TUC Disputes Committee adjudication where such membership is disputed, BECTU will endeavour to seek compliance with that decision in a manner consistent with these rules.
- (b) No person shall be ineligible for membership of the union on the grounds of his/her sex, sexuality, disability, age, race, colour, creed, religion or marital status. All paid-up members shall have, subject to these rules, equal rights of representation and participation in the affairs of the union.
- (c)
 - (i) In furtherance of rule 5(d) the union shall endeavour to support relevant sector skills councils, training providers and students by supplying, so far as resources permit, trade union and industry information and opinion, and by encouraging students to take an active interest in the work of the union and to become members when they obtain work.
 - (ii) Any person who has graduated from a course of education or who received training leading towards employment in any of the sectors covered by clause (a) above shall be eligible for full membership of the union as a new entrant, at such rate of subscription as the National Executive Committee may determine from time to time.
 - (iii) Any person engaged as an apprentice or as a trainee with the status of employee, and being paid the recognised rate, shall be eligible for full membership of the union as a trainee, at the ordinary rate of subscription.
- (d) A person engaged in any occupation covered by clause (a) above shall be eligible for membership in his/her grade notwithstanding that he/she is also an employer, company director, or managing director of a company, and references to "employees" and "workers" or "working" in these rules shall be construed accordingly.

- (e) The National Executive Committee shall have discretion to accept or refuse to accept into membership any person or body of persons on such terms as it deems appropriate. The National Executive Committee shall report to conference the details of any cases where membership is refused under this rule and the branch(es) to which the refused applicants would have belonged.

7 Application for membership

- (a) Save as provided by rules 6(c) and 15(a), an applicant for membership of the union must, at the time of making his/her application, be in an occupation covered by rule 6(a) above, whether in permanent or part-time employment or on a freelance or short-term contract basis and whether or not under contract to an employer on the actual date of the application.
- (b) Every applicant for membership qualifying under clause (a) above shall complete the application form required by the union and approved by the National Executive Committee, which shall include the applicant's name, private address, date of birth, grade/job title, and place of work and name of employer where applicants are currently or had been engaged, and shall make provision for the volunteering by applicants of such information as will enable the union to undertake equal opportunities monitoring. The application form shall also require a declaration stated whether or not the applicant has held previous membership of the union (and/or its predecessor unions) or of any other TUC-affiliated union. It shall be the duty of each member to notify the General Secretary of any change in the particulars supplied, and it shall be the duty of the General Secretary to ensure that those particulars are processed by the union with due care and confidentiality. Particulars supplied by members will be held on computer. Members agree to the processing of data by the union including data as to whether or not they are members of the union for the purposes of furthering its objectives in accordance with these rules. Any member is entitled, on giving reasonable written notice, to have access to such data as the union may hold on him/her, and, where appropriate, to have such data corrected or erased. BECTU is committed to upholding the Data Protection Principles of good computer practice.
- (c) On admission to membership, a member shall be issued with a membership card indicating the member's grade/occupation where the appropriate division so determines and a copy of the current rules of the union. On ceasing to be a member, a person shall return his/her membership card to the General Secretary.
- (d) Any notice or communication sent to a member shall be deemed to have been duly served if addressed to the private address last notified in writing by the member to the General Secretary. A register of members' names and addresses shall be kept under the authority of the General Secretary and National Executive Committee who shall process membership data as may be required under data protection legislation.
- (e) The General Secretary and the secretaries and/or other authorised officers of branches shall exchange information as to changes in the membership of the respective branches and shops.

8 Members' obligations

- (a) Application for membership of the union shall constitute acceptance by the applicant of these rules as binding upon him/her upon being accepted into membership. In particular it is the duty of each member to ensure that his/her subscriptions are paid according to rule.
- (b) Where a member makes a request for individual representation by an accredited official of the union in a matter that arose prior to the date on which the member is accepted as having joined or rejoined the union, or where the date of the act or event giving rise to a claim made by or on behalf of the member is prior to that joining or rejoining date, that member shall be required to pay a non-refundable contribution of £120 before such representation is provided. Payment of that amount shall not grant any entitlement to legal advice or representation as referred to in rule 21.

9 Subscriptions

- (a) (i) A member, unless otherwise specifically provided elsewhere in these rules or in subclause (ii) or (iii) below, shall pay subscriptions of one per cent of his/her personal pay or salary, or such amount as may be determined by an annual or special conference as provided for in clause (e) below. Personal pay or salary shall be defined for this purpose as overall gross earnings inclusive of recurring incremental length-of-service payments, bonuses, cost-of-living payments, London or other city weighting elements, contract percentage payments and other regular supplements that have been negotiated or recognised by the union, but exclusive of variable payments such as irregular overtime, temporary acting payments or variable bonuses.
- (ii) No member paying subscriptions under subclause (i) above shall be required to pay more than £400 per annum.
- (iii) In their first year of membership, members shall be eligible to pay a reduced introductory subscription of £10 per month or £120 per annum (or such sum as may be determined by the National Executive Committee in accordance with rule 10). This provision shall not apply to members rejoining the union who have previously paid the introductory subscription rate.
- (b) (i) With effect from 1 July 2004 members paying subscriptions by direct debit or standing order shall pay subscriptions according to the following scale:

Gross annual earnings	Subscription payable	
	monthly	annually
Introductory offer*	£10.00	£120.00
£12,501-£15,000**	£11.25	£135.00
£15,001-£17,500	£12.50	£150.00
£17,501-£20,000	£14.58	£175.00
£20,001-£22,500	£16.66	£200.00
£22,501-£25,000	£18.75	£225.00
£25,001-£27,500	£20.83	£250.00
£27,501-£30,000	£22.92	£275.00
£30,001-£32,500	£25.00	£300.00
£32,501-£35,000	£27.08	£325.00

continued/

£35,001-£37,500	£29.17	£350.00
£37,501-£40,000	£31.25	£375.00
£40,001 and over	£33.33	£400.00

* for first year of membership only

** or, in this band only, one per cent of earnings where a member provides evidence that this is a lower amount

- (ii) Gross annual earnings shall be defined for this purpose as a member's pre-tax earnings in the industries described in rule 6(a) in the preceding tax year.
- (iii) With effect from 2002, and every third year thereafter, a member paying subscriptions according to the scale set out in subclause (i) above, other than at the maximum rate in that scale, whose subscription scale has not been updated or reconfirmed in the two year period prior to the effective date, shall be deemed to have moved to the next higher band of the scale. The member shall be given advance notice in writing of the increased subscription thus payable by him/her, and if appropriate may submit evidence of his/her earnings to show why the increase should not apply.
- (c) Where subscriptions are deducted from a member's pay or salary by arrangement between the union and the employer, the member's written authority shall be sent to the employer by the union. Such authority shall include revision without further authorisation being necessary of the rate of subscription in relation to changes in the member's earnings or these rules.
- (d) Where no arrangements exist to deduct union subscriptions from pay or salary, a member shall pay union subscriptions regularly by cash, cheque or credit transfer, on the basis of his/her current earnings as defined in clause (a) above, in accordance with arrangements drawn up by the National Executive Committee.
- (e) Notwithstanding rule 45, the National Executive Committee shall have authority to propose to any annual or special conference revised subscription rates or procedures for all or any portion of the membership, where in its opinion such revision is essential to ensure the financial stability of the union. In order to be valid, such a proposal shall require the approval of two-thirds of the delegates present and voting at the conference, or in the case of a card vote two-thirds of the total votes cast.
- (f) Notwithstanding the foregoing provisions of rule 9, former members of the Film Artistes' Association and members allocated to the Film Artistes' subdivision or branch under rule 31(II) shall pay subscriptions amounting to half the subscription that would be applicable under clause (b) above.
- (g) In order to continue offering public liability insurance to freelance members of the union, the National Executive Committee shall be empowered to levy on those members a charge in respect of each policy year in such amount as it shall determine in relation to the group premium payable. Only those freelance members who have paid this levy will be eligible for BECTU's public liability insurance cover.

10 Reduced subscriptions

The National Executive Committee may at its discretion authorise reduced subscriptions in the following circumstances:

- (i) where members (or potential members) are employed by an employer who does not recognise the union for collective bargaining purposes;
- (ii) where potential members are employed by a specified employer (whether or not that employer recognises the union) where the union is campaigning to recruit in order to improve its density of membership. Where the National Executive Committee exercises discretion under this subclause, it shall specify the period (not exceeding one year) during which new members may be recruited on reduced subscriptions, and shall report accordingly to annual conference;
- (iii) where a member can demonstrate that his/her earnings are substantially reduced or suspended by reason of long term unemployment or sickness, when services designed to assist the member's return to employment may continue to be provided notwithstanding rule 12(b);
- (iv) where a member is on maternity leave (no period of which, whether paid or unpaid, shall adversely affect a member's status or entitlement under these rules);
- (v) where members are locked out by an employer or engaging in official industrial action;
- (vi) where freelance members can demonstrate that the minimum subscription amounts to more than one per cent of their earnings in the preceding tax year in the industries as defined in rule 6(a).

11 Definition of paid-up member

- (a) A paid-up member is one who is not more than six months in arrears with the subscriptions due from him/her and who does not owe the union any other sum including fines or levies or any sum for which he/she is accountable to the union, unless specifically exempted from such payment by these rules or for any other reason acceptable to the National Executive Committee.
- (b) Only paid-up members shall be eligible to hold any office, act as delegate or representative, or to vote on any question affecting the union, its rules, funds or officers, or, except as may be provided for elsewhere in these rules, to receive any benefit or service.

12 Arrears

- (a) A member who is six months or less in arrears shall be entitled to financial benefits subject to deduction of the amount of arrears owing.
- (b) A member who is over six months in arrears shall be disqualified from any benefit or service until he/she has cleared those arrears.
- (c) A member who remains more than six months in arrears shall be liable to have his/her membership terminated through lapsing.

- (d) The National Executive Committee shall have the power to reinstate a member with more than six months' arrears provided he/she has cleared those arrears and paid such a fine as the National Executive Committee may at its discretion impose.
- (e) No person whose membership has been terminated through lapsing, expulsion or for any other cause shall be permitted to rejoin the union without the express sanction of the National Executive Committee and then only in compliance with such terms and conditions (including fines) as the National Executive Committee may at its discretion impose after consultation with the appropriate divisional, subdivisinal or branch committees.

13 Termination of membership

Only the National Executive Committee shall be empowered, subject to the operation where appropriate of the rules on discipline and appeals, to terminate the membership of any member.

14 Lodged membership

- (a) A member who ceases to have work within the scope of the union may apply to the General Secretary to lodge his/her membership for up to two years, subject to the following undertakings:
 - (i) the member shall not during the period of lodged membership undertake or pursue any work within the scope of the union or within the scope of agreements or otherwise with employers coming within the scope of the union;
 - (ii) the member shall not engage in any action prejudicial to the union or its members during the period of lodged membership, any such action being taken into account if and when application is made to resume ordinary membership.
- (b) Within the period of lodged membership, the member shall not be required to pay subscriptions, but nor shall he/she be entitled to any of the services or benefits of membership, or to vote in any ballot of the union.
- (c) At any time within the period of lodged membership, the member may apply to the General Secretary to resume ordinary membership, on the granting of which he/she shall be subject to all the obligations and entitled to all the rights of ordinary membership.
- (d) Where a member has not resumed ordinary membership within two years of applying for lodged membership, he/she may apply for a further period of lodged membership of up to two years. In the absence of such further application (which may be repeated), membership shall be liable to termination through lapsing after notice of such intention has been sent to the member at the address last notified to the union by the member.

15 Temporary and overseas membership

- (a) Persons not eligible for membership of the union under rule 6 may be admitted to temporary membership at the discretion of the National Executive Committee for such duration and on such conditions (including subscription rates) as it shall decide, if in its view the interests of the union so warrant. Temporary

members shall have no right to vote or hold any office in the union. Temporary membership shall be subject to review by the National Executive Committee after six months and may at its discretion be renewed or terminated.

- (b) Members relocating permanently or long-term outside the United Kingdom and Ireland may apply for overseas membership of the union. They shall pay such subscription rate as the National Executive Committee shall from time to time determine, but their entitlements shall be limited to receiving, free of charge, the union's journal and to requesting such advice as the union may be able to provide on matters affecting their employment overseas or with regard to rights in relation to work previously done whilst in BECTU membership in the UK. Overseas members shall have no right to vote or hold any office in the union.

16 Transfer of membership

- (a) Any member whose movement or employment takes him/her from the scope of one division or branch of the union to another, shall notify the General Secretary who shall arrange for the relevant branch secretaries to be notified and for the member to be transferred to the appropriate division or branch of the union.
- (b) No member shall be transferred to or accept employment at any place of work or in any capacity where a state of dispute exists involving members of the union, without the express authorisation of the National Executive Committee.
- (c) A member who permanently leaves any of the industries within the scope of the union shall notify the General Secretary and the appropriate lay officers, and may request assistance in transferring to the appropriate TUC-affiliated trade union in his/her new place of employment.
- (d) Where arrangements for dual membership exist between the union and any other TUC-affiliated union, the General Secretary shall so advise members.

17 Moonlighting

No member in permanent employment shall accept another concurrent engagement (including engagement whilst on paid or unpaid leave of absence from the first) of a type normally within the scope of the union, without the express permission of the National Executive Committee.

18 Retired membership

- (a) A paid-up member, upon permanent retirement from working, shall be eligible to apply for retired membership of the union, provided he/she shall have been a member in good standing of the union (and/or its predecessor unions) for not less than five years.
- (b) Retired members shall not be required to pay a union subscription. The rights of retired members shall be limited to the right to receive the union's journal, to have any intellectual property rights administered for them by relevant associate collecting societies or agencies of BECTU, to make application to the benevolent fund, and to attend conference as an observer at his or her own expense. Retired members or their dependants may receive such other benefits and assistance as the National Executive Committee may determine upon individual application.

- (c) The National Executive Committee shall at its discretion invite pensioner members to join a pension forum and to participate in pensioner issues.

19 Life membership

- (a) The National Executive Committee shall have discretion to declare a member, on his/her permanent retirement from employment, a life member in recognition of his/her long or meritorious service to the union (and/or its predecessor unions).
- (b) Life members shall not be required to pay a union subscription. The rights of life members shall be limited to the right to receive the union's journal, to attend meetings of annual conference as an observer at his/her own expense, to apply for assistance from the benevolent fund, to receive any special facilities available to members in regard to commercial services or discounts, and, at the discretion of the National Executive Committee, to professional advice on matters (such as pensions) arising out of their previous employment as a member of the union, and to such other benefits and assistance as the National Executive Committee may determine upon individual application.

20 Honorary membership

The National Executive Committee, subject to the approval of annual conference, may admit to honorary membership of the union any person it may from time to time think fit. The award of honorary membership may be made posthumously. Honorary membership shall imply no claim upon the benefits, services or funds of the union, nor any right to vote or otherwise to determine or influence its affairs. However, this shall not affect the rights of any persons who have been or are full members of the union who receive this honour.

21 Legal assistance

- (a) The National Executive Committee shall appoint and retain a legal adviser or legal advisers to act for the union, or for any member or group of members of the union, or for its officers (whether paid or unpaid), officials or any member or group of members, or any dependants of such persons, in such matters as it shall direct at its discretion. Among the services provided by the legal adviser or advisers shall be comprehensive representation of members sustaining personal injury or contracting a prescribed industrial disease in the course of employment.
- (b) Subject to the discretion of the National Executive Committee, a paid-up member shall be entitled to receive initial legal advice on any subject, verbally or in writing, from the legal adviser or advisers retained by the union, without cost to the member, but further instructions other than those approved by the National Executive Committee given to the legal adviser or advisers shall be at the member's own expense.
- (c) A paid-up member, or group of members, desiring legal assistance at an employment tribunal, or at the Employment Appeal Tribunal, or at the Central Arbitration Committee, or in the Courts, shall apply in writing to the General Secretary. If such legal assistance is granted, the conduct and duration of proceedings shall rest exclusively in the hands of the union and its legal adviser or advisers.

- (d) If a case is lost through misrepresentation on the part of an applicant member, or through his/her frivolous or vexatious conduct or failure to co-operate, the union may refuse to pay the costs of such a case and the member shall personally become liable for those costs.
- (e) Legal assistance at tribunals or in the Courts shall normally be granted only after the union has first endeavoured to obtain satisfaction through negotiation on behalf of the member or members concerned.
- (f) Where a member applies for legal assistance against an employer who is also a member, legal assistance shall be available only to the member who has the status of employee in the employment relationship.
- (g) Legal representation under rule 21(a) in cases of personal injury is subject to any general conditions agreed with the solicitors instructed (and specific additional conditions may be attached in individual cases) and is on the basis that the member is liable for legal costs (which also includes legal disbursements, the premium for any policy of legal expenses insurance and opponents' costs) but is protected against having to pay those costs by such means provided or approved by the General Secretary on behalf of the union as he/she may determine: such means may be varied or amended by the General Secretary during the course of the case. The free advice service outlined in rule 21(b) is additional to the comprehensive representation of members in work-related injury and disease cases referred to in rule 21(a), which includes initial advice in such matters.

22 Death Benefit Fund

In accordance with rule 5(r), the death benefit fund will be maintained at a sum equivalent to twice the highest total annual amount of death benefit claims paid in any of the five years immediately preceding by an allocation from (or to) the general fund of the union. The amount of death benefit shall be £350 claimable within two years of the death of a life member, a retired member, or any member with not less than five years' continuous paid-up membership of the union (and/or its predecessor unions). Subject to the right of nomination given by Sections 17 and 18 of the Trade Union and Labour Relations (Consolidation) Act 1992, and any regulations made thereunder, such benefit may be paid on proof of death only to such dependent of the deceased member, or personal representative, or any person benefiting under his/her will or intestacy as the National Executive Committee may determine.

23 Journal

All paid-up members, retired members, life members and honorary members shall be entitled to receive the union's journal free of charge, sent, where the current address is known, to their home address.

24 Offences and penalties

- (a) The National Executive Committee shall have power to take disciplinary action against any member held to have committed any of the following actions:
 - (i) committed a breach of any of these rules;
 - (ii) committed any action detrimental to the interests of the union, or otherwise brought or attempted to bring the union, its members or officers into discredit;

- (iii) contravened the policies of the union on equal opportunities, or engaged in discrimination on grounds of race, sex, age, sexual orientation, religion or disability;
- (iv) stolen the funds or property of the union;
- (v) obtained or attempted to obtain any of the benefits or services of the union by means of fraud or misrepresentation;
- (vi) obtained possession of or retained, in a manner contrary to these rules, any funds or property of the union
- (vii) tampered with, falsified or wilfully misused, with intent to deceive, any document, insignia or other property of the union;
- (viii) refused to sign or otherwise execute a document to which his/her signature or execution is required by these rules;

or who for any other reason appears to the National Executive Committee not to be a fit and proper person to remain a member of the union.

- (b) Where it appears to the National Executive Committee that any member is or may be guilty of any of the offences in clause (a), the allegation shall be referred to the Disciplinary Committee established under rule 25 for consideration in accordance with the procedure set out in the Standing Orders for Disciplinary Hearings (Appendix A to these rules).
- (c) The National Executive Committee shall give effect to a decision of the Disciplinary Committee to penalise a member, subject to a member's right of appeal to the Appeals Committee established under rule 26, by imposing whichever of the following penalties is held appropriate by the Disciplinary Committee in its decision:
 - (i) the member shall be reprimanded or admonished;
 - (ii) the member shall be required to pay a fine not exceeding £500 which shall be payable into the benevolent fund of the union;
 - (iii) the member shall be suspended from all or any specified office in the union for a specified period;
 - (iv) the member shall be suspended from membership for a specified period;
 - (v) the member shall be expelled from membership.
- (d) Where a member lodges an appeal under rule against a penalty within fourteen days of notification, the penalty shall be held in suspense pending the decision of the Appeals Committee.
- (e) Component bodies, individual members and officers of the union have a duty to bring to the notice of the National Executive Committee cases where there is good and sufficient reason to believe any of the offences in clause (a) above may have been committed.

- (f) Any person who is or becomes a member of an organisation which the National Executive Committee considers to be a fascist or racist organisation or who supports or circulates material or speaks on behalf of any organisation concerned with disseminating racist beliefs, attitudes or ideas or who undertakes actions against others (whether members or non-members) designed to discriminate on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age or other status or personal characteristic, shall be subject to the disciplinary procedures under these rules and may be expelled from the union.
- (g) Notwithstanding the above, the National Executive Committee shall have discretion to institute legal proceedings against any member who appears to it to have committed any criminal or unlawful act against the union, and to terminate automatically his/her membership upon conviction of or judgement against such a member.

25 Disciplinary Committee

- (a) The Disciplinary Committee shall be constituted as one member from each division of the union as provided by rule 31, and one additional member from the same division as that of the appellant in each disciplinary hearing.
- (b) Each divisional committee shall, at its first meeting in each year of office, elect its representatives liable for service upon the Disciplinary Committee, namely, one representative to serve in all cases, one additional representative to serve in cases where the appellant is of the same division, and two reserves.
- (c) No member of the National Executive Committee shall be eligible to serve on the Disciplinary Committee.
- (d) For each disciplinary hearing, the Disciplinary Committee shall elect from among its number a chairperson, who shall not be of the same division as the appellant.
- (e) Disciplinary hearings shall be conducted under standing orders as provided in Appendix A to these rules.

26 Appeals Committee

- (a) To facilitate the hearing of disputes between members amongst themselves, or between any member and the National Executive Committee, which cannot be dealt with by any procedure provided elsewhere in these rules, and to provide for the hearing of appeals against decisions of the Disciplinary Committee that a penalty be imposed upon a member, an Appeals Committee of five members shall be elected by the delegates at each annual conference.
- (b) Candidates for election to the Appeals Committee shall be paid-up members of the union who have not less than ten consecutive years membership of the union (and/or its predecessor unions). No member of the National Executive Committee or Disciplinary Committee shall be eligible to serve on the Appeals Committee.
- (c) The Appeals Committee shall elect a chairperson from among their number. Three members of the committee shall constitute a quorum. Where a vacancy arises on the Appeals Committee it shall be filled by the unsuccessful candidate with the highest number of votes at the previous election. In the event of there

being no such candidate, the General Secretary shall invite branches to nominate further candidates eligible under clause (b) above, and if more nominations are received than the number of vacancies the National Executive Committee shall determine the appointment by the drawing of lots.

- (d) Appeals to the Appeals Committee against decisions of the Disciplinary Committee shall be heard under standing orders as provided in Appendix B to these rules.

27 Branches and shops

- (a) Every member of the union, in addition to being a member of a division and an area, as provided by rule 30, shall be a member of a branch.
- (b) In cases of doubt the National Executive Committee shall decide to which branch a member or group of members shall belong. A member or group of members wishing to transfer from one branch to another shall apply to the General Secretary, who shall consult with the appropriate branch officials.
- (c) Branches shall be formed on a geographical, place of work, craft/occupation, or contract of employment basis, or on the basis of a combination of these, or as may otherwise be approved by the National Executive Committee.
- (d) A branch shall consist of not less than ten members, unless otherwise approved by the National Executive Committee.
- (e) Where fewer than ten members within a branch share a common employer, or have some other common industrial interests they may, with the approval of the branch committee, constitute a shop. The function of shops is to handle day to day industrial relations matters on behalf of their members.
- (f) Each branch shall operate according to by-laws devised and adopted by its members, subject to their approval by the National Executive Committee. Such by-laws may sub-divide the branch into shops where this facilitates the effective organisational and representational interests of the members. Each member of the branch shall receive a copy of the approved by-laws, or if this is not reasonably practicable shall have access to a copy on demand. Subject to the approval of annual conference, the National Executive Committee shall have power to establish, revoke or alter the by-laws of any branch where in its judgement the interests of the members affected so warrant.
- (g) Freelance members working in a place where there is an established branch or shop may attend meetings of that branch or shop and may speak but not vote.

28 Branch functions

- (a) The functions of branches are administrative, representational and industrial, that is to say, they are required:
 - (i) to draw up for adoption by the branch by-laws for its better government and for the furtherance of the objects of the union, provided such by-laws are not inconsistent with any of these rules or the policy of the union as determined by conference or by the National Executive Committee;

- (ii) to promote the rules, objects and policy of the union among the members of the branch, and to consider, discuss and examine all matters, affairs or questions relating to the objects of the union as they affect the members of the branch, and otherwise to promote the interests of members by all means consistent with the rules;
 - (iii) to make arrangements, subject to the policy of the union and of the respective division, for the recruitment, organisation and day-to-day representation of members in their employment, including liaison and negotiation with the employers;
 - (iv) to report without delay to the respective divisional committee or to the appropriate paid official of the union where required in the interests of members of the branch individually or collectively, or when the views of members are sought;
 - (v) to convene meetings of members of the branch when required to consider the submission of candidates' nomination for election to the National Executive Committee or to any office to be elected at conference, or to appoint or elect delegates to conference or to a divisional or subdivisinal committee, and generally to convene meetings and otherwise to consult and communicate with members of the branch in order to obtain the expression of their views by discussion, vote, ballot or otherwise upon such questions as are required to be put to the members or are of interest or importance to them;
 - (vi) to deal properly and diligently with matters referred to them by the National Executive Committee, the General Secretary, an appropriate paid official or other person authorised by the General Secretary, or an appropriate divisional, subdivisinal or area committee;
 - (vii) to encourage the appointment of union equality, learning and health and safety representatives;
 - (viii) to encourage participation of the branch in the activities of its local trades council.
- (b) Branches shall have no disciplinary powers but branch officers, committee members and members have a duty to inform the General Secretary and the National Executive Committee of actions by members which could lead to investigation by the Disciplinary Committee of the union.
- (c) Branches provided with funds under the rules shall set up machinery approved by the National Executive Committee for administering and accounting for them. Such funds shall remain the property of the union and shall be used only for purposes in accordance with the rules and objects of the union and with the approval of the National Executive Committee.
- (d) Branches shall be entitled to receive from the National Executive Committee payments amounting to five per cent of the total subscriptions collected from the members of the branch, provided that those payments are used for purposes within the aims and objects of BECTU. The National Executive Committee shall have the authority to cease such payments where a branch fails to account for them to the satisfaction of the National Executive Committee. No branch shall hold a balance greater than twice the annual entitlement in respect of its current membership.

29 Branch committees

- (a) The by-laws of each branch shall lay down arrangements and procedures for the election annually of the branch committee, the specific number of branch committee members, the frequency of branch general meetings of which there shall be at least three per annum including an annual general meeting, the frequency of branch committee meetings if not monthly, and the conduct generally of branch business. In the event of a branch, after due notice to convene a meeting has been issued, being unable for any reason to obtain a quorum, it shall be competent for the branch committee to take action required under rule 28(a)(v). It shall also be competent for the branch committee, where the branch by-laws expressly permit, to use other means of consultation and communication, such as e-mail or post, to expedite rule 29(b) or to obtain consent by branch members to the re-election of the existing committee. Due regard must be given in such event to existing branch by-laws, to including at least as many members as would otherwise have been advised of the AGM, to avoiding the exclusion of any member from nomination and election to office, and to ensuring that the medium used is at least as secure as that which would prevail at an AGM.
- (b) At the annual general meeting of each branch there shall be elected members of the branch committee. The procedure and timetables of such elections shall be specified in the branch by-laws.
- (c) Where the by-laws of a branch so provide, at the annual general meeting there may also be elected one or more shop steward(s). The shop steward(s) shall conduct the industrial business of the shop(s) within the branch.
- (d) The members of the branch, or the branch committee, shall elect a branch secretary, branch chair and such other officers, such as equality, health and safety, recruitment and publicity representatives, as will further the interests of the members of the branch and the objects of the union.
- (e) The branch secretary or another branch officer specifically authorised by the branch for the purpose shall conduct the correspondence of the branch and be responsible to the branch committee for the proper administration of the business of the branch. The branch chair shall chair branch and branch committee meetings.
- (f) Notwithstanding the above provisions the National Executive Committee shall have authority to confer a dispensation in respect of the holding of annual or other general meetings of branches whose membership is geographically so distributed as to make such meetings impracticable, and to make appropriate alternative arrangements for the government of such branches. That dispensation, however, will not extend to permitting branches which have not convened a quorate branch committee meeting in the preceding two years to make a nomination for election to the National Executive Committee or to any office to be elected at conference, or to appoint or elect delegates to conference or to a divisional or subdivisational committee.

30 Divisions and areas

Every member of the union, in addition to being a member of a branch, as provided by rule 27, shall be a member of both a division and an area.

31 Divisions

- (a) Subject to clauses (b) and (l) below, the divisions of the union shall be as follows: Arts and Entertainment (including theatres, cinemas and leisure), BBC, Independent Broadcasting, London Production, Regional Production. The National Executive Committee shall have the authority to allocate members to the appropriate division.
- (b) The National Executive Committee may re-title, merge or set up additional divisions or subdivisions on a basis and with powers that it shall determine after consultation with appropriate divisions or subdivisions, subject to ratification by annual conference. No such change shall, however, affect any election or appointment to office governed by statute or these rules until the respective term of office expires.
- (c) Subject to the authority of the National Executive Committee, divisions shall set up machinery for dealing with:
- (i) pay, conditions of service and grading of members in the division and the method of securing the acceptance thereof by members affected;
 - (ii) matters affecting the organisation, working conditions and staffing of members in the division;
 - (iii) policy on professional standards, current industrial practice and future developments that directly affect the members of the division;
 - (iv) proposals on these matters put forward by employers;
 - (v) the co-ordination of industrial strategy and the creation of industrial policies affecting members of the division;
 - (vi) business arising out of these matters referred to it by the branches in the division or subdivision and by area committees;
 - (vii) matters referred to the division by the National Executive Committee and by conference;
 - (viii) matters arising out of the divisional conference.
- (d) Subject to the approval of the National Executive Committee, a division may be broken down into subdivisions. A subdivisional committee shall deal only with matters affecting members of the subdivision. Matters affecting members of more than one subdivision shall be dealt with by the divisional committee. There shall be a Film Artistes' subdivision in accordance with clause (l) below.
- (e) Divisions and subdivisions will operate in accordance with by-laws determined by the National Executive Committee and ratified by annual conference. These by-laws are set out in Appendix D and are deemed to form part of the rules of the union. Divisional committees will make regular reports and submit recommendations to the National Executive Committee.
- (f) Where negotiations with employers and employers' associations dealing with terms and conditions of employment directly affect members in more than one division, the National Executive Committee in consultation with the divisional

committees concerned may create inter-divisional negotiating committees elected on the basis of proportional representation for each division.

Eligibility

- (g) The membership of the Arts and Entertainment division will comprise all members in the live theatre and arts, cinema distribution and exhibition (including managerial), leisure, bingo or other entertainment fields who are not allocated to another division.
- (h) The membership of the BBC division will comprise all members employed by the BBC or by organisations controlled by the BBC either permanently or, on a rolling basis or otherwise, on contracts lasting for more than twelve months and all members working on BBC premises or on the premises of organisations controlled by the BBC who are employed by companies which provide a continuing service to the BBC or such organisations.
- (i) The membership of the Independent Broadcasting division will comprise all members employed by Channel 3, Channel 4 and Channel 5 companies, S4C, the regulatory and transmission bodies, national and local independent radio companies, satellite and cable companies either permanently or, on a rolling basis or otherwise, on contracts lasting for more than twelve months and all members working on the premises of such organisations who are employed by companies which provide a continuing service to those organisations.
- (j) The membership of the London Production division will comprise all members in craft branches, freelance branches, facility houses, grant-aided workshops, independent production companies, educational technology, animation and film studios, or working as background artistes in film and television (including those members who were previously members of the Film Artistes' Association) in the London and South East area.
- (k) The membership of the Regional Production division will comprise all members in craft branches, freelance branches, facility houses, grant-aided workshops, independent production companies, educational technology, animation and film studios, or working as background artistes in film and television based outside the London and South East area.
- (l) There shall be a Film Artistes subdivision and branch, and a Laboratories subdivision and branches, within the London Production division. Former members of the Film Artistes' Association and background artistes who join the union, and members organised in laboratories, audio-visual manufacturing and non-broadcast video/audio duplication, shall be members of the respective subdivision and branch. The National Executive Committee shall, in consultation with the relevant divisions and subdivisions, make appropriate arrangements for the organisation and representation of background artistes and laboratory workers based outside the London and South East area.

Divisional conferences

- (m) The National Executive Committee where specifically requested by divisional committees to do so shall arrange for divisional conferences to be held in accordance with the respective divisional by-laws as approved by the National Executive Committee but where practicable in conjunction with annual conference. The divisional conference shall comprise

- (i) the chair of the divisional committee who shall have a casting vote,
- (ii) the paid officials working in the division who shall have the right to speak but not to vote,
- (iii) members of the divisional committee,
- (iv) members of the divisional standing orders committee,
- (v) the delegates appointed in accordance with the respective approved divisional by-laws.

Matters to be discussed at divisional conferences shall be confined to those arising out of clause (c) above.

- (n) Special divisional conferences shall be held only with the approval of the National Executive Committee after consideration of a request for such a conference from the relevant divisional committee, or of a written request signed by not less than 10 per cent of the total membership of the relevant division, stating the matter(s) to be discussed (which must be confined to those arising out of clause (c) above).
- (o) The divisional conference shall elect a divisional standing orders committee comprising three members who shall hold office until the completion of business at the next divisional conference. No member of the divisional committee may serve on the divisional standing orders committee.

32 Areas and nations

- (a) Where the National Executive Committee so approves, in these rules the term "area" or "area committee" shall where appropriate include "nation" or "national committee". The areas (and nations as the case may be) of the union shall be as follows: Scotland, Yorkshire/Humberside/Northern, North West and Cumbria, Midlands, Wales, Western, Ireland, and London and South East. The National Executive Committee may re-title, merge or set up additional areas as it shall determine after consultation with appropriate branches, subject to ratification by annual conference.
- (b) Area committees shall meet not less than twice a year in accordance with a schedule of meetings approved by the National Executive Committee. Every branch within each area shall be entitled to one delegate to the committee. Members of the National Executive Committee working in the area shall be ex officio members of the committee but without power to vote.
- (c) The delegate to the area committee shall be elected at the branch annual general meeting or by the branch committee as determined by the branch by-laws; the branch shall be entitled to appoint a reserve delegate. Delegates shall be eligible for re-election.
- (d) The powers and duties of area committees shall be consultative and propagandist and shall include the consideration of matters affecting the interests of members in the area, the co-ordination and implementation of inter-divisional and industrial policies in the area, the endeavour to organise fully all members and potential members in the area and to keep them organised and generally the promotion of such action as may be calculated to further the interest of the union in the areas according to these rules. Area committees

shall consider matters referred to them by the National Executive Committee or by divisional committees or by branch committees. They shall make regular reports and submit recommendations to the National Executive Committee.

- (e) (i) Each area committee shall elect annually from its number a chair and a secretary. Where in any area a paid official exists, he/she may be elected to act as secretary of the committee. The secretary shall be responsible for preparing the agenda, convening meetings, recording the minutes, conducting necessary correspondence, and for submitting the minutes and report of the committee to head office within eight days after the meeting, and in any case by the next meeting of the National Executive Committee following the meeting of the area committee. The National Executive Committee minutes shall form part of the committee's agenda.
- (ii) An area committee's decisions shall be advisory only, but each committee shall endeavour to ascertain the opinion of the majority of members in the area. Where its meeting is inquorate the minutes or report of such meeting shall record that fact.
- (f) (i) Each representative present at any meeting of the area committee shall give a report of the proceedings of the committee at the branch meeting following the meeting of the committee.
- (ii) All branches shall be notified of the dates of the meetings of their respective area committees.
- (g) All respective branch secretaries and members of area committees shall be sent a copy of the minutes of the respective area committee meetings.

33 National Executive Committee

- (a) The general management and administration of the union's affairs shall be vested in a National Executive Committee, which shall be the principal executive committee of the union and which shall be responsible to annual conference for the working of the union in accordance with these rules. Between meetings of conference the National Executive Committee shall be deemed to represent the will of the union subject to the authority of conference as the supreme policy making and governing body of the union.
- (b) With effect from the elections to be held in 1994, the National Executive Committee of the union shall consist of representatives elected in accordance with the clauses below from each of the following divisions:
 - (i) Arts and Entertainment
 - (ii) BBC
 - (iii) Independent Broadcasting
 - (iv) London Production
 - (v) Regional Production

as defined in rule 31 and/or such other divisions as may be established under rule 31(b) on the basis of one representative for each 2,000 members or part thereof in each respective division. The successful candidates shall be those elected in accordance with clause (h)(i)-(iv) below.

The National Executive Committee shall elect the Vice-President and Treasurer from amongst its members. The National Executive Committee shall also include the President, who shall be elected at the same time as the representatives defined above in the manner set out in clause (h) below.

- (c) For the purposes of calculating divisional memberships within each of the divisions in clause (b) above, each branch will be assessed on its fully paid-up members as at 31st December immediately preceding the year of the election, such membership to be certified by the General Secretary. Branches shall have the right to challenge such assessment, by application to the National Executive Committee.
- (d) No paid official or employee of the union shall be eligible for election to the National Executive Committee.
- (e) Each candidate for election to the National Executive Committee must be a paid-up member of the union and shall give his/her consent in writing. Nothing in these rules shall prevent two paid-up members of the same division being nominated as 'job-sharing' candidates to a position on the National Executive Committee. Save for conference where both shall attend, only one job-sharing member may attend each meeting and in the event of one resigning the other must also do so, creating a vacancy to which rule 33(g) will apply. Candidates may stand for election for a division of which they are a member. Should a member, for any cause whatsoever, transfer to another division, that member must resign from the National Executive Committee and the vacancy be filled in accordance with rule 33(g).
- (f) Subject to clause (e), each member of the National Executive Committee shall be elected and hold office for a period of two years and shall be eligible for re-election.
- (g) Should, for any cause whatsoever, a vacancy occur among the divisional members of the National Executive Committee the candidate with the next highest number of votes at the last election shall be deemed to be the representative for the remainder of the term, provided that he/she has remained a paid-up member of the union, is still eligible and is otherwise able to fill the vacancy. In the event of there being no such candidate, or should for any cause whatsoever a vacancy occur for the position of President, a new member shall be elected for the remainder of the term in a manner consistent with the rules for the election of the National Executive Committee or President.
- (h) (i) Candidates for election to represent a division under clause (b) must be nominated by a branch with members in the relevant division, duly convening under rule 28(a)(v). In the event of any branch, after due notice has been issued convening to consider the nomination of candidates for election, being unable for any reason to obtain a quorum, it shall be competent for the branch committee to undertake the duties and functions in connection therewith, and to submit a nomination or nominations. A report of such a meeting must be submitted to the General Secretary for information. Candidates to represent a division shall be voted for only by paid-up members within that division. Candidates for election as President under clause (b) above must be nominated for that position by at least one branch in any of the divisions in clause (b) above, and otherwise in the same manner as prescribed for the nomination of candidates to represent divisions. Candidates for

President shall be voted for by all paid-up members irrespective of their division.

- (ii) The General Secretary in the January before the National Executive Committee elections to be held under this rule shall circularise all branches inviting nominations. Nomination papers shall be returned by the branch secretary so that they are received by the General Secretary not later than the first Monday of March following. Candidates nominated may submit a written election address of not more than 600 words for the information and consideration of members. This address shall also be received by the General Secretary not later than the first Monday of March.
- (iii) The ballot papers for the elections shall be prepared and issued by the Electoral Reform Society, or some other independent body, to each member, together with the election addresses and a prepaid envelope for return of the ballot paper to the independent issuing body. The final date for receipt of the ballot paper by the independent issuing body shall be not later than the last day of April following.
- (iv) Voting arrangements shall prevent any candidate from being elected to more than one place on the National Executive Committee. The votes for President shall be counted first, and where a candidate has been validly nominated for election to the National Executive Committee as both President and divisional representative, he/she shall if successfully elected as President not also be elected in any other capacity, and the person with the next highest number of votes in the election in the division concerned shall be declared elected as a representative for that division.
- (v) Subject to rule 40(d) the General Secretary, on receipt of the ballot results from the independent issuing body, shall publish that body's report verbatim.
- (i) (i) The National Executive Committee shall meet at intervals of not more than six weeks on dates determined by the National Executive Committee. Notice of such dates shall be circulated to all branches.
- (ii) Additional meetings of the National Executive Committee shall be convened by the National Executive Committee itself or within 14 days of receipt by the General Secretary of a written request from at least ten members of the National Executive Committee or by the General Secretary in accordance with rule 37(g).
- (j) The National Executive Committee shall determine the standing orders for its meetings. These shall provide that a quorum of the National Executive Committee shall be not less than half its membership.
- (k) If three or more members of the National Executive Committee call for a named vote immediately before the vote is taken, the names of those voting, and the way in which they voted, shall be recorded and entered in the minutes of the National Executive Committee for circulation in the usual manner.
- (l) The National Executive Committee shall determine any question on which the rules are silent or otherwise require interpretation and shall report such

- decisions to annual conference. The National Executive Committee has no power to alter the rules of the union.
- (m) Subject to rule 40(c), the National Executive Committee shall be responsible for the administration of the finances of the union, shall nominate signatories of cheques drawn by the union and shall prepare and present to annual conference a financial report and balance sheet.
 - (n) The National Executive Committee shall deal with all matters referred to it by the conference and its decisions on all matters shall be final and decisive unless the rules or resolution of the conference provide otherwise.
 - (o) The National Executive Committee shall publish annually to members a report of its work and this report shall be presented for the consideration of the annual conference.
 - (p) The National Executive Committee shall be empowered to investigate, in such manner as it may determine, all complaints made by or against a member or members to the General Secretary and falling outside rule 24, and to give a decision thereon.
 - (q)
 - (i) The National Executive Committee shall appoint a full and competent staff and determine by negotiations with the recognised trade union(s) their terms and conditions of employment. Interviews will be conducted by an authorised sub-committee whose members shall be trained in fair selection procedures, and who shall abide by the relevant TUC and statutory equality commission or commissions guides and codes of conduct for selection and interviewing procedures.
 - (ii) The National Executive Committee shall establish superannuation, pension or insurance schemes for the benefit of paid officials and employees.
 - (r) The National Executive Committee shall instruct the General Secretary to draw up minutes of its proceedings which shall be issued to all branch secretaries within fourteen days of the date of the meeting. The minutes should indicate a clear National Executive Committee decision on each item of business, and should offer a short summary of the information used by the National Executive Committee when reaching decisions. All motions put and seconded should be recorded. The National Executive Committee minutes shall be written in such a way as to be clearly understood by those who have not attended either the meetings so minuted or any previous meetings in which decisions referred to were also taken.
 - (s) The General Secretary and Assistant General Secretaries shall attend all National Executive Committee meetings. They may speak but shall not have the right to vote.
 - (t) By invitation of the National Executive Committee or the General Secretary, other paid officials of the union may attend National Executive Committee meetings as observers only and may not vote. They may speak at such meetings solely for the purpose of providing the National Executive Committee with factual information or with technical or professional advice with respect to matters taken into account by the National Executive Committee in carrying out its functions.

- (u) The National Executive Committee, to help it in the conduct of its business, may appoint subcommittees from amongst its own membership and shall determine their calendar of meetings. These subcommittees will report and make recommendations to the National Executive Committee and will be responsible to it. Conference or the National Executive Committee may establish ad hoc or specialist committees, representation on which may be drawn from branches, divisions, areas or the National Executive Committee or any combination of these. These committees will report and make recommendations to the National Executive Committee and will be responsible to it.
- (v) The National Executive Committee shall when practicable institute a black members sub-committee comprising black representatives from each division of the union. This sub-committee shall report to annual conference and provide a black representative ("black" as defined by the statutory equality commission) as an ex-officio member to each divisional committee if there is not already a black member elected to that divisional committee. All BECTU national committees will have at least one black representative nominated by the black members sub-committee where this is not contrary to law or other rules of the union.
- (w) Subject to the approval of the National Executive Committee and to the following sub-clauses there may be constituted a BECTU History Project (and such other specialist projects as the National Executive Committee may from time to time determine).
 - (i) The History Project's object shall be the recording by interview of the working lives and experiences of practitioners across the audio visual and entertainment industries to form an accessible archive, fully compliant with such data protection and intellectual property rights as may apply, for the benefit of cultural, academic, educational or trade union and labour movement users and such other users as may from time to time be determined by the project subject to the approval of the National Executive Committee. Users shall be required to acknowledge BECTU as the source in any published use of material.
 - (ii) Participants in the project need not be limited to current or past members of BECTU, but non-member participants shall not be entitled individually to the financial benefits of the union.
 - (iii) The project shall be empowered to negotiate contractual arrangements with appropriate partners (which may include partners supplying funding and resources) for the furtherance of its objects, such contracts being made in the name of the union and subject to the prior approval of the National Executive Committee.
 - (iv) The project may elect its own officers for the administration of the project in accordance with standing orders approved by the National Executive Committee, and shall provide such reports (including financial reports) to the National Executive Committee and to annual conference as the National Executive Committee shall require.
- (x) The National Executive Committee shall be responsible for the organisation of the union, general publicity, general relations with the employers' or other organisations, the general policy of the union and all matters affecting members in more than one division or area of the union. It shall consider any collective views on these matters from divisions, subdivisions, areas and branches.

- (y) The National Executive Committee shall determine the amounts which members, paid officials and employees of the union shall receive for travelling and subsistence expenses incurred as a result of approved union business. The amounts so determined shall be published to branches.

34 Finance

- (a) The National Executive Committee shall establish a banking account or banking accounts in the name of BECTU and all amounts received by or on behalf of the union shall be paid into such account or accounts.
- (b) The funds shall be used for any purposes which in the opinion of the National Executive Committee shall further the objects of the union.
- (c) The annual accounts of the union audited by auditors qualified as provided by rule 3(d) shall be published to branches not less than fourteen days prior to annual conference meetings.
- (d)
 - (i) No division, subdivision, area, branch, or other group of members shall set up or maintain any fund for any purpose of the union except with the express authority of the National Executive Committee.
 - (ii) The National Executive Committee will consider requests from divisions, subdivisions, areas, or branches for sums of money to be used by branches for specific purposes arising out of the aims and objects of the union.
 - (iii) The National Executive Committee will consider requests from divisions, subdivisions, areas, or branches for authority to set up bank accounts in the name of the division, subdivision, area or branch.
 - (iv) Divisional, subdivisional, area or branch committees holding funds authorised by the National Executive Committee under this rule shall keep full and proper accounting records of such funds and at the end of each calendar year shall submit the accounts for that year to the National Executive Committee.
 - (v) The National Executive Committee and the General Secretary will not be responsible for any funds held other than those authorised under this rule.

35 General officers

- (a) The general officers of the union shall comprise the president, the vice-president and the treasurer who shall be elected in accordance with the provisions of rule 33(b). No general officer shall also serve as chair of any divisional or area committee.
- (b) The general officers may attend meetings of any component body of the union as observers but without the right to vote.
- (c) The president shall take the chair at meetings of conference and of the National Executive Committee. In his/her absence the chair shall be taken by the vice-president. In the absence of both the president and the vice-president, the chair shall be taken by the treasurer. In the absence of all three the chair shall be

taken by a member of the National Executive Committee elected for that purpose at that meeting.

36 Attendance at meetings

- (a) Any member of the National Executive Committee who is absent, without good reason satisfactory to the National Executive Committee and/or relevant division, from any two consecutive meetings may forfeit his/her office and the vacancy shall be filled in accordance with rule 33(g).
- (b) Any member of the National Executive Committee elected to serve on any committee or subcommittee of the National Executive Committee who is absent, without good reason satisfactory to the National Executive Committee, from any two consecutive meetings may forfeit his/her place on that committee or subcommittee and the vacancy shall be filled by the National Executive Committee. Representatives on ad hoc or specialist committees set up under rule 33(u) shall be subject to the same discipline.
- (c) It shall be incumbent on every elected member of the National Executive Committee to report back to, and receive the views of, the relevant divisional committee. Any member who is absent, without good reason satisfactory to the relevant divisional committee, from any two meetings of the divisional committee may forfeit his/her office and the vacancy shall be filled in accordance with rule 33(g).
- (d) The provisions of this rule shall be drawn to the attention of all members standing for election to the National Executive Committee.

37 General secretary: duties

- (a) The General Secretary, or an official authorised by the National Executive Committee in the absence of the General Secretary, shall be responsible for the transaction of the day to day business of the union and shall act for the union under the direction of the National Executive Committee. He/she shall be responsible to the National Executive Committee for the management of the head office and other offices owned or rented by the union and for the work of all employees of the union. He/she shall be ex officio a member of all conferences, committees and meetings of the union and shall be entitled to attend and speak thereat but not to vote.
- (b) The General Secretary, or an official authorised by the National Executive Committee in the absence of the General Secretary, shall conduct the business of the union in accordance with the rules, policies and decisions of the union, and shall act under the instruction, policies and decisions of conference and of the National Executive Committee.
- (c) The General Secretary, or an official authorised by the National Executive Committee in the absence of the General Secretary, shall be responsible to the National Executive Committee for ensuring, so far as possible, that the rules of the union are properly observed, and shall publish to branches the rulings of the National Executive Committee on matters on which the rules may be silent.
- (d) The General Secretary, or an official authorised by the National Executive Committee in the absence of the General Secretary, shall be responsible for the keeping of a register of all members of the union and the entering therein of the particulars supplied by each member, the subscriptions and payments made

and arrears owed by each member, and such other particulars as are necessary to keep the records in effective good order, and will arrange for the notification of branch secretaries of members who transfer into or out of the respective branches, or who are deleted from the register for any reason.

- (e) The General Secretary, or an official authorised by the National Executive Committee in the absence of the General Secretary, shall be responsible for the keeping of records of all financial transactions of the union and of books of accounts and the preparation of statements of accounts as required by the National Executive Committee or by statute.
- (f) The General Secretary, or an official authorised by the National Executive Committee in the absence of the General Secretary, and those for whom he/she is responsible shall not hold in their hands at any one time a sum of money larger than that authorised by the National Executive Committee.
- (g) The General Secretary, or an official authorised by the National Executive Committee in the absence of the General Secretary, shall have power to convene a meeting of the National Executive Committee or of the general officers when in his/her judgement the business of the union so requires.
- (h) The General Secretary, or an official authorised by the National Executive Committee in the absence of the General Secretary, shall be responsible for the keeping of a record of all business transacted on behalf of the union. He/she shall ensure that a correct record is kept of all meetings of conference and of the National Executive Committee. He/she shall supply to branches and divisional committees copies of the minutes of meetings of conference and of the National Executive Committee.
- (i) The General Secretary, or an official authorised by the National Executive Committee in the absence of the General Secretary, shall be responsible for conducting the correspondence of the union and for keeping a copy of letters written on behalf of the union. He/she shall acknowledge correspondence addressed to the union within seven days of receipt. He/she shall place before the National Executive Committee all correspondence addressed "for the attention of the NEC" and all correspondence necessary for the proper management, administration and control of the affairs of the union by the National Executive Committee.
- (j) The General Secretary, or an official authorised by the National Executive Committee in the absence of the General Secretary, or any other person authorised by him/her shall at all times have access to minute books, accounts, correspondence and other documents of any component part of the union.

38 General Secretary: appointment

- (a) With effect from the election in 1993, a vacancy in the post of General Secretary shall be filled in accordance with the provisions set out below.
- (b) Candidates, who shall give consent in writing to being nominated and agree to undertake, if elected, the duties embodied in rule 37, must be nominated by at least ten branches, or by branches representing at least 1,000 members in total. Candidates may be nominated from among employees and paid-up members of the union and non-members. No other person shall be eligible to be a candidate in the ballot.

- (c) Candidates may submit an election address of no more than 600 words for issuing with the ballot paper.
- (d) Branches may invite candidates to address meetings, provided that all candidates are invited. A refusal by a candidate to attend shall not preclude other candidates from being heard.
- (e) The election shall be by a general postal ballot of all members of the union who are paid-up in accordance with the rules. The ballot shall be administered to the satisfaction of the National Executive Committee by the Electoral Reform Society, or some other independent body of scrutineers whose report shall be published verbatim to branches by the National Executive Committee.
- (f) The General Secretary so appointed shall hold office for a period not longer than five years without re-election or until death, removal or departure from office or on reaching his/her retirement age as specified in his/her contract of employment, whichever is the earliest.
- (g) The ballot shall be held no later than three months after the termination of office of the previous General Secretary and may be held no more than six months before such termination. The incoming General Secretary shall hold office from the declaration of the result of the ballot, or the termination of office of his/her predecessor, whichever is the later.
- (h) The General Secretary shall be removed from office by resolution of a quorate meeting of the National Executive Committee upon a motion to that effect being moved and carried by a vote in favour of not less than two-thirds of the members present of the National Executive Committee, but he/she shall have a right of appeal against removal to the annual conference or special conference.

39 Assistant General Secretaries

Commencing in 1999 there shall be two posts of Assistant General Secretary, which shall be of equal status and which shall be elected – one by the members in the Arts & Entertainment, BBC and Independent Broadcasting divisions and one by the members in the London Production and Regional Production divisions. Otherwise the procedure for election of Assistant General Secretaries will follow as nearly as may be that for the General Secretary under rule 38(b)-(h). The National Executive Committee shall, with due regard to their equal status, determine the duties of the Assistant General Secretaries.

40 Annual conference

- (a) Commencing with 1993 (but subject to clause (d) below) the National Executive Committee shall convene an annual conference of the union which shall comprise:
 - (i) the President of the union, who shall have a casting vote;
 - (ii) the General Secretary, Assistant General Secretaries and members of the National Executive Committee of the union, who shall have the right to speak but not to vote;
 - (iii) such delegates from branches as determined by these rules on the basis of the number of fully paid-up members of the branch represented at December 31st immediately preceding the conference, such

- membership to be certified by the General Secretary, provided that no paid official or employee of the union shall be a delegate;
- (iv) paid officials of the union, unless otherwise engaged on union business at the direction of the National Executive Committee and/or the General Secretary, provided that such paid officials shall only be able to speak at the discretion of the chair and shall not be entitled to vote;
 - (v) the Standing Orders Committee appointed and acting in accordance with rule 42, who shall have the right to speak but not to vote.
- (b) Members of the National Executive Committee and paid officials and employees of the union are not eligible to be delegates. Every member shall have the right, at his/her own expense and on production of his/her membership card, to attend any conference as an observer. An observer shall have no right to speak or vote.
- (c) The annual conference shall be the supreme policy-making and governing body of the union. It shall be a delegate assembly and shall be deemed to represent the will of the members of the union and its decision shall be binding on the National Executive Committee until rescinded. The conference shall review the progress of the union since the previous annual conference and decide its future policy and may instruct the National Executive Committee in matters of general management or administration of the union. It shall have access to all books and documents and shall be given the fullest possible information on such subjects as it requires. It shall receive reports from the National Executive Committee and shall take such action upon them as it may deem advisable.
- (d) The National Executive Committee shall, unless otherwise instructed by annual conference, determine the place and date of all meetings of conference, taking the cost of the meeting into account, and shall inform all branches of its reasons for the choice of conference venue. Annual conference shall be convened during April, May or June, provided that where conference takes place in a year in which elections of the National Executive Committee also take place, the result of those elections shall not be declared earlier than the close of conference.
- (e) (i) Conference shall consist of delegates from branches to be appointed in accordance with rule 28(a)(v) by the branch or branch committee before the conference meeting, according to their membership as certified under clause (a)(iii) on the basis of one delegate per 100 members or part thereof;
- (ii) deputies may be appointed to replace delegates for valid reasons upon proper notification to the Standing Orders Committee.
- (iii) delegates shall discuss the agenda with their local membership at a meeting prior to the conference and shall hold a reporting back meeting afterwards.
- (f) A delegate shall be a member of the branch he/she represents and must be a paid-up member.
- (g) The quorum for all meetings of the conference shall be a majority of the total of delegates registered for attendance, or the presence of delegates entitled to

attend representing three-fifths of the membership of the union, whichever is the less.

- (h) Written notice convening meetings of conference shall indicate the general nature of the business to be transacted and shall be given to all branches by the General Secretary not later than two calendar months before annual conference.
- (i) The National Executive Committee shall positively encourage all non-delegate members resident in the geographical area in which the conference is being held to attend and participate as observers.
- (j) The agenda, which shall automatically include, as separate items, National Executive Committee reports on training, health and safety and equal opportunities, shall be sent by the General Secretary to notified conference delegates at their private addresses, to branches and to others authorised to attend not less than twenty-one days before the conference.
- (k) The agenda and proceedings of conference shall be regulated by standing orders drawn up by the Standing Orders Committee and to be adopted by conference at the beginning of its meeting.
- (l) The business of conference shall be confined to matters falling for consideration in pursuance of the objects of the union.
- (m) Voting at meetings of conference shall be by poll of delegates, normally by show of hands. All questions before conference shall be decided by the majority vote of the delegates present and voting, but at the request of ten delegates rising in their places immediately following the chair's announcement of the result of such a poll, a card vote shall be taken. In a card vote each branch represented at the conference shall be entitled to register votes equal to the number of fully paid-up members of the branch as at 31st December immediately preceding the conference, such membership to be certified by the General Secretary.
- (n) Minutes of all meetings of conference shall be kept by the General Secretary in a book provided for the purpose. Copies shall be circulated to branches.

41 Special conferences (excluding alterations to these rules)

- (a) Special conferences will be convened whenever the National Executive Committee shall appoint on receipt by the General Secretary of an instruction from annual conference or the National Executive Committee, or in any case within six weeks of receipt by the General Secretary of the written request of at least sixteen branches representing not less than 2,000 members across at least two divisions, and stating the motion or motions which it is desired to move.
- (b) The National Executive Committee shall, unless otherwise instructed by annual conference, determine the venue for a conference so called, taking the cost of the meeting into account, and shall inform all branches of its reasons for the choice of venue.
- (c) Special conferences shall comprise as detailed in rule 40 clauses (a), (b), (e) and (f).

- (d) Written notice convening a special conference shall state the precise business to be considered as specified by annual conference, the National Executive Committee or in the written demand from branches. No other matters shall be discussed at such a conference. Such notice shall be given to all branches not later than twenty-one days before the special conference meeting.
- (e) The quorum for special conference shall be as set in rule 40(g).
- (f) Voting at a special conference shall be in accordance with rule 40(m).
- (g) The proceedings of special conferences shall be regulated by standing orders drawn up by the Standing Orders Committee and to be adopted by the special conference at the beginning of its meeting.
- (h) Minutes of a special conference shall be kept by the General Secretary and copies circulated to all branches.

42 Standing Orders Committee

- (a) The delegates at annual conference shall elect a Standing Orders Committee of five members, provided that no member of the National Executive Committee or the Appeals Committee shall be eligible to serve on the committee. In the event of vacancies occurring within the committee, the National Executive Committee shall fill such vacancies in the first place from candidates from the Standing Orders Committee not elected at the conference at which elections to the committee were held, the first vacancy being filled by the unsuccessful candidate who obtained the highest number of votes, et seq.
- (b) The members of the Standing Orders Committee shall continue to hold office until the conclusion of the next annual conference, and shall officiate for the purposes of rules revision conferences.
- (c) The Standing Orders Committee shall be responsible to conference.
- (d) Nominations for appointment to the Standing Orders Committee will be requested from branches at the same time as they are requested to submit propositions. If insufficient nominations to the Standing Orders Committee are received by the final date for receipt of nominations, the Standing Orders Committee shall call for further nominations to the remaining vacancies from branches. The final date for receipt of nominations shall be extended until the time the president takes the chair at the beginning of proceedings of annual conference at which the vacancies arise. If the Standing Orders Committee is still in receipt of insufficient nominations to vacancies on the Standing Orders Committee, the Standing Orders Committee shall report such fact to conference in the standing orders committee's report to conference and the president shall immediately call for nominations to any remaining vacancies on the Standing Orders Committee from those delegates present.
- (e) The Standing Orders Committee shall be responsible for preparing and submitting to conference the agenda for the meeting and standing orders for regulation of the proceedings at the meeting. In discharge of this responsibility the committee shall prepare a schedule setting forth the final date for receiving propositions, amendments to propositions, and nominations for office and this schedule shall be communicated to branches on behalf of the committee not later than four calendar months in the case of annual conference and a rules revision conference, and not later than four weeks in the case of any other

meeting of conference, before the final date for receiving propositions. For annual conference the final date for receiving propositions shall be not later than fourteen weeks before the opening day of the conference.

- (f)
 - (i) The Standing Orders Committee shall be responsible for including in the agenda of annual conference the annual report and the financial report of the National Executive Committee.
 - (ii) The Standing Orders Committee shall also be responsible for including in the agenda of conference such other reports as the National Executive Committee or any other conference appointed committee shall deliver and such propositions as may be required to ensure compliance with statutes or these rules, and subject to (h) below propositions submitted by the National Executive Committee and branches.
 - (iii) The Standing Orders Committee may combine propositions and amendments of similar intention and shall set up machinery for this purpose, including a meeting before conference at which the movers of the propositions and amendments concerned shall be invited to withdraw their original propositions and amendments in favour of composite propositions and amendments.
 - (iv) In ordering the agenda, the Standing Orders Committee shall take account of the relative importance in its view attaching to the various reports and resolutions submitted to the conference, and shall set priorities for discussion of these accordingly.
- (g) The Standing Orders Committee shall have authority to reject propositions if
 - (i) the intention of the proposition is obscure;
 - (ii) the proposition is concerned with matters outside the objects of the union;
 - (iii) the proposition is already existing union policy;
 - (iv) the proposition is not addressed to conference.

All propositions rejected by the Standing Orders Committee shall be published to branches with detailed reasons for rejection.

- (h) The Standing Orders Committee, subject to the approval of conference, shall remit direct to the appropriate division, without discussion by conference, such propositions of a domestic character which in their view will be more advantageously dealt with by consideration and report from the division to the National Executive Committee.
- (i)
 - (i) The Standing Orders Committee shall reject all propositions and amendments received at head office after the final dates for receipt of propositions and amendments communicated on behalf of the committee to branches.
 - (ii) Notwithstanding the provisions of the foregoing section of this rule, the committee shall, at its discretion, admit to the agenda at any time up to the conclusion of the proceedings of annual conference propositions to

be known as emergency propositions, the matter of which arises in circumstances which could not be foreseen at the final date for receipt of propositions.

- (iii) The reference back of a report or part thereof of the National Executive Committee to annual conference shall be held to justify the inclusion by the Standing Orders Committee at its discretion of an emergency proposition on the same subject.
- (j) (i) The Standing Orders Committee shall be responsible for ensuring that the nominations for elections to be conducted at annual conference accord with these rules.
- (ii) The Standing Orders Committee shall reject nominations received at head office after the final date for receipt of nominations communicated on behalf of the committee to branches.
- (k) The chair of the Standing Orders Committee shall act as returning officer in all ballots conducted at conference with the exception of those results of National Executive Committee elections declared under rule 40(d) by the General Secretary.
- (l) The Standing Orders Committee shall appoint doorkeepers, who will examine the credentials of all delegates and authorised visitors and shall appoint tellers and scrutineers, subject to the approval of the conference.

43 Industrial action

- (a) The National Executive Committee shall seek to ensure that adequate machinery for the settlement of disputes through processes of negotiation, conciliation and where appropriate arbitration is set up by agreement with the employers or with a federation of employers.
- (b) Only the National Executive Committee shall be empowered to authorise industrial action that is in breach of any agreement referred to in clause (a) and to determine whether strike pay and/or other financial assistance shall be provided and if so how much.
- (c) Only the National Executive Committee shall be empowered to authorise industrial action affecting the members of more than one division or on matters deemed by the National Executive Committee to affect the general policy of the union.
- (d) A divisional committee shall be empowered to authorise industrial action on matters affecting only the members of the division providing that the general policy of the union is not affected and that no breach of a procedural agreement with the employer(s) is involved.
- (e) A subdivisional committee shall be empowered to authorise industrial action on matters affecting only the members of the subdivision providing that the general policy of the union or of the division is not affected and that no breach of a procedural agreement with the employer(s) is involved.
- (f) A branch which deals with and organises all the members employed by a single employer shall be empowered to authorise industrial action on matters affecting only those members providing that the general policy of the union is not

affected and that no breach of a procedural agreement with the employer is involved.

- (g) Divisional and subdivisional committees and branches involved in disputes which are likely to lead to requests for industrial action under these rules shall keep the General Secretary and the National Executive Committee informed of the progress of such disputes.
- (h) Area committees are not empowered to authorise industrial action.
- (i) Before industrial action in accordance with these rules is authorised a ballot will be conducted amongst those members required to take action. Industrial action may be taken only if a majority of the votes cast are in favour of doing so.
- (j) No member shall carry out duties normally carried out by members who have been instructed to limit or withdraw their labour in accordance with the provisions of this rule.
- (k) Members of the union who refuse to cross the official picket line of another TUC affiliated union in dispute at the same workplace shall be given the fullest support of the National Executive Committee and shall be accorded the fullest rights under rule.

44 Standing orders

- (a) Meetings of divisional conferences, divisional and subdivisional committees, areas and branches shall be conducted in accordance with standing orders endorsed by the National Executive Committee.
- (b) Standing orders shall include provisions for the calling of meetings, for defining their venues, for specifying their time of opening and time of closure and shall declare a quorum. They shall set out the order in which business shall be discussed and rules for the conduct of such business.
- (c) Standing orders may make provision for their own suspension on resolution of a defined majority, except that no standing order governing the numbers of a quorum shall be suspended.

45 Alteration of rules

- (a) Save as provided by rule 9, these rules shall be open to general alteration only at a general rules conference, of which there shall be one at intervals of three years commencing with 2005, but which can be increased to a maximum of five years with the prior agreement of annual conference, and then only after the procedure laid down in (c) or (d) of this rule has been followed.
- (b) Notwithstanding the foregoing, these rules may be altered at a special rules session convened in accordance with the provisions of rule 41 clause (a), (c), (d) and (e) in association with annual conference but only to consider such alterations to these rules as may be necessitated by changes in legislation or such matters that would be detrimental to the well-being of the union if postponed to the next scheduled general rules conference. The final arbiter on acceptance of a special rules session shall be annual conference.
- (c) Every proposed alteration of these rules shall be submitted by the National Executive Committee, or be proposed and seconded by two paid-up members

belonging to the same branch, and only after that branch has either approved such proposed alteration of these rules or specifically delegated to the branch committee the function of submitting proposed alterations of these rules, at a general meeting of members convened in accordance with these rules.

- (d) In the event of any branch, after due notice has been issued convening a meeting to deal with alterations and revision of these rules, being unable, for any reason, to obtain a quorum, it shall be competent for the branch committee to undertake the duties and functions in connection therewith and to elect its delegates to the conference. A report of such a meeting must be submitted to the National Executive Committee for information.
- (e) No alteration of these rules shall be valid unless two-thirds of the delegates present and voting at the conference, or in the case of a card vote two-thirds of the total votes cast, shall be in favour of such alteration. Nothing in this rule shall allow an emergency proposition for rule alteration to be made at any conference.
- (f) Every alteration to these rules shall take effect on the date set by the conference and shall not be set earlier than the last date of the conference taking the decision.
- (g) Within twelve weeks of the end of a rules revision conference or session (at which any changes in rules are made) members shall be issued with either a new rule book or pages to replace out-of-date pages in their existing rule book.

46 Dissolution

The union shall be dissolved only by a ballot of all members and a vote for that purpose in that ballot of not less than three quarters of the valid ballot papers returned. Such ballot shall also decide the method of disposal of the assets and the settlement of all liabilities.

APPENDIX A

Standing orders for disciplinary hearings

Notice of hearing

1. At least four weeks prior to the date of the disciplinary hearing, the member against whom an allegation has been made ("the appellant") shall be informed by the General Secretary in a letter sent by recorded delivery of the grounds of the allegation against him/her and of the date, time and place arranged for the hearing. The member shall be provided at the same time with a copy of the rules containing these standing orders.

Representatives

2. Both the appellant and the member making or prosecuting the complaint ("the complainant") shall be invited to attend the hearing. Each may be accompanied by a representative, who shall be a member or paid official of the union, to present his/her case.

Witnesses

3. Both the appellant and the complainant may call witnesses, particulars of whom shall be notified to the Disciplinary Committee at least one week in advance. Where necessary, the General Secretary shall inform witnesses of the arrangements for the hearing. During the course of the hearing, the Disciplinary Committee may at its discretion determine that some or all of the evidence of witnesses should not be heard, but only on the grounds that such evidence does not appear of relevance to the case.

Written evidence

4. Written evidence may be submitted provided it has been received by the General Secretary at least one week in advance for circulation in strict confidence to the Disciplinary Committee and both the appellant and complainant. The Disciplinary Committee may at its discretion determine that some or all of the written evidence should not be taken into account, but only on the grounds that such evidence does not appear of relevance to the case. The committee shall have the power to adjourn the hearing to endeavour to arrange for a person who has submitted written evidence to be called to give evidence in person.

Provision of evidence

5. Any other member able to give relevant evidence either in writing or in person to the committee shall do so upon request by either the appellant or the complainant, or at the request of the committee.

Apologies and postponement

6. If the appellant fails to attend the hearing without apology and without good reason, the case may be heard in his/her absence.
7. If an apology for absence is accepted by the committee, the hearing may be postponed to the next available date, and the appellant shall immediately be so informed by recorded delivery. No more than one postponement shall be

permitted and the hearing shall proceed with or without the appellant on the second date arranged, save where the Disciplinary Committee considers that exceptional circumstances justify further postponement.

Procedure

8. The procedure for the hearing shall be as follows:
- (a) Prior to the start of the hearing the Disciplinary Committee will meet to note and discuss any written evidence received and the particulars of any witnesses.
 - (b) The complainant or his/her representative shall present his/her case including any witnesses.
 - (c) The appellant or his/her representative shall be given the opportunity to ask questions of the complainant or his/her representative and of any witnesses called by him/her.
 - (d) The appellant or his/her representative shall present his/her case including any witnesses.
 - (e) The complainant or his/her representative shall be given the opportunity to ask questions of the appellant or his/her representative and of any witnesses called by him/her.
 - (f) The Disciplinary Committee may, during or after the giving of evidence, ask questions through the chair of any party. The chairperson shall rule out of order any contributions that do not in his/her opinion concern the allegation under discussion.
 - (g) The complainant or his/her representative shall be invited to sum up, using no new material.
 - (h) The appellant or his/her representative shall be invited to sum up, using no new material.
 - (i) All parties shall be informed that the committee's decision will be made known to them in writing, and they shall be asked to withdraw.
 - (j) The Disciplinary Committee shall decide on whether or not disciplinary action should be taken by the National Executive Committee against the appellant. If the committee decides that disciplinary action should be taken, it shall then decide also which of the penalties provided in rule 24(c) is appropriate. The chairperson shall rule out of order any introduction of new material and all contributions that do not concern the issue of disciplinary action.

Notification of decision

9. Notification of the Disciplinary Committee's decision will be sent to the appellant by recorded delivery as soon as possible. In the event that disciplinary action has been decided on, the appellant shall also be informed of his/her right to appeal to the Appeals Committee.

Communications

10. At each of the stages in this procedure involving letters sent by recorded delivery, it shall be understood that all reasonable efforts will be made to ensure that the member concerned has received and understood the communication. However, in the absence of evidence to the contrary, sending such letters in itself shall satisfy the requirements of the procedure.

APPENDIX B

Standing orders for hearings of appeals against decisions of the Disciplinary Committee

1. A member desiring to appeal to the Appeals Committee against a decision of the Disciplinary Committee to impose a penalty upon him/her shall give notice in writing to the General Secretary within fourteen days of the decision. Such notice shall state the grounds on which the proposed appeal is based.
2. Upon receipt of such notice, the General Secretary shall communicate it to the members of the Appeals Committee, who shall meet within twenty-eight days to hear the appeal.
3. The General Secretary shall give written notice to the appellant of the date fixed for the hearing no less than fourteen days in advance.
4. Before any appeal is disposed of the appellant, having given notice as aforesaid, shall be entitled to be heard in person by the Appeals Committee and to bring any witness before the Appeals Committee.
5. The Appeals Committee may hear any other person it may deem it desirable to hear in relation to the appeal, provided that in such a case the appellant shall be entitled to be present while the committee hears that person and to be heard by the committee thereafter.
6. The Appeals Committee shall pay full regard to and be guided by the rules, policies and agreements of the union in force at the relevant times.
7. The determination of the Appeals Committee shall be announced by its chairperson within fourteen days of the hearing, and shall be final and conclusive as to that appeal. The Appeals Committee shall communicate its decision in writing to the appellant by recorded delivery.
8. In making its determination, the Appeals Committee shall be entitled to amend, vary, quash or uphold the decision of the Disciplinary Committee against which the appeal has been made, and the determination of the Appeals Committee shall be acted upon by the National Executive Committee, General Secretary and all other persons concerned.

APPENDIX C

Standing orders for National Executive Committee meetings

Meetings of the National Executive Committee

1. The National Executive Committee of BECTU (hereinafter referred to as "the NEC") shall meet ordinarily at intervals of not more than six weeks, on dates that it shall determine. The General Secretary shall circulate notice of those dates to branches.
2. Emergency meetings of the NEC shall be convened within fourteen days of receipt by the General Secretary of a written request from at least ten members of the NEC.
3. The General Secretary shall have power to convene a meeting of the NEC when in his/her judgement the business of BECTU requires such a meeting. Such a meeting shall be notified to members of the NEC not less than twenty-four hours beforehand. If the business necessitates it the time limit stipulated in standing order 12 may be extended.

Subcommittees of the NEC

4. The NEC shall establish such subcommittees/working parties as it believes to be necessary, and shall determine their size, composition, frequency of meetings, terms of reference and standing orders.

Attendance upon the NEC

5. The General Secretary shall be ex-officio a member of the NEC, and shall be entitled to voice his/her opinion at meetings but not to vote. The Assistant General Secretaries shall be entitled to attend meetings of the NEC and to speak but not to vote. The General Secretary, in consultation with the President, shall determine on the basis of the agenda of each meeting of the NEC which paid officials should attend that meeting to give information during the discussion on specific matters. The NEC itself retains the right to determine which paid officials shall attend its meetings.

Minutes

6. The General Secretary shall ensure that a correct record is kept of the minutes of all meetings of the NEC, and shall supply to branches copies of the minutes of those meetings within fourteen days of the dates of the meetings.
7. The minutes should indicate a clear decision of the NEC on each item of business, and should offer a short summary of the information used by the NEC in reaching its decision. All motions made and seconded should be recorded.
8. The General Secretary shall place before the NEC all correspondence necessary for the proper management, administration and control of the union under the rules. The General Secretary shall place before the NEC all correspondence marked "for the attention of the NEC".

Chairperson

9. The president, if present, shall take the chair at meetings of the NEC. In his/her absence, the vice-president shall take the chair. In the absence of both the president and vice-president, the treasurer shall take the chair. In the absence of all the forementioned, the chair shall be taken by a member of the NEC elected for that purpose.

Quorum

10. A quorum of the NEC shall be not less than half its elected membership. If within thirty minutes of the time appointed for the meeting to commence a quorum is not present, the meeting shall be dissolved.

Agenda

11. The formulation of the agenda for meetings of the NEC shall be the responsibility of the General Secretary. The agenda shall be circulated to members of the NEC at least seven days in advance of each meeting. Recommendations specifically and properly made to the NEC in the minutes of NEC subcommittee meetings or in the minutes of divisional and area committee meetings shall automatically be included in the agenda. The agenda shall also include other items notified in advance of meetings to the General Secretary by members of the NEC as a notice of motion. Notices of motion must be received by the General Secretary not later than the first post on the working day prior to the meeting. Whatever the subject matter, a notice of motion duly served shall not be refused by the chairperson and shall not be challenged. Urgent matters not previously notified shall be admitted only if the NEC votes in favour of so doing.
12. The agenda shall state the venue and the times for beginning and ending the meeting. An extension of time of up to half an hour may be moved.
13. The agenda shall include:
 - (a) the roll call by the chairperson;
 - (b) the submission of unconfirmed minutes, which unless challenged shall be taken as read and, after the meeting has agreed their accuracy, signed by the chairperson as a correct record. The members of the NEC shall then, and only then, be at liberty to ask any questions arising from them;
 - (c) the adoption of the agenda, which shall be moved formally by the chairperson.

Conduct of business

14. Discussion shall be confined to those matters which have been included as specific items in the adopted agenda, each item being discussed in the order in which it appears in the agenda.
15. All remarks shall be addressed to the chair. During a speech other members shall intervene only on a point of order.

16. The ruling of the chairperson on any question under the standing orders, or on points of order, shall be final unless challenged as provided in standing order 17.
17. The ruling of the chairperson may be challenged by a motion to that effect, seconded, and put to the vote of the meeting immediately and without discussion. If the motion is carried by a vote taken on a show of hands, the chairperson shall revise his/her ruling.
18. Any member of the NEC violating these standing orders, using personal abuse, or refusing to obey the chair, shall be called to order by the chairperson. If he/she refuses to be called to order, the chairperson may direct that he/she withdraw from the meeting and be readmitted only after an adequate apology has been tendered.
19. On defiance of the authority of the chair, or on occasion of disorder or disturbance, the chairperson may quit the chair and declare the meeting temporarily adjourned until some stated time. After such declaration, and until the meeting is resumed in accordance with the chairperson's announcement, no business transacted shall be valid.

Procedure

20. Decisions at meetings of the NEC shall normally be taken by a show of hands of the elected members. In the event of an equality of votes, the chairperson shall cast a deciding vote. The chairperson shall vote only upon such occasions, but all other voting members of the NEC shall vote either for or against any motion.
21. Only one motion or amendment shall be before the meeting at any one time. At the request of the chairperson a motion shall be submitted in writing.
22. To every motion any number of amendments may be proposed. When an amendment has been moved, members may speak on that amendment. Upon amendments being carried, the original motion as amended shall be put as the substantive motion. All motions and amendments must be proposed and seconded.
23. Before it is put to the meeting, the mover of the substantive motion shall have the right to reply to the debate. In the absence of the mover, the chairperson may, if he/she so decides, move the motion formally.
24. Any member of the NEC who has not spoken on the agenda item before the meeting may move "that the question be now put", on the seconding of which the chairperson shall put that motion to the vote without discussion. In the event of its being carried the NEC shall proceed to vote on the item, there remaining the right of reply as provided in standing order 23.
25. Any of these standing orders dealing with the conduct of business and procedure (standing orders 12 and 14-24) may be suspended on a motion naming the order to be suspended and giving a specific reason for its suspension, provided such motion is seconded and carried by a two-thirds majority of those voting members present. Where standing order 12 is suspended, the suspension shall not exceed thirty minutes. This standing order, and standing orders 1-11, 13, and 26-28 shall not be suspended.

General

26. No unauthorised electronic or mechanical recording of the proceedings of NEC meetings shall be made.
27. All members of the NEC are bound by collective responsibility for decisions taken by the NEC.
28. The business and the proceedings of the NEC shall conform at all times with the rules of the Broadcasting Entertainment Cinematograph and Theatre Union.

APPENDIX D

Divisional by-laws

Terms of reference

1. Divisional committees shall provide machinery to deal, subject to the authority of the National Executive Committee, with the matters set out in rule 31(c).
2. Subject to the approval of the National Executive Committee, a division may be broken down into subdivisions. A subdivisional committee shall deal only with matters affecting members of the subdivision. Matters affecting members of more than one subdivision shall be dealt with by the divisional committee.
3. For the purposes of paragraphs 1 and 2 above each committee, where appropriate, shall establish, subject to the approval of the National Executive Committee, machinery for negotiation and consultation with the employer(s).
4. Divisional committees, subdivisional committees and branch committees, in accordance with the appropriate procedural arrangements between the employer(s) and the union, may put into dispute matters arising out of paragraph 1 above. The powers of these bodies to authorise industrial action is set out in rule 43.
5. Divisional committees and where appropriate subdivisional committees shall deal with matters delegated to them, and consider matters referred to them for advice, by the National Executive Committee or any of its subcommittees or head office.
6. Divisional and subdivisional committees shall seek actively to recruit members in the categories organised by them and to publicise their activities.
7. BECTU's organisation, general publicity, general relations with the employers' or other organisations, general union policy and matters affecting members in more than one division are dealt with by the National Executive Committee. Any collective views that a divisional committee has on these matters shall be referred to the National Executive Committee. Subdivisions and individual branches retain the right to make their views on such matters known to the National Executive Committee.

Frequency and composition

8. (a) Divisional and subdivisional committees shall be composed of representatives drawn from the division or subdivision which they organise. The composition of the committees and the arrangements for their appointment shall be determined by the divisions themselves subject to the agreement of the National Executive Committee and to endorsement by annual conference. Those arrangements shall provide that no representative shall have the right to vote who has not been elected or re-elected by the respective branch within the preceding two years. Branches shall elect their representatives at a meeting duly convened under rule 28(a)(v), but in the event of a branch, after notice of such a meeting has been issued, being unable for any reason to obtain a quorum, it shall be competent for the branch committee to make the election.

- (b) Members of the National Executive Committee shall be entitled to attend meetings of their respective divisional committees, if they are not elected members of those committees, and shall have the right to speak but not to vote.
9. Divisional and subdivisional committees shall meet according to a calendar agreed by the National Executive Committee and endorsed by annual conference. The calendar shall provide for at least four meetings of each committee a year. Emergency meetings may be convened in accordance with the committee standing orders, subject to the agreement of the National Executive Committee.
10. Subject to the approval of the National Executive Committee, the General Secretary shall make arrangements for the servicing of divisional committees and, where practicable, subdivisional committees by a paid official.
11. Each committee shall have a chair, a vice-chair and a secretary. Such officers shall be elected by the committee at its first meeting after the provisions of by-law 8 have been completed. The chair for the year shall be replaced by an additional representative from the constituency of membership from which he/she was drawn. If the committee so chooses, the election of the chair may be conducted by post once the provisions of by-law 8 shall have been satisfied. Where a paid official has been allocated to a committee he/she may be elected to act as the secretary of the committee.
12. Subject to the approval of the National Executive Committee, a divisional committee may appoint subcommittees to deal with or make recommendations to it on particular matters.

Conduct of business

13. Business shall be conducted in accordance with standing orders drawn up by the committee, subject to approval by the National Executive Committee.
14. No unauthorised mechanical recording of the proceedings of the committee may be made.
15. The business and the proceedings of the committee shall conform with the union's rules at all times.

APPENDIX E

Rules for political fund

1. The objects of the Broadcasting Entertainment Cinematograph and Theatre Union shall include the furtherance of the political objects to which section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies; that is to say:

the expenditure of money --

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

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

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

In these objects --

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

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

“electors” means electors at any election to a political office;

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

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

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

2. Any payments in the furtherance of such political objects shall be made out of a separate fund of the union (hereinafter called the political fund).
3. As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the union, the National Executive Committee shall ensure that a notice in the following form is given to all members of the union in accordance with this rule:

Trade Union and Labour Relations
(Consolidation) Act 1992

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the union, but every member of the union has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from, the head office or any branch office of the union or from the Certification Officer for Trade Unions and Employers' Associations, Brandon House, 180 Borough High Street, London SE1 1LW.

This form, when filled in, or a written request in a form to the like effect, should be handed or sent to the secretary of the branch to which the member belongs.

The notice shall be published to members by such methods as are customarily used by the union to publish notices of importance to members and shall include the following minimum requirements. The notice shall be published in the union's main periodical journal which is circulated to members. A copy of the notice shall be posted up and kept posted up for at least 12 months in a conspicuous place, accessible to members, at the office or meeting place of each branch of the union. The secretary of each branch shall also take steps to secure that every member of the branch, so far as is reasonably practicable, receives a copy of the notice, and shall supply a copy to any member on request. The National Executive Committee shall provide the secretary of each branch with a number of copies of the notice sufficient for these purposes.

The notice shall not be given to members of the union who are overseas members for the purposes of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).

4. Any member of the union may at any time give notice on the form of exemption notice specified in Rule 5, or by a written request in a form to the like effect, that he/she objects to contribute to the political fund. A form of exemption notice may be obtained by, or on behalf of, any member either by application at, or by post from, the head office or any branch office of the union, or from the Certification Officer for Trade Unions and Employers' Associations, Brandon House, 180 Borough High Street, London SE1 1LW.
5. The form of the exemption notice shall be as follows:

Broadcasting Entertainment Cinematograph and Theatre Union
POLITICAL FUND (EXEMPTION NOTICE)

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

Name in BLOCK LETTERS
Signature
Name of Branch
Home Address
..... Postcode
Date

- 6. Any member may obtain exemption by sending such notice to the secretary of the branch to which the member belongs and, on receiving it, the secretary shall send an acknowledgement of its receipt to the member at the address in the notice, and shall inform the General Secretary of the name and address of that member.
- 7. On giving such notice, a member shall be exempt, so long as his/her notice is not withdrawn, from contributing to the political fund of the union as from either (a) the first day of January next after the notice is given, or, (b) in the case of a notice given within one month after the notice given to members under Rule 3 or after the date on which a new member admitted to the union is supplied with a copy of these rules under Rule 13 hereof, as from the date on which the member's notice is given.
- 8. The National Executive Committee shall give effect to the exemption of members to contribute to the political fund of the union by relieving any members who are exempt from the payment of part of any periodical contributions required from the members of the union towards the expenses of the union as hereinafter provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment.

For the purpose of enabling each member of the union to know as respects any such periodical contribution what portion, if any, of the sum payable by him/her is a contribution to the political fund of the union, it is hereby provided that 3p of each weekly, or 13p of each monthly, contribution is a contribution to the political fund, and that any member who is exempt shall be relieved from the payment of the said sum of 3p or 13p and shall pay the remainder of such contribution only.
- 9. A member who is exempt from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the union (except in relation to the control or management of the political fund of the union) by reason of his/her being so exempt.
- 10. Contribution to the political fund of the union shall not be made a condition for admission to the union.
- 11. If any member alleges that he/she is aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to section 82 of

the Act, he/she may complain to the Certification Officer and the Certification Officer, after giving the complainant and any representative of the union an opportunity of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the Act, be enforced in the manner provided for in section 82(4) of the Act.

12. Any member may withdraw his/her notice of exemption on notifying his/her desire to that effect to the secretary of his/her branch, who shall on receiving it send the member an acknowledgement of receipt of the notification and inform the General Secretary of the name and address of that member.
13. The National Executive Committee shall ensure that a copy of these rules is available, free of charge, to any member of the union who requests a copy.
14. The National Executive Committee shall also send to the secretary of each branch sufficient copies of these rules for distribution to each member.
15. The secretary of each branch shall, so far as possible, secure that each member of that branch receives a copy of the rules.
16. The secretary of each branch shall supply a copy of these rules free of charge to each member who requests a copy.
17. A copy of the rules shall also be supplied by the secretary of each branch to every new member on his/her admission to the union.