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cc JR

B/R with notes
note from D'Emp & PU advice

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PRIME MINISTER

REVISION OF THE NUM RULE BOOK

Peter Walker minuted you on April 26 about what is in effect a new rule book being proposed by the NUM leadership for adoption at conference in July. It is clear that the proposed changes have been designed with the union's experiences in the strike very much in mind and with the aim of protecting the union from at least some of the sort of actions brought by NUM members themselves during the strike.

In particular, the objective of a new complex complaints procedure is clearly to seek to deny members access to the courts. It would be possible to counter this change by prohibiting in legislation any purported restrictions on the right of individual members to seek a remedy from the courts.

The other principal effect of the changes would be a far greater degree of centralisation which would totally undermine the traditionally federated nature of the union. It is of course these amendments which some of the individual areas are likely to oppose most strongly and on which the changes to the rules might be defeated.

The proposals to indemnify officials, members of the executive and even conference delegates, for actions contrary to the

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rules or possibly to the law are extremely sinister. Some applications of such rules would almost certainly be found unacceptable on grounds of public policy if tested in the courts, for example if they were judged to encourage future criminal acts or sustain a contempt of court. It would however be possible to legislate to impose limitations on indemnities so that for example indemnity could not be given for criminal acts or contempt of court.

Another significant change is the proposal to remove the present right of members and their advisers to inspect the books and accounts of the union and the records of membership. If adopted, only members would have a right of access and then only to inspect the latest audited accounts. Until 1974 all union members had a statutory right to inspect the accounting records (not just the certified accounts) of their union at reasonable times with, if necessary, the assistance of professional advisers and this clearly could be restored to the statute book.

Two other interesting proposals tacitly recognise the existence of our legislation. The new rules include the requirement for the setting up of registers of members and more importantly also confirm Scargill's determination now to seek to avoid the requirement for re-election by relinquishing his casting vote on the executive. Since he himself made

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clear in campaigning for the office that he believed a president should be elected every 5 years, this is clearly an issue on which we shall have considerable ammunition and on which his own personal position will look least attractive.

We need to decide how we should respond if these changes are carried in July, and also whether we wish to pursue other changes as a result of the lessons we have ourselves learned during the strike. There are a number of points I shall want to discuss with colleagues including the issue of the timing of announcements of any possible proposals, and I shall be writing more fully when I have concluded my considerations.

I am copying this minute to members of the Cabinet and to Sir Robert Armstrong.

A handwritten signature in blue ink, appearing to be "J. K.", written over a faint circular stamp.

TK

10. May 1985

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NAT IND Coal: Pt 17.

170 MAY 1985

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SECRET AND PERSONAL

Prime Minister (2)

We are still awaiting
the King's assessment

cc/R
cc/81

HOUSE OF LORDS,
SW1A 0PW

8/5

8 May 1985

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Dear Peter:

REVISION OF THE NUM RULE BOOK

Your minute to the Prime Minister of 26th April 1985 and your Departmental assessment of these proposed changes shows the lengths to which Scargill and the National Executive Committee find themselves obliged to go to impose their will on their membership following the success of the judicial enforcement process as it applied during the recent industrial dispute.

Section 1 of the Trade Union and Labour Relations (Amendment) Act 1976 (which repealed section 6 of the Trade Union and Labour Relations Act 1974) removed express statutory control over the form of trade union rules and the procedures required to change them but it did not take such matters outside the general law of contract which is the essence of the rules governing any unincorporated body. Seen in that way -

(a) a rule intended "to indemnify National Executive Committee members against consequences of any actions, whether legal or not, done in the name of the union" would be void on grounds of illegality: it would not authorise any such payments by way of indemnity if it were to be adopted;

(b) a rule seeking to "avoid the consequences of a number of court rulings obtained by working miners during the recent industrial action, upholding the rights of individual members e.g. to inspect the accounts"

The Right Honourable
Peter Walker, M.B.E., M.P.,
Secretary of State for Energy.

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SECRET AND PERSONAL

of the union with professional advisers" shows itself as a blatant attempt to frustrate the due process of the law: it bears the hallmarks of being void on grounds of public policy; but

- (c) the proposed object to seek "the complete abolition of capitalism" goes far outside its trade and is more specific but it seems no wider than the objects considered by the courts in Sherard v. Amalgamated Union of Engineering Workers [1973] I.C.R. 421 where the objects of the defendant union (which operated many closed shops) included "the furtherance of political objects of any kind". Phillips, J. was upheld in the Court of Appeal (Lord Denning M.R. and Roskill, L.J.) on the grounds that such objects are wide enough to include political objects including the calling of a strike in support of those objects. (The courts on this point had no cause to take the provisions of the Industrial Relations Act 1971 into consideration.)

As we have no direct Ministerial power to intervene I think it may be best to leave decisions on these matters at this stage to the members (and the internal stresses) of the union. If such changes are made to the rules then circumstances may well give rise to the possibility of proceedings by the Attorney-General to restrain a threatened illegality.

I am copying this letter to the Prime Minister and to other Cabinet colleagues.

Yrs:


NAT. IND : Coal : PE 17.

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cc JR.
A

PRIME MINISTER

REVISION OF THE NUM RULE BOOK

As you know, the NUM leadership has proposed radical changes to the existing Rule Book. I attach a preliminary assessment of the proposed changes which has been carried out in my Department.

If implemented these would strike a mortal blow to union democracy by concentrating power in the hands of Scargill and the NEC, and drastically reducing the right of ordinary members to influence or challenge major decisions. They also, more explicitly than ever before, set as one of the union's strategic aims the complete abolition of capitalism, and indeed the entire document reflects all the predictable aspirations of the extreme left-wing.

Tom King's Department is also reviewing the new document, with particular reference to its implications for our industrial relations legislation. No doubt he will let you and others know of additional points he would wish to draw to our attention.

Issue will
be decided
at July
conference

You may wish to discuss the issues raised by this document, particularly the need to ensure that the country and the NUM moderates are fully alerted to its dangers.

I am copying this minute to Cabinet colleagues.



SECRETARY OF STATE FOR ENERGY

26 April 1985



REVISION OF NUM RULEBOOK

Summary

- The NUM rulebook revision does not simply amend the existing rules, it deletes them in totality and seeks to put in their place a rulebook designed to replace a federal union balancing powers between the areas and the centre by a centralised one controlled by its National Executive Committee (NEC) and Conference.
- In particular the new rulebook seeks to:
 - enable the NEC to call industrial actions short of a full national strike without a ballot;
 - circumscribe the powers of areas and change the rules regarding numbers of delegates to the NEC in a way designed to reduce representation from moderate areas;
 - further reinforce rule 51 introduced last summer to enable disciplining of members and areas who do not follow instructions from the centre;
 - indemnify the NEC members against consequences of any actions, whether legal or not, done in the name of the union;
 - reinforce the position of Mr Scargill as President and enable him to avoid a need for re-election under the Trade Union Act 1984;
 - avoid the consequences of a number of court rulings obtained by working miners during the recent industrial action, upholding the rights of individual members eg to inspect the accounts of the union with professional advisers .



- The political aims of the draughtsmen of the new rules are overt in new rule 4.0 which extends and reinforces the old rules 3(r) and 3(s) and gives, as one of the powers of the union:-

"To seek and secure the establishment of common ownership and control by the workers of their industries and of the means of production, distribution and exchange generally, with a view to the complete abolition of capitalism."

- The attempt to introduce these new rules will aggravate Divisions within the union. The leaders of the Nottinghamshire miners are reported to have said already that Nottinghamshire will break away if the new rulebook is adopted as drafted. Some militant areas with a long tradition of independence (such as South Wales) may also find the centralisation of powers difficult to accept. The introduction of an extremely short deadline for receipt of proposed amendments (by 26 April) can only be designed to ensure that such areas are faced with the new rulebook on a 'take it or leave it' basis before they have time to properly consider.

Background

1. So extensive are the changes that no simple comparison between the proposed and existing NUM rulebook is possible. The new rulebook has been written so as to make the objects and powers as wide as possible, thereby minimising the risk of successful challenge through the courts that any action was ultra vires. (Rules 3 and 4).

2. The concentration of new powers on the centre is extensive. For example:

- members are allocated to areas by the NEC, who may reallocate them at any time (Rule 5D (i)).
- The union (Conference/NEC) may oblige all members to pay any contributions, fines and special levies which they determine, (Rule 6A) and any member who following request, fails to pay for 13 weeks, ceases to be a member (Rule 6E).



- Every member shall comply with the rules, policy and objects of the union and with all directions thereunder. (Rule 5).
- The decisions of the NEC upon all matters of business which it transacts, shall be binding (subject to right of appeal to Conference) (Rule M).
- Conference shall have the power to create, dissolve, merge, combine or amalgamate areas and the NEC shall prescribe the rules of any new areas so created (Rule 17B).
- Each area, its officials and committees, shall comply with the rules of the union (Rule 17F).
- All Area Executive Committees, area officials/agents, branch committees and branch officers, shall be subject in all respects to the authority of the union and shall comply at all times with the directions of the NEC and Conference (Rule 18A).
- Even in matters of a purely area character, no area shall have power to complete negotiations or enter into agreements without the approval of, or under powers delegated by, the NEC (Rule 18C).
- The NEC shall have the power to call industrial action by any group of members whether in one, or part of one, or more than one, area (Rule 26C).
- On any question as to the application of the rules (including area rules) or a conflict between area rules and National rules, the ruling of the National President shall be binding (subject to appeal by the NEC and thence to Conference), (Rule 27C).
- The National Disciplinary Committee has extensive powers including expulsion of individuals, branches and areas where it decides that a member has been guilty of any of a wide range of offences, including having done (including omission) any act judged detrimental to the union. (Rule 30).

3. Equally wide ranging are the indemnities given to those who act on behalf of the union:-

- Every delegate to Conference shall be entitled to be indemnified by the union in respect of any act done as such a delegate by his or her participation in Conference, whether in accordance with the rules or otherwise, so long as such act was done with prior or subsequent consent of Conference. Act includes failure to act. (Rule 8H).



- Every member of the NEC indemnified for every act (including failure to act) whether in accordance with rules or otherwise, so long as the act was done with prior or subsequent consent of Conference or the NEC (Rule 9G).
- Every National Official indemnified in respect of every act done so long as that act was not contrary to the policy of Conference or the NEC (Rule 16).
- Every area official/agent indemnified so long as the act was done with prior or subsequent consent of the Area Council, any national official, the NEC or Conference (Rule 19C).

4. The rules broaden possible membership beyond the coal industry, and introduce the new categories of Associate Member and Honorary Member.

- The union shall be composed of workers employed in the coal mining industry and ancillary industries and such other industries and other undertakings as Conference shall from time to time determine. (Rule 2).
- The associated members shall be all those persons who, in the opinion of the NEC, are suitable (Rule 5B).
- The honorary members shall be all those persons who, in the opinion of the NEC, are suitable (Rule 5C).

5. The make-up of the NEC is changed by Rule 9B, which will have the effect of eliminating representation from Cumbria, and shortly from North Wales. One curiosity is that the rule does not say how many representatives shall come from an area with over 40,000 members, ie Yorkshire. It could be that the NEC propose to split Yorkshire into two areas, thereby increasing their representation on the NEC to 4.

6. Mr Scargill was elected National President in 1981. The new rules seek to protect his position both in relation to the need for re-election under the Trade Union Act 1984, and more generally.

- The president shall have no vote in any capacity (Rule 11).
- All full-time national officials elected on or after August 1983 shall serve for 5 years, but those elected before then hold office in accordance with the rules in force at the time of their election (Rule 14B).
- National officials can only be removed or suspended following a special procedure involving a 2/3rd NEC majority plus a 2/3rd area vote at a special conference, plus a 2/3rds member ballot vote (Rule 15A).



- No alteration shall be made to those parts of the new rules regarding the treatment of full-time officials elected before 1 August 1 August 1983 (Rule 27B).

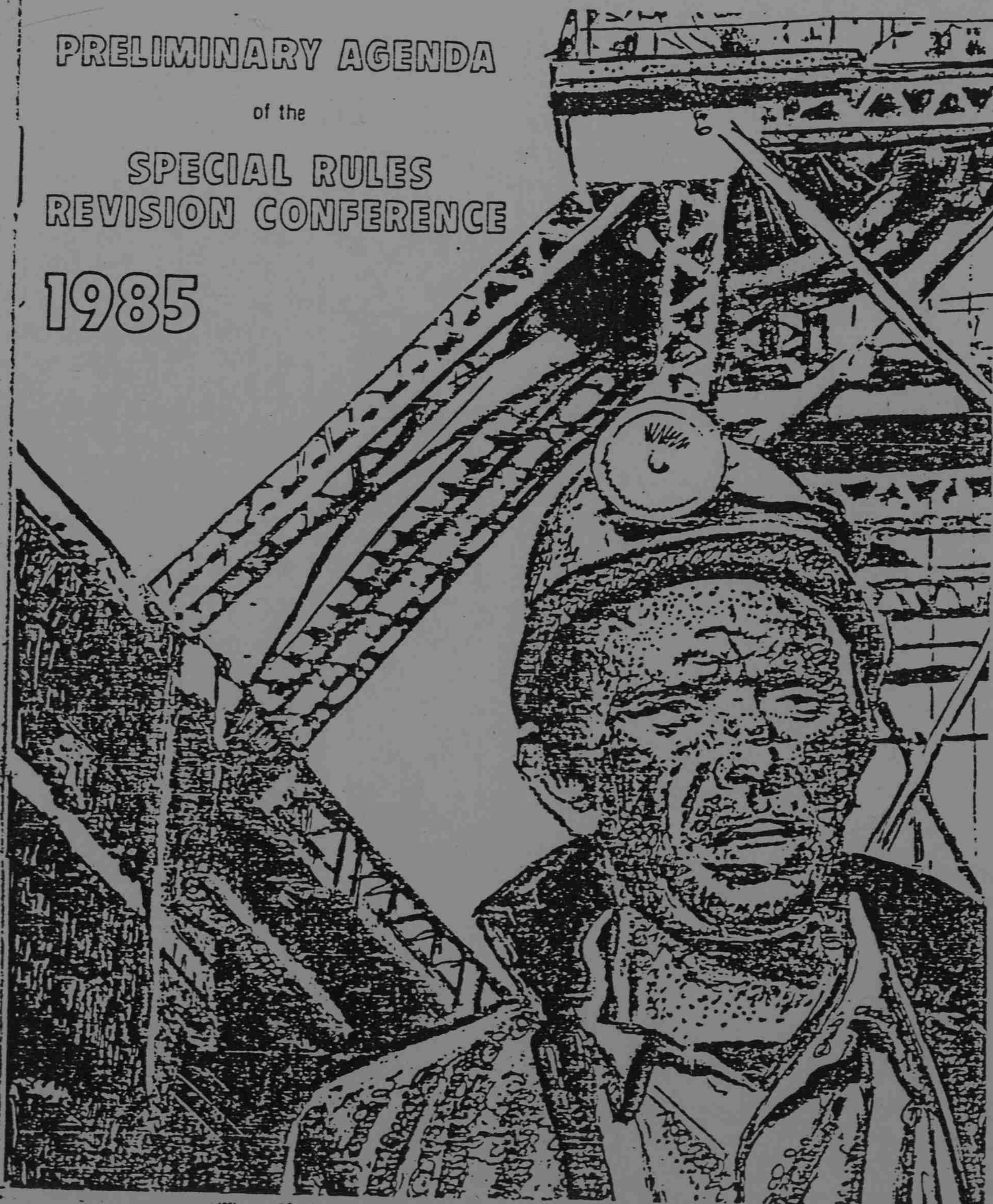
7. Finally, the new rules introduce a highly complex grievance procedure (Rule 29), involving 8 stages and designed to ensure that aggrieved members cannot appeal to the courts.

22 April 1985



National Union of Mineworkers

PRELIMINARY AGENDA
of the
**SPECIAL RULES
REVISION CONFERENCE**
1985



NATIONAL UNION OF MINeworkERS

PRELIMINARY AGENDA

OF THE

SPECIAL RULES

REVISION CONFERENCE

1985

to be held in

**The Ballroom
City Hall
Sheffield**

Commencing at the conclusion of the Annual Conference July 1985

SPECIAL CONFERENCE ARRANGEMENTS

Conference will commence at the conclusion of the Annual Conference for the purpose of Rules Revision at which the revised Rules, Model Rules and Standing Orders submitted by the National Executive Committee together with amendments thereto submitted by Areas will be considered and voted upon.

NOTE. Closing date for receipt of amendments is 26th April, 1985.

RULES REVISION

DELETE ALL EXISTING RULES, MODEL RULES FOR AREAS AND
STANDING ORDERS AND INSERT REVISED RULES, MODEL RULES AND
STANDING ORDERS AS FOLLOWS:

RULES OF THE NATIONAL UNION OF MINeworkERS

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1. **NAME**
The Union shall be called "National Union of Mineworkers" and is in these Rules referred to as "The Union" and its office shall be at St. James' House, Vicar Lane, Sheffield.
2. **CONSTITUTION**
The Union shall be composed of workers employed in the coalmining industry and ancillary undertakings and such other industries and undertakings as Conference shall from time to time determine.

3. OBJECTS

The objects of the Union shall be:

- 3.A To act as a Trade Union.
- 3.B To secure the complete organisation in the Union of all workers in or connected with the coalmining industry of the British Isles and all the industries and undertakings in which the Union has members or such sections of them as Conference may from time to time determine.
- 3.C To advance and protect the interests of members.

4. POWERS

The powers of the Union shall be all those that are necessary to pursue and implement the objects, and the specific powers following do not derogate from or limit the generality of this power:

- 4.A To negotiate and settle either nationally or locally (as may be necessary or expedient) all issues or disputes arising between members and employers or other bodies.
- 4.B To provide for members victimisation benefit, trade dispute benefit, legal assistance (including the payment of fines, costs and expenses), pensions and any other benefits or payments as may be determined in accordance with the Rules and policy of the Union.
- 4.C To promote legislation in the interests of members and oppose legislation contrary to the interests of members.
- 4.D To act as an association, organisation or intermediary for the purposes of any Conciliation Schemes for the coalmining industry of Great Britain and ancillary undertakings, and other industries or undertakings where the union has members.
- 4.E To employ or appoint or organise the appointment of persons, whether members or not, or make inspections or representations on the workers' behalf under the Mines and Quarries Act 1954 or any other Act of Parliament or statutory instrument or code of practice or under any collective agreement.
- 4.F To represent members of the Union and the interests of those industries and undertakings in which members are employed before and present evidence and information to Government, Parliamentary, Municipal, Local Government, Official and other Commissions, Committees and bodies of enquiry or investigation or Authorities.
- 4.G To assist members and their dependants in obtaining compensation for injury, ill-health, disabilities or death arising out of or connected with the members' employment and to contest or support financially or otherwise the contest of any legal question affecting the interest of members or their dependants or the industries or undertakings in which members are employed.
- 4.H To raise funds by contributions, levies, donations or otherwise.
- 4.I To establish and maintain a Political Fund in accordance with the Trade Union Act 1913, and any amendment thereof, and to apply such fund (and any other funds that may be legally applied thereto under the Statutes for the time being in force) for the furtherance in the interest of the members or industries or undertakings in which members are employed of any political object within the meaning of the Trade Union Act 1913.
- 4.J To federate, amalgamate, merge with or take over other Trade Unions.
- 4.K To assist financially or otherwise, join, affiliate to or co-operate with bodies, Constituent Associations, trade unions and individuals whether within the United Kingdom or abroad.
- 4.L To engage in or support educational works.
- 4.M To enter into, or participate in, the business of producing a journal or other publications, including film, television, video, books, records and tapes and mechanical recordings, the main purpose whereof is to further or promote the interests of the Union and the members thereof, whether solely or as a part of the interests of workers generally.
- 4.N To establish superannuation and pensions schemes for the benefit of the members, Officials and/or employees of the union and/or some of them (including

fin
costs
expenses

former members, Officials and employees) and/or their dependants, and/or to make grants and/or loans to and/or to establish trusts for the same and/or to provide housing for Officials and their families to continue in their retirement.

- 4.O To seek and secure the establishment of common ownership and control by the workers of their industries and of the means of production, distribution and exchange generally, with a view to the complete abolition of capitalism.
- 4.P To promote the passing of legislation to establish guaranteed levels of income for the members whether or not in employment.
- 4.Q To negotiate a National Wages Agreement covering the whole of the British Coalfields.

5. MEMBERSHIP

It shall be the duty of every member to comply with the Rules, policy and objects of the Union and with all directions thereunder.

5.A Full Membership

The following categories of persons are eligible for full membership of the Union and in these Rules the expression "member" means a full member unless otherwise stated:

- (i) All persons employed in the coal mining industry of Great Britain and its ancillary undertakings.
- (ii) All persons employed in those sections of Energy Industries and undertakings specified by Conference.
- (iii) All persons employed in such other industries and undertakings (or sections thereof) specified by Conference.
- (iv) All persons employed by the Union including full-time National or Area Officials/Agents.
- (v) All members who become Members of Parliament or of the European Parliament.
- (vi) With the express permission of the NEC, all members formerly employed in any of the above categories and who are temporarily engaged in undertakings or institutions in which the Union does not organise and who continue to pay full contributions.

5.B Associate Membership

The associate members shall be all those persons who in the opinion of the NEC are suitable to be associate members and who are admitted to associate membership by the NEC. The NEC shall be entitled to terminate at its absolute discretion the membership of the associate members at any time without giving reasons therefor. The NEC shall determine the categories and qualifications of persons who shall be eligible for consideration as associate members.

5.C Honorary Membership

The honorary members shall be all those persons who in the opinion of the NEC are suitable to be honorary members and who are admitted to honorary membership by the NEC. The NEC may terminate in its absolute discretion the membership of any honorary member at any time without assigning any reason therefor.

5.D Membership in Areas

- (i) Every member of the Union shall be allocated by the NEC to an appropriate Area and any member may be reallocated by the NEC at any time from one Area to another.
- (ii) No person shall be a member of an Area who is not a member of the Union.
- (iii) Where in consequence of changes in conditions of employment or otherwise the Union ceases to be solely or principally responsible for collective bargaining in respect of any member or members, or where a trade union other than the Union is recognised by the Union as the trade union entitled to represent such member or members, the NEC shall have power to terminate the membership of such member or members and shall have the power to direct the Area to which such member or members belong to terminate the membership of such member or members.

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5.E Eligibility

- (i) A person ceasing to fulfil the qualifications for his or her category of membership shall cease to be a member unless given dispensation by the NEC.
- (ii) An associate member shall not be eligible to vote, receive benefit, attend meetings (except by specific invitation) nor hold any office in the Union.
- (iii) A honorary member shall not be eligible to vote, receive benefit or hold office other than as a Trustee in the Union.

6. CONTRIBUTION AND LEVIES

- 6.A All members of the Union shall be obliged to pay or otherwise cause to be paid (by deductions from wages or otherwise) such contributions, fines and special levies as may be from time to time determined by the Union. A member shall be deemed to a "financial member" of the Union entitled to all the rights and benefits provided for his or her category of membership under the Rules, whilst that member is in membership and not in arrears of payment as provided below.
- 6.B Except where exemption has been otherwise granted by the NEC or Conference, a member shall cease to be a financial member when the extent of the member's arrears is the equivalent of eight weeks' contributions. Any such unfinancial member shall thereupon cease to be entitled to the rights and benefits of membership until the whole of the arrears are paid and for a period of four weeks after the date of payment of all such arrears.
- 6.C "Arrears" shall include contributions, fines and such special levies as may from time to time be determined under the Rules.
- 6.D Except where exemption has been otherwise granted by the NEC or Conference any member who is in arrear but is not an unfinancial member and who claims and is entitled to be paid a financial benefit from the Union shall have the amount of the arrears deducted from any such financial benefit payable to the member or, in the event of the member's death, to the member's estate.
- 6.E Any member who is unfinancial and who after request fails to pay such arrears for a period of 13 weeks shall cease to be a member.
- 6.F Any person formerly a member who has ceased membership under this rule shall only be readmitted to membership upon payment of a fee not to exceed the arrears. Any member paying such a fee shall not be entitled to the rights and benefits of membership for a period of four weeks after the date of payment of the fee.
- 6.G A member on strike or locked out shall be exempted from payment of contributions and special levies in respect of any period during which the member was on strike or locked out and in respect of which he/she received no wages. For the avoidance of doubt this rule shall apply to strikes and lock-outs occurring before the passing of this rule as well as later.
- 6.H An associate member shall be exempted from paying special levies. An associate member shall be exempted from payment of all contributions other than those contributions determined by the NEC as being the contributions payable by the category of associate membership into which he or she falls.
- 6.I An honorary member shall be exempt from paying all contributions and special levies.
- 6.J The contributions to be paid to the funds of the Union in respect of full members shall be as follows:
 - a weekly contribution to the General Fund of the Union of a sum equal to 0.75p for each £1 of the adult surface minimum weekly wage in the coal mining industry or, in the case of a member who is under the age of 18 years, a weekly contribution of a sum equal to 0.5p for each £1 of the adult surface minimum weekly wage in the coal mining industry. For the purpose of this rule "surface minimum weekly wage" is five times the lowest adult standard grade rate in the coal mining industry.The foregoing shall not apply to the four weeks in each year when quarterly payments to the Political Fund are due for payment.

- 6.K The weekly contributions and any readmission fees shall be collected by the various Area Executive Committees through their Area Financial Officers and shall be paid to the Secretary of the Union within such time as the NEC shall direct.
- 6.L Each Branch of the Union shall be entitled to an allowance for Branch purposes and expenses of eight per cent of the said weekly contributions made by members of that Branch and each branch organisation shall have complete control and autonomy in respect of the expenditure of such allowance of eight per cent of the said weekly contributions of its members.
- 6.M Each Area or Branch in accordance with the provisions of its rules, may collect from its members contributions in excess of those provided for in these Rules for the purpose of provident, welfare and other benefits and shall retain control and autonomy over such funds.
- 6.N The NEC shall have power to call special levies and impose them on the members of the Union and such special levies shall be collected by the Area organisations and paid over to the Secretary of the Union provided that no levy other than a levy for industrial purposes of the Union, shall be called until such levy and its purpose has been submitted to the membership for approval.
- 6.O If any Area is in arrears in payment of its contribution or levies for more than two months, the Area in question and the members of the Union in that Area may at the discretion of the NEC be deprived of any of the benefits of the Union or of membership in the Union (including the right of their representatives to attend and vote at meetings of the NEC and the right of their Delegates to attend and vote at Conference) until two months after all arrears have been paid up.

7. GOVERNMENT

The government of the Union shall be by Conference as provided for in these Rules. In the periods between Conference the NEC shall administer the business and affairs of the Union and perform all duties laid down for it by resolution of Conference, and it shall not at any time act contrary to, or in defiance of, any resolution of Conference.

8. CONFERENCE OF DELEGATES

- 8.A The Conference of Delegates ("Conference"), in which the authority and government of the Union shall be vested, shall function in Annual Conference or Special Conference. The Annual Conference shall be held between the 1st June and 31st July in each year, or such other times as Conference may resolve. The duties of the Annual Conference shall be to transact the business of the Union and to discuss matters affecting the welfare of the membership; to consider motions submitted by the NEC and Areas; to receive the NEC's report of its proceedings and the financial and Auditors' report for the previous year.
- 8.B An Area shall be permitted to send in motions not exceeding three in number, to be placed upon the Agenda for the Annual Conference, and in addition an Area shall be permitted to send in amendments not exceeding two in number to the motions appearing on the Agenda for the Annual Conference.
- 8.C Motions for the Annual Conference agenda shall be in the hands of the Secretary not later than 14 weeks prior to the date of the Annual Conference in order that they may be sent to the Areas at least 12 weeks prior to the Annual Conference. Amendments to motions submitted by Areas shall be in the hands of the Secretary at least eight weeks prior to Annual Conference, and the final Agenda shall be sent to Areas not less than six weeks prior to Annual Conference.
- 8.D The NEC shall have power to exclude from the business to be considered by the Annual Conference any proposition that has been previously voted upon in the two immediately preceding Annual Conferences, and also any proposition that appears to the NEC to be contrary to the Rules of the Union, but in any case where the NEC decide that any proposition should be so excluded, that decision shall be recorded in the final Agenda for the Annual Conference and shall be subject to review by the Annual Conference.
- 8.E A Special Conference may be called at any time by the NEC. Any question arising thereat (with the exception of a question of alteration and/or additions to Rules or

a question which in the opinion of the Delegates present is one calling for immediate decision) shall be submitted to the decision of the Areas by a proxy vote or, if the Delegates present so decide, the members generally by a ballot vote, such proxy or ballot vote to be taken forthwith. A proxy vote shall for the purposes of this rule mean a vote exercised on behalf of each Area by an instrument in writing signed by a person or persons authorised in that behalf by the Area Executive Committee, and such instrument shall have the effect of exercising and recording votes to the number of the members of the Area which shall for the purposes of this rule be taken as being the number for which contributions have been paid to the Union for the 12 months ending on the preceding 31st December. A proxy vote shall be carried out in accordance with the regulations made and directions given by the NEC.

8.F Voting and procedure at Conference will be governed by the Standing Orders which shall form part of the Rules.

8.G Each Area shall be entitled to appoint two Delegates for the first 5,000 members (or fractional part thereof), and one further Delegate for each additional 2,500 members (or fractional part thereof). The number of members in an Area shall, for the purposes of this rule, be taken as being the number for which contributions have been paid to the Union for the 12 months ending on the preceding 31st December.

8.H Every Delegate to Conference shall be entitled to be indemnified by the Union in respect of every act done as such a Delegate by his or her participation in Conference whether in accordance with these Rules or otherwise so long as such act was done with the prior or subsequent consent of Conference. For the purposes of this rule the word "act" shall include the not doing or failing to do something as well as the doing of anything. For the avoidance of doubt this rule shall apply wherever the act as defined occurred whether the same occurred before the passing of this rule or later.

9. NATIONAL EXECUTIVE COMMITTEE

9.A The National Executive Council shall consist of:

- (i) The National Officials who shall not be regarded as representatives upon the NEC of any Area.
- (ii) The representative members who shall be elected by each Area from amongst the members thereof to hold office until the conclusion of each alternate Annual Conference at which all representative members (whenever elected) shall retire.
- (iii) Two representatives of and appointed by the Miners Parliamentary Group who shall not be entitled to vote.

9.B The basis of representation on the NEC shall be as follows:

No Areas (or consolidated groups of Areas) with less than 1,000 members shall be allowed a representative on the NEC. If at any time, membership of an Area (or consolidated groups of Areas) falls below 1,000, it shall immediately relinquish its seat on the NEC.

Areas (or consolidated groups of Areas) with less than 18,000 members, one representative.

Areas (or consolidated groups of Areas) with 18,000 members or more but less than 40,000, two representatives.

The representation automatically to rise and fall according to the increase or decrease of members.

The number of members in the Area shall, for the purpose of this rule, be taken as being the number for which contributions have been paid to the Union for the twelve months ending on the preceding 31st December.

9.C Retiring members of the NEC shall be eligible for re-election.

9.D No member shall be eligible for nomination to the NEC unless he or she has been a financial member of the Union for at least 12 months immediately prior to such nomination.

9.E Branches shall be entitled to nominate members for election as representative members of their Area on the NEC and Area Executive Committees shall, when

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- more than one nomination is submitted, arrange an election by individual ballot of the members taken on the principle of "the transferable vote" as defined in Section 41 of the Representation of the People Act 1918, and the name of the person so elected shall be communicated to the Secretary of the Union in time to be included on the final Agenda of the relevant Annual Conference.
- 9.F Any casual vacancy (including one caused by a representative member becoming a National Official) amongst the representative members of the NEC shall be filled by a person elected by the membership of the appropriate Area, to hold office until the conclusion of the next Annual Conference at which the other representative members of the NEC vacate their office.
- 9.G Every member of the NEC shall be entitled to be indemnified by the Union in respect of every act done as such member whether in accordance with the Rules or otherwise so long as such act was done with the prior or subsequent consent of Conference or of the NEC. For the purposes of this rule the word act shall include the not doing or failing to do something as well as the doing of anything. For the avoidance of doubt this rule shall apply whenever the act as defined occurred whether the same occurred before the passing of this rule or later.
- 9.H The NEC shall only be removed in the following way:
(i) A resolution to that effect must be passed by a majority of at least 2/3rds of the total Area votes taken by a card vote at a specially convened Conference and
(ii) Such resolution must be confirmed by a majority of at least 2/3rds of the members as ascertained by a ballot vote.
- 9.I A representative member of the NEC shall only be removed by a decision of the National Disciplinary Committee or in the following way:
(i) A resolution to that effect must be passed by a majority of 2/3rds of the members of the NEC entitled to vote, and
(ii) A resolution to that effect must be passed by 2/3rds of the total Area votes taken by a card vote at a specially convened Conference, and
(iii) Such resolution must be confirmed by a majority of at least 2/3rds of the members as ascertained by a ballot vote.
- 9.J The NEC shall meet at least once in every month, if practicable on the second Thursday in each month, and at such other times as may be decided upon by the NEC. In the event of an emergency the President (or, if the office of President be vacant, or if the President is abroad or incapacitated by illness or accident, the Vice-President) and Secretary are empowered to call special committee meetings. The President (or in his or her absence the Vice-President) shall act as chairman or chairwoman of the meeting of the NEC. If neither the President nor Vice-President is present within 15 minutes after the time appointed for holding the meeting, or if they have both given notice of their inability to be present, the members of the NEC present shall choose one of the number to be chairman or chairwoman of that meeting. Questions arising at any meeting of the NEC shall be decided by a majority of the votes. The President and the Secretary shall have no vote in any capacity.
- 9.K The quorum necessary for the transaction of the business of the NEC shall be 12, provided that if a quorum is not present within half an hour of the time appointed for the meeting the members present may resolve that the meeting be adjourned to a date and time resolved upon by them and if at such adjourned meeting, of which due notice shall be given to the members of the NEC, a quorum is not present within half an hour of the time appointed for the meeting the members present shall be a quorum.
- 9.L The NEC may delegate any of their powers to a sub-committee drawn from or individual members of the NEC and any such sub-committee or individual shall conform to any regulations or directions imposed by the NEC.
- 9.M An Area aggrieved by any decision of the NEC, or any such sub-committee or individual as aforesaid, shall have the right to appeal therefrom to Conference, whose decision shall be final. The decisions of the NEC upon all matters and business which it undertakes or transacts shall be binding subject to any directions given by Conference and subject to the aforesaid right of appeal. An

appeal to Conference shall not suspend the operation of a decision of the NEC, nor shall an over-ruling or variation by Conference of any decision of the NEC invalidate anything done in pursuance of that decision prior to its being over-ruled or varied.

10. NATIONAL OFFICIALS

10.A There shall be three National Officials, the President, the Vice-President and the Secretary. The President and Secretary shall be full-time National Officials as provided under these Rules. Upon any vacancy occurring in the office of a National Official the position shall be filled by ballot vote of the members of the Union.

10.B The remuneration of a full-time National Official shall be determined by Conference upon recommendation of the NEC.

10.C A National Official shall be paid reasonable and proper expenses, as determined by the NEC, for doing work on behalf of the Union.

11. PRESIDENT

In addition to performing whatever other duties may from time to time be entrusted to him or her as a full-time Official by the NEC, the President shall preside (but shall have no vote in any capacity) at all meetings of the NEC, Annual Conference and Special Conference, and see that the business of the Union is conducted in a proper manner and according to the Rules, and that in the conduct or affairs of the Union the Rules are duly and properly carried out.

12. VICE-PRESIDENT

In addition to performing whatever duties may be entrusted to him or her as Vice-President under these Rules or by the NEC or Conference, the Vice-President shall deputise for the President in his or her absence and preside at meetings of the NEC, Annual Conference and Special Conference. The Vice-President shall be entitled to vote in the capacity of Vice-President and shall have no casting vote when presiding at meetings.

13. SECRETARY

13.A The Secretary who shall also act as Treasurer shall conduct the correspondence for and on behalf of the Union and the NEC and shall attend (but shall have no vote in any capacity at) all meetings of Conference and the NEC. The Secretary shall prepare and submit to the NEC and the Auditors a balance sheet showing the financial position of the Union for each year ending on 31st December. The Secretary shall receive all monies payable to the Union, other than those for which the disposition is otherwise specifically provided for by the Rules. The Secretary shall not retain under his or her control any sum or sums of money not immediately required for the purposes of the Union and shall see that all monies not so required shall, in consultation with the President, be paid into any bank or financial institution or be paid over to the Trustees. The Secretary shall also prepare the Annual Returns and transmit them to the Certification Officer and shall in this respect comply with all the statutory enactments for the time being in force.

13.B The Secretary shall cause Minutes to be duly prepared:

- (i) Of all appointments of Officials
- (ii) Of the names of the members present at each meeting of the NEC or any sub-committee thereof
- (iii) Of all proceedings and resolutions of the Annual Conference or Special Conference
- (iv) Of all meetings of the NEC and sub-committees (as signed by the Chairman or Chairwoman of the next appropriate succeeding meeting of the NEC) and any such Minutes shall be conclusive evidence of the matters stated in such Minutes.

13.C The Secretary shall cause to be distributed the published Minutes of the NEC and its sub-committees and of proceedings and resolutions of Conference to each Area's Secretary for the information of the Area Officials, Area Executive Committees and thereby, the members.

14. ELECTION OF NATIONAL OFFICIALS

14.A On the occasion of the election of a full-time National Official, each Area shall be entitled to nominate one candidate for the position of such National Official, provided that such nomination is confined to a person who is a full financial member and has been for at least 12 months.

14.B All full-time National Officials elected on or after the 1st August, 1983 shall serve for a period of five years from the date upon which they are declared elected. On retiring, full-time National Officials shall be eligible for re-election unless they have attained the age of 55 on or before the last day of the five year period, in which case they shall remain in office subject to Rule or until they retire in accordance with the Rules. National Officials elected before the 1st August, 1983 shall continue to hold office in accordance with the Rules in force at the date of their election or until they retire in accordance with these Rules.

14.C Election of a full-time National Official shall be by Ballot vote of the members of the Union which shall be taken on the principle of "the transferable vote" as defined in Section 41 of the Representation of the People Act 1918. The NEC may prescribe regulations for the conduct of such elections.

14.D (i) On the occasion of the election of a Vice-President, each Area shall be entitled to nominate one candidate provided that such nomination be confined to a person who is a full financial member and has been for at least 12 months.

(ii) The Vice-President shall hold office for two years and shall be elected at the same time as the representative members of the NEC. A retiring Vice-President shall be eligible for re-election.

(iii) A casual vacancy (including one caused by the Vice-President becoming a full-time National Official) shall be filled by a person elected in accordance with the above regulations to hold office until the conclusion of the next Annual Conference at which representative members of the NEC vacate their office.

(iv) Election of a Vice-President shall be by ballot vote of the members of the Union which shall be taken on the principle of "the transferable vote" as defined in Section 41 of the Representation of the People Act 1918. The NEC may prescribe regulations for the conduct of such elections.

15. REMOVAL OF NATIONAL OFFICIALS

15.A Subject to (15.B) below, a National Official shall only be removed or suspended from office in the following way:

(i) A resolution to that effect must be passed by a majority of 2/3rds of the members of the NEC entitled to vote, and

(ii) A resolution to that effect must be passed by 2/3rds of the total Area votes taken by a card vote at a specially convened Conference, and

(iii) Such resolution must be confirmed by a majority of at least 2/3rds of the members ascertained by a ballot vote.

15.B If a National Official is expelled or suspended from membership of the Union or removed from office by the National Disciplinary Committee he/she will cease to hold the office of National Official.

15.C A National Official shall cease to hold the office of National Official on becoming or continuing to be a Member of Parliament, or a Member of the European Parliament, or a paid Official of Government unless he/she has the permission of the NEC which permission may be withdrawn.

16. INDEMNITY OF NATIONAL OFFICIALS

Each National Official shall be entitled to be indemnified by the Union in respect of every act done as such a National Official so long as such act was not contrary to the policy of Conference or of the NEC. If such act be not in accordance with the Rules then the National Official shall be entitled to be indemnified if the said act was done with the prior or subsequent consent of Conference or of the NEC. For the purposes of this rule the word "act" shall include the not doing or the failing to do something as well as the doing of anything. For the avoidance of doubt this

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rule shall apply whenever the act as defined occurred whether the same occurred before the passing of this rule or later.

17. AREAS

- 17.A The members of the Union shall for the purpose of administration be organised into divisions of the Union to be known as "Areas" listed in the Schedule hereto as amended from time to time.
- 17.B The membership of any Area may but need not be members of one or more Constituent Associations.
- 17.C A "Constituent Association" means a registered trade union other than the Union itself comprising of members of the Union and which has been approved for that purpose by Conference. A Constituent Association may with the approval of the Union dissolve itself, merge, combine, amalgamate with or transfer engagements to any other Constituent Association, or merge, combine, amalgamate with or transfer engagements to the Union. Conference shall have the power to admit and expel a Constituent Association.
- 17.D Conference shall have the power to create, dissolve, merge, combine, or amalgamate Areas and the NEC shall prescribe the rules of any new Areas so created which shall include Model Rules.
- 17.E The NEC shall keep under review the organisation of the Union and shall make appropriate recommendations to Conference from time to time.
- 17.F Each Area and each Constituent Association, its Officials and Executive Committees shall comply with the Rules of the Union so far as those Rules are applicable.
- 17.G Each Area and each Constituent Association shall adopt and comply with the Model Rules and any amendments thereto.

18. GOVERNMENT OF AREAS

- 18.A Areas shall have such Area Councils and/or Area Executive Committees or Boards (all of which are in these Rules called "Area Executive Committees") and Area Officials/Agents, and there shall be such Branches in each Area, with such Branch Committees and Branch Officers as may be prescribed by the regulations applicable thereto. Except as regards the administration of any of their existing funds or contributions provided for in Rule 6.M, collected by the Area Executive Committee or Branch for the purpose of provident, welfare and other benefits. All Area Executive Committees, Area Officials/Agents, Branch Committees and Branch Officers shall be subject in all respects to the authority of the Union and shall comply at all times with the directions of the NEC and of Conference. The NEC shall be responsible for unifying the procedures that deal with all matters in all the Areas.
- 18.B The Area Officials/Agents and each Area Executive Committee shall be responsible to the NEC for:
- (i) The detailed organisation, membership and contributions as covered by their Area;
 - (ii) The establishment and maintenance of the Branches within their Area;
 - (iii) All negotiations for price lists, wages, compensation and other matters which purely relate in character to a work place, district or Area;
 - (iv) The submission of reports to the NEC of work done and proceedings taken at least once every month.
- 18.C The appropriate Area Official/Agent of each Area shall notify the Secretary of the Union of all applications for membership including applications to transfer from or to the Area or Constituent Association, and persons entering the industry who are eligible for membership, and he or she shall maintain and provide records of each member's name, address, category of membership, contribution record and such other particulars as the NEC may from time to time direct. The appropriate Area Official/Agent shall issue contribution/membership cards to members on request.
- 18.D The Rules of each Area and Constituent Association shall be the Model Rules and any amendments thereto and any such amendment shall automatically become

an amendment to the Rules of each Area and Constituent Association on the date of adoption of the amendment by Conference or such other date as Conference may determine. The current National Rules shall be deemed to be part of the Area Rules. Each Area or Constituent Association may have such other Rules in addition to the Model Rules as it may decide provided that no such Rules shall conflict with any National Rules or Model Rules or with the policy of the Union.

- 18.E The Area Executive Committee shall supervise and co-ordinate the action of all the Branches in the Area in accordance with the Rules and policy of the Union and shall act for the Union in all matters of a purely Area character. Provided always that in the case of negotiations in connection with arranging an Area or District Agreement no Area shall have power to complete any such negotiations and enter into an Agreement thereon without the previous approval of or under power delegated to it by the NEC. The NEC, if it thinks advisable may withhold its approval of any proposed Agreement with a view to any outstanding points of difference being reconsidered or otherwise.
- 18.F A Branch in an Area shall (subject to the overriding authority of the NEC) exercise such functions as may be delegated to it by the relevant Area Executive Committee or as provided in the Regulations of the Branch and of the Area. In addition each Branch shall have complete control and autonomy in respect of the expenditure or administration of its existing funds and of that part of the weekly contributions of its members allowed to the Branch by these Rules, and of any contributions provided for in Rule 6.M.
- 18.G If an Area or a Branch in an Area shall commit one or more of the following offences it shall be liable to one of the penalties set out in (18.H) below:
- (i) Being in arrear for a period of two months in its contributions and/or levies to the Union and failing to pay such arrears within 14 days after notice has been given by direction of the NEC requiring payment thereof with express reference to the provisions of this rule;
 - (ii) Refusing to adopt the Model Rules resolved upon by Conference as being applicable to such Area or Branch;
 - (iii) Refusing to carry out the directions, regulations and orders of the NEC or of Conference.
- 18.H The penalties referred to in 18.G above are that such Area or Branch may:
- (i) Be excluded from the Union by resolution of Conference and upon such resolution being passed all the members of such Area or Branch shall automatically cease to be members of the Union other than those members or (in the case of an Area being excluded) those Branches who dissociate themselves from the relevant offence or offences.
 - (ii) Be suspended by resolution of Conference, in which case all the members of such Area or Branch shall be automatically suspended from the membership in the Union during the period of such suspension other than those members or (in the case of the Areas being suspended) those Branches who dissociate themselves from the relevant offence or offences.

Provided always that the NEC being satisfied that the cause of complaint has been remedied, may rescind the resolution of exclusion or suspension passed by Conference, except where the resolution in question expressly prohibits the rescission thereof by the NEC. The powers conferred by this rule are additional to and not in substitution for the relevant provisions of Rule 6.O.

19. AREA OFFICIALS/AGENTS

- 19.A Each Area shall have such full-time Area Officials/Agents as may from time to time be determined by the NEC.
- 19.B Area Officials/Agents shall be subject in all respects to the authority of the Union and shall obey all directions thereof and shall perform such duties as are prescribed in these Rules and laid down from time to time by the NEC. In addition they shall perform any duties or directions imposed by the Area Executive Committee. In the event of any conflict or question as to the duties, obligations, rights and entitlements of an Area Official/Agent, the matter shall be referred for

decision to the NEC or, in case of urgency to the National President and National Secretary. There shall be a right of appeal from the National President and National Secretary to the NEC and from the NEC to Conference whose decision shall be final and binding.

~~19.C~~ Every Area Official/Agent shall be entitled to be indemnified by the Union in respect of every act done as such an Official/Agent whether in accordance with the Rules or otherwise so long as such act was done with the prior or subsequent consent of the Area Council and/or National Officials (or any of them), the NEC or Conference; but the Area shall indemnify the Union if the Area Officials/Agents act was subject only to the consent of the Area Council but not any other of the persons or bodies set out above. For the purposes of this rule the word "act" shall include the not doing or the failing to do something as well as the doing of anything. For the avoidance of doubt this rule shall apply whenever the act as defined occurred whether the same occurred before the passing of this rule or later.

20. ELECTION AND REMOVAL OF AREA OFFICIALS/AREA AGENTS

- 20.A When the NEC agree to the election of a full-time Area Official/Agent, Branches shall be entitled to nominate one candidate for the position of such Area Official/Agent, provided that such nomination be confined to a person who is a financial member and has been for at least 12 months immediately prior to the nomination.
- 20.B Election of an Area Official shall be by ballot vote of the members of the Area and election of an Area Agent shall be by ballot vote of the members of the relevant district of the Area which shall be taken on the principle of "the transferable vote" as defined in Section 41 of the Representation of the People Act 1918. The NEC may determine that in order to reduce the number of candidates to a reasonable number where nominations exceed six, they shall be sent out for a Branch vote to reduce the number to not less than three candidates receiving 50 per cent of the total votes cast. The NEC may prescribe regulations for the conduct of such elections.
- 20.C Full-time Area Officials elected on or after the 1st August, 1983 in each Area of the Union shall hold their office for five years from the date on which they are declared elected. They shall be eligible for re-election unless they have obtained the age of 55 on or before the last day of the five year period, in which case they shall remain in office subject to Rule until they retire in accordance with these Rules. Full-time Area Officials elected on or before the 1st August, 1983 shall continue to hold office in accordance with the Rules in force at the time of their election until they retire in accordance with these Rules.
- 20.D The reference to "Area Officials" in this sub-rule shall include Area Agents. Subject to 20.E below an Area Official/Agent shall only be removed or suspended from office in the following way:
- (i) A resolution to that effect must be passed by a majority of $\frac{2}{3}$ rds of the votes of the Area membership taken by a card vote at a special Area Council meeting, and
 - (ii) A resolution to that effect must be passed by a majority of at least $\frac{2}{3}$ rds of the total Area vote taken by a card vote at a specially convened Conference, and
 - (iii) Such resolution must be confirmed by a majority of at least $\frac{2}{3}$ rds of the members as ascertained by a ballot vote in the Area/District he or she represents.
- 20.E If an Area Official/Agent is expelled or suspended from membership of the Union or is removed from office by the National Disciplinary Committee he/she will cease to hold the office of Area Official/Agent.
- 20.F An Area Official/Agent shall cease to hold the office of Area Official/Agent on becoming or continuing to be a Member of Parliament or a Member of the European Parliament or a paid Official of Government unless he/she has the permission of the Area Council and of the NEC which permission may be withdrawn.

- 21. AREA OFFICIALS/AGENTS SALARIES**
- 21.A The salaries payable to the Area Officials/Agents shall be fixed from time to time by Conference upon the recommendation of the NEC.
- 21.B The salaries of those Area Officials/Agents specified to be full-time by the NEC shall be borne out of the general funds of the Union, provided that in such cases as the NEC may decide, where an Area Official/Agent is partly employed on duties relating to the administration of funds under the control of the Area or of a Branch, a due and fair proportion of his or her salary shall be contributed from such funds, such proportion in case of dispute to be settled by the Auditors of the Union whose decision shall be final and binding.
- 22. AGE LIMIT FOR NATIONAL AND AREA OFFICIALS/AGENTS**
- 22.A No person over 55 years of age or who would be unable to earn after election at least five years' contributory service in the superannuation scheme hereinafter mentioned shall be eligible for election as a full-time National or Area Official/Agent.
- 22.B Full-time Officials shall retire from office:
- (i) On attaining the age of 65; or
 - (ii) On attaining such other age as is specified in the superannuation scheme; or
 - (iii) On attaining such other age as is laid down from time to time by the NEC or Conference.
- 22.C In addition to the provisions of the National Union of Mineworkers Officials and Permanent Employees Superannuation Fund, the NEC shall have power to make other provisions by way of gratuity or pension or by way of supplement to the benefit of any retirement scheme for Officials or employees.
- 23. AUDITORS**
- 23.A There shall be as Auditors a reputable firm of professionally qualified and independent Accountants who shall examine and audit the accounts of the Union and the Auditors shall be supplied with copies of the Annual Balance Sheet and Report intended to be laid before the NEC and the annual Conference and it shall be their duty to examine the same with the accounts and vouchers relating thereto and report thereon. The Auditors shall at all reasonable times have access to the books and accounts of the Union and Areas and they may in relation thereto question the Officials and Trustees of the Union.
- 23.B The Auditors shall be appointed by Conference and subject to re-appointment at Annual Conference shall continue to hold office at the pleasure of the Union. A casual vacancy in the office of Auditors shall be filled by the NEC subject to confirmation by the next Annual Conference.
- 24. TRUSTEES**
- 24.A There shall be three Trustees in whom all the funds and property of the Union shall be vested. The Trustees shall be appointed by Annual Conference and shall continue in the office of Trustees during the pleasure of the Union. Conference may remove a Trustee from office and appoint any full or honorary member of the Union in his/her place. A Trustee may resign his or her office by notice in writing to the Union.
- 24.B In the event of a casual vacancy in the office of Trustee the NEC shall appoint a full or honorary member to fill the vacancy and to hold office as Trustee until retirement at the conclusion of the next Annual Conference. Such retiring Trustee shall be eligible for appointment by Annual Conference, but no full or honorary member other than such a retiring Trustee shall be eligible to be appointed as a Trustee by the Annual Conference unless he or she has been duly nominated as a candidate by the NEC or nominated (by a nomination received by the Secretary eight weeks at least before the date of the Annual Conference) by an Area, so that in either case the names of the persons nominated, or eligible for appointment shall appear on the final Agenda of business to be transacted at such Annual Conference.

A Trustee must be, and remain, a full or honorary member of the Union, and on ceasing to be such a member of the Union, shall automatically cease to hold the office of Trustee.

24.C Every Trustee shall be entitled to be indemnified by the Union in respect of any act done as such a Trustee whether in accordance with these Rules or otherwise so long as such act was done with the prior or subsequent consent of Conference or of the NEC. For the purposes of this rule the word "act" shall include the not doing or failing to do something as well as the doing of anything. For the avoidance of doubt this rule shall apply whenever the act defined occurred whether same occurred before the passing of this rule or later.

24.D All the real and personal property of the Union shall be vested in the Trustees and subject to the direction of the NEC and of Conference. The Trustees shall in connection with the property and funds of the Union at all times observe and carry out in all respects the orders and directions of the NEC and of Conference. The Trustees shall retain the custody of all Deeds, Certificates, or Scrip, representing the investments of the Union funds in some bank or other independent safe place of deposit.

24.E So much of the funds of Union as may not be wanted for immediate use or to meet the usual accruing liabilities of the Union or as are placed in a bank or other financial institution by the Secretary under Rule 13, shall be turned to account by the Trustees who shall have the power to invest those funds in such investments as shall from time to time be authorised by the NEC in the United Kingdom or abroad not withstanding that such investments may not be investments authorised by Statute for the investment of trust funds, provided that the Trustees consult with an appropriate independent investment adviser prior to making investments outside those authorised by Statute for the investment of trust funds. The Trustees shall have the power to sell or vary investments and to raise or borrow money on any of the properties or securities of the Union by way of mortgage or otherwise as the NEC thinks fit.

25. INSPECTION

Any full financial member shall be entitled to inspect the latest audited accounts of the Union at the Registered Office of the Union. This shall not entitle any person other than a member (whether acting for or on behalf of a member or not) to so inspect.

26. INDUSTRIAL ACTION

26.A In the event of any industrial action (which expression shall include strike action) involving members of an Area (whether confined to that Area or not) taking place or appearing to the relevant Area Executive Committee likely to take place, an appropriate Area Official shall report the situation to the Secretary of the Union as soon as practicable.

26.B The NEC and no other body or individual shall have the power to sanction as official under these Rules any industrial action taking place or appearing likely to take place by any group of members whether in one or part of one or more than one Area and may do so only in respect of industrial action which has been reported to it under 26.A above. No industrial action which is not official shall be authorised or ratified under any circumstances.

26.C The NEC shall have the power to call industrial action by any group of members whether in one or part of one or more than one Area and such action shall be deemed to be declared official.

26.D The NEC shall have the power to co-ordinate industrial action declared to be official in accordance with these Rules.

26.E In the event of a national strike of the whole membership of the Union being proposed by the Union in pursuance of any of the policy of the Union the following provisions shall apply:

That such a national strike shall only be entered upon as the result of a ballot vote of the members taken in pursuance of a resolution of Conference, and a strike shall not be declared unless a simple majority of those voting in the ballot

*No area
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unless
ballot*

vote in favour of such a strike. If a ballot vote be taken during the time such a strike is in progress, the strike may not be continued unless a simple majority of those voting in the ballot vote in favour of continuance. Such ballots shall be taken in accordance with regulations made by the NEC.

- 26.F It shall be at the discretion of the NEC to determine whether any strike pay; or other trade dispute benefits shall be paid and if so, at what rates, but no such payments shall be made unless and until the action has been declared to be official under these Rules.
- 26.G The NEC may declare by resolution that a member has suffered victimisation in their view for acting in accordance with the policy of the Union and is entitled to support by the Union, and the amount of the victimisation benefit to be paid to such member shall be such sum or sums as the NEC shall resolve.

27. RULES

27.A No alterations or additions to these Rules (or to the Rules for the Political Fund or for the administration thereof) shall be made except:

- (i) By a decision of not less than 2/3rds majority on a card vote taken at the Annual Conference, and then only after the proposed alterations or additions have been placed upon the Agenda of the Annual Conference by an Area or the NEC.
- (ii) By a decision of not less than a 2/3rds majority on a card vote at a Special Conference and then only after the proposed alterations or additions have been placed on the Agenda of such Special Conference by the NEC four weeks prior to such Conference.
- (iii) By a regulation or decision made by the NEC in exercising their power to make alteration in the schedule hereto.

27.B No alteration shall be made to those parts of these Rules which provide that full-time Officials/Agents who were elected before the 1st August, 1983 shall continue to hold office in accordance with the Rules in force at the time of their election until they retire in accordance with these Rules.

27.C On any question as to which the Rules (including the Model Rules) or Area Rules do not provide, or on any suggested conflict between Area Rules and these Rules (including the Model Rules), or on any question of interpretation of these Rules (including the Model Rules), the matter shall be referred to the National President who shall make a ruling which shall be final and binding subject to an appeal to the NEC and thence to Conference.

27.D Any breach of these Rules shall be regarded as detrimental to the interests of the Union.

28. DISSOLUTION OF THE UNION

The Union may be dissolved with the consent of 1/3rds of the members, ascertained by ballot vote of the members, taken in pursuance of a resolution of Conference. In the event of the dissolution of the Union notice shall be given to the Certification Officer in form prescribed by law.

29. GRIEVANCE PROCEDURE

No member or person claiming under these Rules shall make any application to any Court until the procedure established by these Rules is exhausted. Any grievance of any member or person claiming under these Rules or group of members or of such persons shall proceed as quickly as is reasonably practicable in the following manner unless settled at any stage. The matter of grievance shall be raised with the following and in the following order if not settled at any stage:

- (i) the Branch;
- (ii) the Area Officials;
- (iii) the Area Executive Committee;
- (iv) the Area Council;
- (v) the National Officials;
- (vi) the NEC;

- (vii) the Conference whose decision shall be final and binding except on a point of law;
- (viii) which point of law only may be appealed to Arbitrators appointed by agreement or in default of an agreement by the General Secretary of the Trades Union Congress.

30. DISCIPLINARY PROCEDURE

Disqualification of members, Branches, Areas and removal of Officers.

- 30.A There shall be a National Disciplinary Committee of the Union consisting of seven members of the Union who each have at least five years' unbroken membership at the date of nomination. Members shall be elected by a Branch vote of the Union in each of the Areas named in the Schedule of the Rules. No Area shall have more than one member on the National Disciplinary Committee. Voting shall take place on the basis of Area votes, one vote for every thousand members or fraction or part thereof. The membership for the purpose of this vote shall be the number for which contributions have been paid to the Union over the 12 months on the preceding 31st December or the last available audit figure for such a twelve month period. The National Executive Committee shall make such arrangements as it considers appropriate for the conduct of such elections. The first such election shall take place within six weeks of this rule coming into effect and the National Disciplinary Committee shall be dissolved and subject to re-election at dates to be fixed by the National Executive Committee being not less than three years nor more than three and one quarter years after each preceding election. A member shall be eligible for re-election to the National Disciplinary Committee.
- 30.B No member of the NEC shall be eligible for membership of the National Disciplinary Committee, except as provided in paragraph 30.C below. Any member of the National Disciplinary Committee who becomes a member of the NEC shall cease to be a member of the National Disciplinary Committee. No member shall be eligible for membership of the National Disciplinary Committee if he or she is a full-time Official or officer of the National Union. The NEC shall arrange as soon as practicable for an election to fill any such vacancy or any vacancy caused by the death, cessation of Union membership or resignation of any member of the National Disciplinary Committee.
- 30.C Subject to paragraph 30.G below, the National Vice-President (see Rule 12) shall preside over meetings of the National Disciplinary Committee and to the extent provided in this rule shall be a member of it. In the absence of the National Vice-President, the National Disciplinary Committee shall appoint a chairman or chairwoman from among its members. A quorum of the National Disciplinary Committee shall be three members including the person presiding and shall be selected on a rotating basis.
- 30.D The National Disciplinary Committee shall have power to consider a complaint that a member:
 - (i) Has been found guilty by a court of law or tribunal of any act or omission contrary to Union policy or involving Unions funds or property;
 - (ii) Has ceased to be a member of any Branch of the Union;
 - (iii) Is in arrears with his/her contributions to the Union by eight weeks' contributions or more;
 - (iv) Has been found guilty by a court of law of any offence involving fraud or dishonesty in circumstances which may affect his/her fitness to hold office in or be a member of the Union;
 - (v) Has admitted involvement in any dishonest practice in relation to funds of any description entrusted to him/her;
 - (vi) Has disclosed any Union or National Union document to any outside body or person without authorisation from the National Officials or Area Officials of the Union as the case may be;
 - (vii) Has done any act (which includes any omission) which may be detrimental to the interests of the Union and which is not specifically provided for in this rule;

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- 30.E The National Disciplinary Committee shall also have power to consider a complaint that a Branch or Area (as the case may be):
- (i) Has been found guilty by a court of law or a tribunal of any act or omission contrary to Union policy or involving Union funds or property;
 - (ii) Has admitted involvement in any dishonest practice in relation to funds of any description entrusted to them;
 - (iii) Has disclosed any Union or National Union document to any outside body or person without authorisation from the National Officials or Area Officials of the Union as the case may be;
 - X (iv) Has done any act (which includes any omission) which may be detrimental to the interests of the Union and which is not specifically provided for in this Rule.
- 30.F A complaint may be put before the National Disciplinary Committee by any individual member or members, or by a Branch, a Branch Committee, and Area Council, an Area Executive Committee or the NEC. Any such member, group of members or Union body may appoint a member or Official of the Union (including the case of a group of members or a Union body, one of themselves) to present their complaint.
- 30.G The Secretary in person or by a deputy shall act as secretary to the National Disciplinary Committee. Any complaint, together with a statement of the facts to be relied on in support of the complaint, shall first be sent to the Secretary. The Secretary shall consult the National President and if either of them considers the complaint or statement out of order, the Secretary shall refer it back to the complainant or complainants. The NEC (or the National Disciplinary Committee) shall resolve any such dispute if called on by the President or Secretary or the complainant or complainants to do so. The Secretary shall convey each valid complaint in writing to each member, Branch or Area, against whom the complaint is made, setting out the complaint in full and either setting out all the facts relied on by the complainant or complainants or, if appropriate, summarising them so as to enable each member, Branch or Area concerned to know the case he/she/it or they have to meet. The Secretary shall inform each such member, Branch or Area that he/she/it or they may reply in writing to the complaint in advance of the hearing, but this provision is without prejudice to the duty of the National Officials of the Union to ensure an expeditious hearing of any complaint which they consider requires an urgent hearing. Such National Officials of the Union shall convene a meeting of the National Disciplinary Committee to adjudicate on every complaint at such date and place as, having regard to any reasonable request made by the complainant or complainants or members, Branch or Area concerned, appears to them to be suitable.
- 30.H No member of the Union shall sit as a member of the National Disciplinary Committee or preside at one of its meetings if that member is or has been personally involved in any matter giving rise to the complaint. If the application of this rule makes it impossible to secure a quorum of the National Disciplinary Committee, the NEC shall have power to nominate as many members of the Union, being eligible under paragraphs 30.A and 30.B of this rule, as will create a quorum to be temporary members of the National Disciplinary Committee. Neither shall any person act as secretary to the National Disciplinary Committee if he or she is or has been personally involved in any matter giving rise to the complaint.
- 30.I The National Disciplinary Committee shall have power:
- (i) To call any witness or introduce any evidence not advanced by either party, if the National Disciplinary Committee considers such witness or evidence may be material;
 - (ii) To take any procedural steps, including adjournment, which is considered necessary or advisable in the interests of fairness to either party or of the Union.
- 30.J When it has heard the evidence and arguments of each party, the National Disciplinary Committee shall consider in private whether it finds the complaint proved. No complaint shall be found proved except by the vote of a majority of

those present throughout the hearing. The presiding member shall not vote unless those members voting are evenly divided. If a complaint is found proved, the member or members, Branch or Area concerned shall be given an opportunity to make any representations they wish to what penalty if any should be imposed.

30.K The National Disciplinary Committee at the conclusion of the above procedure may impose such of the following penalties as it considers appropriate to the complaint which has been proved:

- (i) Expulsion from the Union;
- (ii) Suspension from membership of the Union;
- (iii) Suspension of a Branch or Area;
- (iv) Dissolution of a Branch or Area;
- (v) Removal from any office held in the Union;
- (vi) Disqualification from holding office, or any specified office or offices in the Union;
- (vii) Caution.

Any appropriate combination of the foregoing penalties may be imposed. Suspension from membership of the Union means disentitlement to hold office, to attend any Union or Union Committee meetings, and to receive any Union benefits, but without being relieved of the duty to pay contributions to the Union. The dissolution or suspension of any Branch or Area means that they shall be disentitled to have any of their members considered to hold office, to attend any National Union Committee meeting or receive any National Union benefits, but without being relieved of the duty to pay Contributions to the National Union. Any penalty of suspension, removal from office or disqualification from office shall be for a period specified by the National Disciplinary Committee, which shall have power to reduce such period if the member, Branch or Area concerned subsequently applies through the Secretary showing any new factor not present when the penalty was imposed.

30.L If, on hearing a complaint it appears to the National Disciplinary Committee that the complaint is not only unfounded but has been brought maliciously or frivolously, it shall put the matter to the complainant or complainants, and after considering any representations which they may wish to make, may require the complainant or complainants to pay in whole or in part the cost of a disciplinary hearing.

30.M The National Disciplinary Committee shall not exercise jurisdiction over a member under this rule where that member has already been tried under an equivalent rule of an Area.

30.N Any party to a disciplinary complaint who is dissatisfied with the decision of the National Disciplinary Committee shall have a right of appeal to the National Appeals Committee.

30.O There shall be a National Appeals Committee of the Union consisting of nine members of the Union who each have at least five years' unbroken membership at the date of nomination. Members shall be elected by a Branch vote of the Union in each of the Areas named in the Schedule to the Rules. No Area shall have more than one member of the National Appeals Committee. Voting shall take place on the basis of Area Votes, one vote for every thousand members, or fraction or part thereof. The membership for the purpose of this vote shall be the number for which contributions have been paid to the Union over the twelve months on the preceding 31st December, or the last available audit figures for such a twelve month period. The NEC shall make such arrangements as it considers appropriate for the conduct of such elections. The first such election shall take place within six weeks of this rule coming into effect, and the National Appeals Committee shall be dissolved and subject to re-election at dates to be fixed by the NEC being not less than three years not more than three and one quarter years after each preceding election. A member shall be eligible for re-election to the National Appeals Committee.

30.P No member of the NEC shall be eligible for membership of the National Appeals Committee except as provided in paragraph 30.O below. Any member of the

National Appeals Committee who becomes a member of the NEC shall cease to be a member of the National Appeals Committee. No member shall be eligible for membership of the National Appeals Committee if he or she is a full-time Official or officer of the National Union. The NEC shall arrange as soon as practicable for an election to fill any such vacancy or any vacancy caused by the death, cessation of Union membership or resignation of any member of the National Appeals Committee.

- 30.Q Subject to paragraph 30.H above, the National President shall preside over meetings of the National Appeals Committee and to the extent provided in this rule shall be a member of it. In the absence of the National President the National Appeals Committee shall appoint a chairman or chairwoman from among its members. A quorum of the National Appeals Committee shall be five members including the person presiding and shall be selected on a rotating basis.
- 30.R An appeal to the National Appeals Committee shall be notified to the Chief Executive Officer of the Union within fourteen days from the notification of the decision of the National Disciplinary Committee. The Chief Executive Officer of the Union in person or by a deputy shall act as secretary to the National Appeals Committee. The notice of appeal shall be in writing and shall set out the full grounds of appeal. Paragraphs 30.H/I/J/K and L above, shall apply to the National Appeals Committee as they apply to the National Disciplinary Committee. In addition no member of the National Appeals Committee shall hear an appeal relating to the Area of which he is a member of the Union or if he was a member of the National or Area Disciplinary Committee which decided the matter which is subject to appeal.
- 30.S The National Appeals Committee shall not be obliged to conduct a re-hearing but shall review as much of the material considered by the National Disciplinary Committee as the purpose to the appeal put before it, or as a National Appeals Committee itself considers relevant. It may consider any record of the National or Area Disciplinary Committee proceedings, and may call on the person who presides at the National or Area Disciplinary Committee hearing to inform the National Appeals Committee in the presence of the parties, of any relevant matters transacted at the hearing. It may hear or call for fresh evidence if in its discretion it considers it appropriate to do so. The National Appeals Committee may uphold a decision of the National or Area Disciplinary Committee or may allow an appeal in part or in whole, and, if it thinks right, substitute for any penalty or combination of penalties imposed by the National or Area Disciplinary Committee such penalty or combination appropriate in all the circumstances of the case at the date of the appeal.
- 30.T There shall be no right of appeal against a decision of the National Appeals Committee which shall be final and binding on all parties.
- 30.U Members of the National Appeals Committee and the National Disciplinary Committee and members required to attend any hearing shall be paid in accordance with Rule.
31. **POLITICAL FUND**
- 31.A The powers of the National Union of Mineworkers shall include the furtherance of the political objects to which section 3 of the Trade Union Act, 1913, applies, that is to say, the expenditure of money:
- (i) On the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament, the European Parliament or to any public office, before, during, or after the election in connection with his or her candidature or election; or
 - (ii) On the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
 - (iii) On the maintenance of any person who is a member of Parliament or European Parliament or who holds a public office; or
 - (iv) In connection with the registration of electors or the selection of a candidate for Parliament or European Parliament or any public office; or

- (v) On the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind, unless the main purpose of the meeting or of the distribution of the literature or documents is the furtherance of statutory objects within the meaning of the Act, that is to say, the regulation of the relations between workers and masters, or between workers and workers, or between masters and masters, or the imposing of restrictive conditions on the conduct of any trade or business, and also the provision of benefits to members.

The expression "public office" in this rule means the office of member of any county borough, district, or parish council, or board of guardians, or of any public body who have power to raise money, either directly or indirectly, by means of a rate.

- 31.B Any payments in the furtherance of such political objects shall be made out of a separate fund (hereinafter called the "Political Fund" of the Union).
- 31.C Any members of the Union may at any time give notice on the form of exemption notice referred to in Rule 31.D, or on a form to like affect, that he or 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 National Office, or any Branch office of the Union or from the Certification Office for Trade Unions and Employers Associations, 15-17 Ormond Yard, Duke of York Street, London SW1Y 6JT.
- 31.D The form of exemption notice shall be as follows:

THE NATIONAL UNION OF MINEWORKERS

Political Fund (Exemption Notice)

I hereby give notice that I object to contribute to the Political Fund of the NATIONAL UNION OF MINEWORKERS, and in consequence exempt, in manner provided by the Trade Union Act, 1913, from contributing to that fund.

Signature

Address

Name of Branch

Date day of 19.....

- 31.E 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 upon the notice, and shall inform the Secretary of the name and address of the member.
- 31.F On giving such notice, a member of the Union shall be exempt, so long as his or her notice is not withdrawn, from contributing to the Political Fund of the Union as from the first day of January next after the notice is given, or, in the case of a notice given within one month after the date on which a new member admitted to the Union is supplied with a copy of these Rules, as from the date on which the member's notice is given.
- 31.G The NEC 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 party 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 period.
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, or her is a contribution to the Political Fund of the Union, it is hereby provided that in the last week in each quarter an amount equal to the contributions specified in Rule 6.10 is a contribution to the Political Fund of the Union, and that any member who is exempted as aforesaid shall be relieved from the payment of such sum in the last week in each quarter.

- 31.H 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 or her being so exempt.
- 31.I Contribution to the Political Fund of the Union shall not be made a condition for admission to the Union.
- 31.J If any member alleges that he or she is aggrieved by a breach of any of the rules for the Political Fund, being a rule or rules made pursuant to Section 3 of Trade Union Act, 1913, he or 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 or she considers that such a breach has been committed, make such order for remedying the breach as he or she thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by Section 5A of the Trade Union Act, 1913, be enforced, on being recorded in the County Court, as if it had been an order of the County Court.
- 31.K Any member may withdraw his or her notice of exemption on notifying his or her desire to that effect to the secretary of his or her Branch who shall thereupon send such member an acknowledgement of receipt of the notification and inform the Secretary of the name and address of the member so withdrawing.
- 31.L The NEC shall cause to be printed, as soon as practicable after the approval of these rules for the Political Fund of the Union, a number of copies thereof having at the end copies of the certificates of approval sufficient for the members of the Union, and a further number for new members, and shall send to the secretary of each Branch a number of copies sufficient for the members of the Branch. The secretary of each Branch shall take steps to secure that every member of the Branch, so far as practicable, receives a copy of these rules, and shall supply a copy to any member at his or her request. A copy thereof shall also be supplied forthwith to every new member on admission to the Union.
- 32. ADMINISTRATION OF THE POLITICAL FUND**
- 32.A In the last week of each quarter all Areas shall pay to the Political Fund in respect of each member who is not exempted under Rule a contribution equal to the contribution specified in Rule 6.10. There shall be returned to each Area one-third of its members' subscriptions to be administered by the Area in carrying out the objects as set forth in the Trade Union Act, 1913. The proportion remitted back to the Areas shall only be used for the propagation of Labour politics, local or parliamentary in harmony with the Labour Party constitution.
- 32.B Unless the subscriptions as specified in this rule be paid for all members to the Political Fund any Area or Constituent Association so failing to pay will not be eligible to nominate candidates at Bye or General Elections, and therefore cannot receive either Returning Officers' fees or other costs incurred at such election from this fund.
- 32.C The number of Parliamentary or European Parliamentary Candidates shall be determined by the NEC from time to time.
- 32.D Before any candidate can be a Union candidate, such candidate must be and have been a financial member for at least five years or an honorary member.
- 32.E All candidates must either be nominated by:
- (i) The NEC; or
 - (ii) An Area with members within the Constituency to be contested is situated but only after such proposed candidate has been approved by the NEC and then submitted to the Labour Party National Executive Committee for final adoption.
- 32.F Members of Parliament elected under this scheme shall be paid from the fund the sum of £400 per annum, and such increases thereon as the NEC may determine from time to time. Sums to be applied to Members of the European Parliament will be determined by the NEC from time to time.

- 32.G In the event of an election each adopted candidate shall be allowed as election expenses an inclusive sum not exceeding 80 per cent of the legally permitted maximum or such other sums as may be confirmed from time to time by decision of the Labour Party Conference. In cases where there is no contest and an adopted union candidate is elected, there shall be allowed a sum to cover any expenses which may have been necessarily incurred.
- 32.H Where a Union candidate is the official Parliamentary Labour Party Candidate, there may be paid to the funds of the Constituency Labour Party concerned for organisation and registration expenses:
- (i) An annual sum not in excess of £600 in a Borough Constituency as defined by the Labour Party National Executive Committee or £700 in a County Constituency; but
 - (ii) Where a full-time Agent is employed, an amount in excess of the permitted maxima may be paid, but such amount shall not exceed 65 per cent of the agreed salary scale for Agents in a Borough Constituency or 70 per cent in a County Constituency;
- or such other sums as may be decided from time to time by decision of the Labour Party Annual Conference.
- 32.I The decision of the NEC shall be final and binding on all questions arising out of payments into and out of this Labour Political Fund.
- 32.J Areas nominating a candidate must supply the NEC with all information as regards the constituency for which the candidate is nominated:
- (i) As to the number of members of the Union entitled to vote in the said constituency.
 - (ii) The approximate number of Trade Unionists other than members of the Union entitled to vote.
 - (iii) The total number of electors.
 - (iv) Results of previous elections.
 - (v) What Labour political propaganda has been done and organisation there is in the constituency.
 - (vi) The method adopted, if any, to ascertain the desire of the Trade Unionists in the constituency for a Labour candidate.
- 32.K Any member elected a Member of Parliament or of the European Parliament under this scheme and contemplating retiring, shall inform his or her Area and the NEC of his or her intention of so doing, if possible, twelve months previously.
- 32.L There shall be paid from this fund all contributions and levies called for by the Labour Party Executive under the constitution of the Party.
- 32.M No alteration of these Rules shall be made unless such alteration has been agreed to by not less than a two-thirds majority vote recorded at an Annual Conference, or at a Special Conference convened for that purpose, and after they have been considered by the Areas.

SCHEDULE

<i>Constituent Associations</i>	<i>Area</i>
National Union of Mineworkers (Cokemen's Area)	COKEMEN
National Union of Mineworkers (Cumberland Area)	CUMBERLAND
National Union of Mineworkers (Derbyshire Area)	DERBYSHIRE
National Union of Mineworkers (Durham Area)	DURHAM
National Union of Mineworkers (Kent Area)	KENT
National Union of Mineworkers (North Western Area)	NORTH WESTERN
National Union of Mineworkers (Leicester Area)	LEICESTER
National Union of Mineworkers (Midlands Area)	MIDLANDS
National Union of Mineworkers (Northumberland Area)	NORTHUMBERLAND
National Union of Mineworkers (North Wales Area)	NORTH WALES
National Union of Mineworkers (Nottingham Area)	NOTTINGHAM
National Union of Mineworkers (Scottish Area)	SCOTLAND
National Union of Mineworkers (South Derbyshire Area)	SOUTH DERBYSHIRE
National Union of Mineworkers (South Wales Area)	SOUTH WALES
National Union of Mineworkers (Yorkshire Area)	YORKSHIRE

National Union of Mineworkers (Durham Mechanics' Group No. 1 Area)..	GROUP No. 1
National Union of Mineworkers (Durham Enginemen Group No. 1 Area)..	
National Union of Mineworkers (Northumberland Mechanics, Group No. 1 Area)	
National Union of Mineworkers (Group 2, Scottish Colliery Enginemen, Boilermen and Tradesmen's Association)	GROUP No. 2 COLLIERY OFFICIALS AND STAFFS
National Union of Mineworkers (Colliery Officials' and Staffs' Area) ..	
National Union of Mineworkers (Power Group Area)	POWER GROUP

MODEL RULES

1. NAME

The Union shall be called the "NATIONAL UNION OF MINeworkERS (AREA)" and is in these Rules referred to as "the UNION", and its offices shall be at

The Union shall be a constituent part of the National Union of Mineworkers (hereinafter in these Rules referred to as "the National Union").

2. CONSTITUTION

The Union shall be composed of members of the National Union as may be allocated to the Area by the NEC, employed in the coalmining industry and ancillary undertakings and such other industries and undertakings as the Conference of the National Union shall from time to time determine.

3. OBJECTS

The objects of the Union shall be:

- (a) To act as a Trade Union.
- (b) To secure the complete organisation in the Union of all workers in or connected with the coalmining industry of the British Isles and all the industries and undertakings in which the Union has members or such sections of them as Conference may from time to time determine.
- (c) To advance and protect the interests of members.

Note: Additional objects of the Area shall be those which are set out in their Rule books. If there are any which are in need of amendment to bring them into line with the National Union, such amendments will be introduced at a later date.

4. CLAIMS FOR DAMAGES AT COMMON LAW

No assistance shall be given by the Union to any member in respect of any claims for damages unless the member concerned makes application for such assistance through his or her Lodge or Branch, on a specific form which will be provided on request by his or her Lodge or Branch for this purpose, and also notifies the Area General Secretary on a specific form, which will also be provided by his or her Lodge or Branch on request, that he or she (the member) has made application for assistance to his or her Lodge or Branch.

If the Lodge or Branch fails to act on the member's application or if the member is informed that such assistance will not be given, he or she shall have the right of appeal to the Area Executive Committee whose decision as to whether or not the Union shall give such assistance shall be final.

5. CONTRIBUTIONS

New Entrants

- (a) Members of a trade union (affiliated to the TUC) who become employed in or connected with the coalmining industry and ancillary undertakings or other industries and undertakings as the Conference of the National Union shall from time to time determine, shall be admitted to membership of the Union upon production of a Clearance Card or Transfer Certificate without being called upon to pay an entrance fee. The Clearance Card or Transfer Certificate must be handed to the Secretary of the appropriate Lodge or Branch within twenty-eight days immediately following the date upon which he/she commences work in or connected with the above industries or undertakings. The above provision shall apply to a member transferring his or her

membership from one Constituent Association to another within the National Union.

- (b) Youths under 18 years of age who apply for membership on their entering industry for the first time shall be admitted to membership and shall pay all contributions and levies in accordance with the Rules.

6. ARREARS OF CONTRIBUTIONS

Except where exemption has been otherwise granted by the NEC or Conference of the National Union a member shall cease to be a financial member when the extent of the member's arrears is the equivalent of 8 weeks' contributions. Any such unfinancial member shall cease to be entitled to the rights and benefits of membership until the whole of the arrears are paid, and for a period of four weeks after the date of payment of all such arrears.

Any member who is unfinancial and after request fails to pay such arrears for a period of 13 weeks shall cease to be a member.

Arrears shall include contributions, fines and such special levies as may from time to time be determined under the Rules.

Any person formerly a member who has ceased membership under this rule shall only be re-admitted to membership upon payment of a fee not to exceed the arrears. Any member paying such a fee shall not be entitled to the rights and benefits of membership for a period of four weeks after the date of payment of the fee.

A member on strike on the direction of the NEC of the National Union or locked out shall be exempted from payment of contributions and special levies in respect of any period during which the member was on strike or locked out and in respect of which he/she receives no wages.

7. DEFINITION OF MEMBER

The term "financial member" when used in these Rules shall mean:

- (a) a member who has duly paid all contributions, levies and fines payable by him or her, or
- (b) a member who has not paid the contributions, levies and fines as they have become due, but whose arrears are less than a sum equivalent to eight weeks' contributions.

The term half member when used in these Rules shall mean a member under the age of 18 years, or a member employed in or connected with the coal mining industry or ancillary undertaking, or other industry or undertaking in which the Union has members in the Area who for the time being works on terms other than on a full-time basis but only for so long as he or she remains so employed other than upon a full-time basis.

8. AREA COUNCIL

Subject to the authority of the NEC of the National Union, the General Management of an incidental to the affairs of the Union shall be vested in an Area Council which shall be constituted in manner hereinafter mentioned.

The Area Council shall consist of the Area Officials and representatives appointed by the Lodges or Branches to represent such Lodges or Branches at the Area Council Meeting.

The member of the Area who acts as its representative as a member of the NEC of the National Union shall be entitled to attend at all meetings of the Area Executive Committee or Area Council of the Area by which he or she was appointed.

9. APPOINTMENT OF DELEGATES

Each Lodge or Branch (consisting of more than forty-nine members) shall from time to time appoint one of its members to be its representative and to act as its delegate at meetings of the Area Council.

No Lodge or Branch shall be represented by more than one delegate.

Provision shall be made for the Area Executive Committee to arrange for the grouping of Lodges or Branches where membership of such Lodges or Branches is under 50.

For the purpose of the Rules dealing with these particular questions, half members shall be considered equal to full members.

10. **HOLDING OF AREA CONFERENCE OR COUNCILS**
Area Conference or Area Council meetings shall be held once every two calendar months and subject to the exception next hereinafter referred to, each of such meetings shall be held for a period of one day only. One of the Conference or Council Meetings shall be regarded as the Annual Conference. The Annual Conference shall be held for a period not exceeding three days. (If the Area Executive Committee consider that a Conference or Council Meeting once every two calendar months be unnecessary, the Area Conference or Council Meeting shall be held at such longer intervals as the Area Executive Committee may determine.)
If the Area Executive Committee consider that a Council Meeting once every two calendar months is insufficient, the Council Meeting shall be held at such shorter intervals as the Area Executive Committee may determine, subject to the cost of such additional Council Meetings being the responsibility of the Area. Notwithstanding the foregoing, the NEC of the National Union, or in its absence, the National Officials, may authorise Special Area Conferences or Council Meetings if they consider circumstances warrant such action.
11. **AREA OFFICIALS AND AREA EXECUTIVE COMMITTEE**
The Area shall elect such full-time Area Officials/Agents as may from time to time be determined by the NEC of the National Union and an Area Executive Committee shall be responsible to the NEC of the National Union for:
(a) the detailed organisation, membership and contributions, as covered by the Area;
(b) establishment and maintenance of Branches within the Area;
(c) all negotiations for price lists, wages, compensation, and other matters which purely relate in character to a colliery or district;
(d) the submission of reports to the NEC of the National Union of work done and proceedings taken at least once every month.
Subject to the over-riding authority of the NEC of the National Union, the Area Executive Committee may delegate to Branches in the Area such powers as may properly be exercised by the Area Executive Committee itself.
12. **HOLDING OF AREA EXECUTIVE COMMITTEE MEETINGS**
Area Executive Committee meetings shall be held twice in each calendar month, or at such longer intervals as the Area Executive Committee may determine. Each of such meetings shall be held for a period of one day only.
13. **CONSTITUTION OF AREA EXECUTIVE COMMITTEE**
(NOTE: Present District Rules to continue to apply. The NEC of the National Union to consider the questions involved with the object in due course of progressively, and in consultation with the Areas, bringing about a greater degree of uniformity.)
14. **AREA OFFICIALS**
(NOTE: Subject to such amendments as are necessary to bring the Area Rules into line with the National Rules on the points referred to under the heading "Area Officials/Agents" the present District Rules will continue to apply. The NEC of the National Union are considering the questions involved, and in due course, and in consultation with the Areas, proposals will be submitted with the object of bringing about a greater degree of uniformity.)
15. **AUDITORS**
Qualified Accountants shall be appointed by the Area Executive Committee (subject to the approval of the NEC of the National Union) to audit the Area Books and Accounts, and such Accountants shall issue their report at such intervals and in such form as may be prescribed by the NEC of the National Union.
16. **LODGES AND/OR BRANCHES**
(NOTE: Present District Rules to continue to apply. The NEC of the National Union to consider the questions involved with the object in due course, of progressively, and in consultation with the Areas of bringing about a greater degree of uniformity.)
17. **LODGE OR BRANCH GENERAL MEETINGS**
Lodge or Branch General Meetings shall be held at least once in every month,

when the business of the Union and the Lodge or Branch shall be laid before the members present for their approval or otherwise.
Each Lodge or Branch shall fix its own time of meeting.

18. **DISCIPLINARY RULE**

Disqualification of members, Branches and removal of officers.

18.A There shall be a Disciplinary Committee of the Union consisting of seven members of the Union who each have at least five years unbroken membership at the date of nomination. Members shall be elected by a Branch vote of the Union and the Area Executive Committee shall make such arrangements as it considers appropriate for the conduct of such elections. The membership for the purpose of this vote shall be the number for which contributions have been paid to the Union over the last twelve months on the preceding 31st December, or the last available audit figures for such a twelve month period. *The first such election shall take place within six weeks of this rule coming into effect and the Disciplinary Committee shall be dissolved and subject to re-election at dates to be fixed by the Area Council being not less than three years nor more than three and one quarter years after each preceding election. A member shall be eligible for re-election to the Disciplinary Committee.*

18.B No members of the Area Council shall be eligible for membership of the Disciplinary Committee except as provided in paragraph 18.C below. Any member of the Disciplinary Committee who becomes a member of the Area Executive Committee or a delegate to the Area Council shall cease to be a member of the Disciplinary Committee. No member shall be eligible for membership of the Disciplinary Committee if he or she is a full-time Official or officer of the National Union. The Area Executive Committee shall arrange as soon as practicable for an election to fill any such vacancy or any vacancy caused by the death, cessation of Union membership or resignation of any member of the Disciplinary Committee.

18.C Subject to paragraph 18.G below the Area President shall preside over meetings of the Disciplinary Committee and to the extent provided in this rule shall be a member of it. In the absence of the Area President and in the absence of the Area Vice-President also the Disciplinary Committee shall appoint the Chairman or Chairwoman from among its members. A quorum of the Disciplinary Committee shall be three members including the person presiding and shall be selected on a rotating basis.

18.D The Disciplinary Committee shall have power to consider a complaint that a member:

- (i) has been found guilty by a court of law or a tribunal of any act or omission contrary to Union policy or involving Union funds or property;
- (ii) has ceased to be a member of any branch of the Union;
- (iii) is in arrears with his or her contributions to the Union by eight weeks' contributions or more;
- (iv) has been found guilty by a court of law of any offence involving fraud or dishonesty in circumstances which may affect his/her fitness to hold office in or be a member of the Union;
- (v) has admitted involvement in any dishonest practice in relations to funds of any description entrusted to him/her;
- (vi) has disclosed any Union or National Union document to any outside body or person without authorisation from the National Officials or area Officials of the Union as the case may be;
- (vii) has done any act (which includes any omission) which may be detrimental to the interests of the Union and which is not specifically provided for in this rule.

18.E The Disciplinary Committee shall also have power to consider a complaint that a Branch or Branch Committee:

- (i) has been found guilty by a court of law or a tribunal of any act or omission contrary to Union policy or involving Union funds or property;
- (ii) has admitted involvement in any dishonest practice in relation to funds of any description entrusted to them;

- (iii) had disclosed any Union or National Union document to any outside body or person without authorisation from the National Officials or Area Officials of the Union as the case may be;
 - (iv) has done any act (which includes any omission) which may be detrimental to the interests of the Union and which is not specifically provided for in this rule.
- 18.F A complaint may be put before the Disciplinary Committee by any individual member or members, or by a Branch, a Branch Committee, an Area Council or Area Executive Committee. Any such member, group of members or Union body may appoint a member or Official of the Union (including in the case of a group of members or a Union body, one of themselves) to present their complaint.
- 18.G The Area General Secretary in person or by a deputy shall act as Secretary to the Disciplinary Committee. Any complaint, together with a statement of the facts to be relied on in support of the complaint, shall first be sent to the Area General Secretary. The Area General Secretary shall consult the Area President and if either of them considers the complaint or statements out of order, the Area General Secretary shall refer it back to the complainant or complainants, the Area Council shall resolve any such dispute if called on by the Area President or Area General Secretary or the complainant or complainants to do so. The Area General Secretary shall convey each valid complaint in writing to each member, Branch or Branch Committee against whom the complaint is made, setting out the complaint in full and either setting out all the facts relied on by the complainant or complainants or, if appropriate, summarising them so as to enable each member, Branch or Branch Committee concerned to know the case he/she/it or they have to meet. The Area General Secretary shall inform each such member, Branch or Branch Committee that he/she/it or they may reply in writing to the complaint in advance of the hearing but this provision is without prejudice to the duty of the Area Officials of the Union to ensure an expeditious hearing of any complaint which they consider requires an urgent hearing. Such Area Officials of the Union shall convene a meeting of the Disciplinary Committee to adjudicate on every complaint at such date and place as, having regard to any reasonable request made by the complainant or complainants or member, Branch or Branch Committee concerned, appears to them to be suitable.
- 18.H No member of the Union shall sit as a member of the Disciplinary Committee or preside at one of its meetings if that member is or has been personally involved in any matter giving rise to the complaint. If the application of this rule makes it impossible to secure a quorum of the Disciplinary Committee, the Area Executive Committee shall have power to nominate as many members of the Union being eligible under paragraphs 18.A and 18.B of this rule, as will create a quorum, to be temporary members of the Disciplinary Committee. Neither shall any person act as Secretary to the Disciplinary Committee if he or she has been personally involved in any matter giving rise to the complaint.
- 18.I The Disciplinary Committee shall have power:
- (i) To call any witness or introduce any evidence not advanced by either party, if the Disciplinary Committee considers such witness or evidence may be material;
 - (ii) To take any procedural steps, including adjournment, which it considers necessary or advisable in the interests of fairness to either party or of the Union.
- 18.J When it has heard the evidence and arguments of each party, the Disciplinary Committee shall consider in private whether it finds the complaint proved. No complaint shall be found proved except by a vote of a majority of those present throughout the hearing. The presiding member shall not vote unless those members voting are evenly divided. If a complaint is found proved the member, members or Branch concerned shall be given an opportunity to make any representation they wish as to what penalty if any should be imposed.
- 18.K The Disciplinary Committee at the conclusion of the above proceedings may impose such of the following penalties as it considers appropriate to the complaint which has been proved:

- (i) Expulsion from the Union;
- (ii) Suspension from membership of the Union;
- (iii) Suspension of a Branch;
- (iv) Dissolution of a Branch;
- (v) Removal from any office held in the Union;
- (vi) Disqualification from holding office, or any specified office or offices, in the Union;
- (vii) Caution.

Any appropriate combination of the foregoing penalties may be imposed. Suspension from membership of the Union means disentitlement to hold office, to attend any Union or Union Committee meetings, and to receive any Union benefits, but without being relieved of the duty to pay contributions to the Union. Any penalty of suspension, removal from office or disqualification from office shall be for a period specified by the Disciplinary Committee, which shall have power to reduce such period if the member concerned subsequently applies through the Area General Secretary showing any new factor not present when the penalty was imposed.

- 18.L If, on hearing a complaint it appears to the Disciplinary Committee that the complaint is not only unfounded but has been brought maliciously or frivolously, it shall put the matter to the complainant or complainants, and after considering any representations which they may wish to make, may require the complainant or complainants to pay in whole or in part the cost of a disciplinary hearing.
- 18.M The Disciplinary Committee shall not exercise jurisdiction over a member under this rule where that member has already been tried under an equivalent National Rule.
- 18.N Any party to a disciplinary complaint who is dissatisfied with the decision of the Disciplinary Committee shall have a right of appeal to the National Appeals Committee.
- 18.O There shall be a National Appeals Committee of the Union consisting of nine members of the Union who each have at least five years' unbroken membership at the date of nomination. Members shall be elected by a Branch vote of the Union in each of the Areas named in the Schedule to the Rules. No Area shall have more than one member of the National Appeals Committee. Voting shall take place on the basis of Area Votes, one vote for every thousand members, or fraction or part thereof. The membership for the purpose of this vote shall be the number for which contributions have been paid to the Union over the twelve months on the preceding 31st December, or the last available audit figures for such a twelve month period. The NEC of the National Union shall make such arrangements as it considers appropriate for the conduct of such elections. The first such election shall take place within six weeks of this rule coming into effect, and the National Appeals Committee shall be dissolved and subject to re-election at dates to be fixed by the NEC of the National Union being not less than three years nor more than three and one quarter years after each preceding election. A member shall be eligible for re-election to the National Appeals Committee.
- 18.P No member of the NEC of the National Union shall be eligible for membership of the National Appeals Committee except as provided in paragraph 18.Q below. Any member of the National Appeals Committee who becomes a member of the NEC of the National Union shall cease to be a member of the National Appeals Committee. No member shall be eligible for membership of the National Appeals Committee if he or she is a full-time Official or officer of the National Union. The NEC of the National Union shall arrange as soon as practicable for an election to fill any such vacancy or any vacancy caused by the death, cessation of Union membership or resignation of any member of the National Appeals Committee.
- 18.Q Subject to paragraph 18.H above, the National President shall preside over meetings of the National Appeals Committee and to the extent provided in this rule shall be a member of it. In the absence of the National President the National Appeals Committee shall appoint a chairman or chairwoman from among its

members. A quorum of the National Appeals Committee shall be five members including the person presiding and shall be selected on a rotating basis.

- 18.R An appeal to the National Appeals Committee shall be notified to the Chief Executive Officer of the National Union within fourteen days from the notification of the decision of the Disciplinary Committee. The Chief Executive Officer of the National Union in person or by a deputy shall act as secretary to the National Appeals Committee. The notice of appeal shall be in writing and shall set out the full grounds of appeal. Paragraphs 18.H/I/J/K and L above, shall apply to the National Appeals Committee as they apply to the Disciplinary Committee. In addition no member of the National Appeals Committee shall hear an appeal relating to the Area of which he is a member of the Union or if he was a member of the National or Area Disciplinary Committee which decided the matter which is subject to appeal.
- 18.S The National Appeals Committee shall not be obliged to conduct a re-hearing but shall review as much of the material considered by the Disciplinary Committee as the parties to the appeal put before it, or as a National Appeals Committee itself considers relevant. It may consider any record of the Disciplinary Committee proceedings, and may call on the person who presides at the Disciplinary Committee hearing to inform the National Appeals Committee in the presence of the parties, of any relevant matters transacted at the hearing. It may hear or call for fresh evidence if in its discretion it considers it appropriate to do so. The National Appeals Committee may uphold a decision of the Disciplinary Committee or may allow an appeal in part or in whole, and may, if it thinks right, substitute for any penalty or combination of penalties imposed by the Disciplinary Committee such penalty or combination of penalties or combination of penalties as the National Appeals Committee considers appropriate in all the circumstances of the case at the date of the appeal.
- 18.T There shall be no right of appeal against a decision of the National Appeals Committee which shall be final and binding on all parties.
- 18.U Members of the National Appeals Committee and the Disciplinary Committee and members required to attend any hearing shall be paid in accordance with Rule.
19. **RELATIONSHIP OF AREA RULES TO RULES OF NATIONAL UNION**
On any question as to which these Rules or the National Rules (including the Model Rules) do not provide, or on any conflict between the National Rules (including the Model Rules) and these Rules, or on any question of interpretation of these Rules, the matter shall be referred to the National President who shall make a ruling which shall be final and binding subject to an appeal to the NEC of the National Union and thence to Conference of the National Union.
20. **POLITICAL FUND**
Area Rules will require to provide for the normal industrial contribution to be reduced in given weeks of the year to enable the Political contributions to be made within an amount of not more than the normal contributions.

STANDING ORDERS

1. The Conference (after first day) shall meet each day at 10.00 a.m. adjourn at 12.45 p.m., re-assemble at 2.15 p.m., and adjourn at 4.30 p.m.
2. There shall be appointed for the efficient conduct of the business of the Conference:
 - Doorkeepers
 - Tellers
 - Credential Committee
 - Business Committee
3. Doorkeepers shall be appointed whenever practicable by the Areas in rotation, in advance of the date of the Conference, to ensure their attendance at the Conference before the time of the opening.
4. Tellers, Credential Committee and Business Committee shall be elected in open Conference by a vote by show of hands.

5. A decision of the Chairman or Chairwoman can only be challenged by a motion "That the Chairman's or Chairwoman's decision be not upheld". Such motion, if seconded, shall be put to the meeting without discussion.
6. All voting in the first instance shall be by show of hands.
7. In the event of a vote by show of hands being challenged by any Area represented at the Conference there shall be taken a card vote upon the basis of Area membership. One vote for every 1,000 members or fractional part thereof. The membership for the purposes of the Card Vote shall be taken as being the number for which contributions have been paid to the Union for the 12 months ending on the preceding 31st December, or the last available audited figures for such 12 month period.
8. No motion shall be submitted to a meeting unless a written copy of it has been sent to the Secretary previously and printed on the Agenda in the order in which it is received. An emergency proposition can only be submitted to a meeting by consent of at least three-fourths of those voting at such meeting. All such emergency propositions to be submitted in writing beforehand to the Secretary.
9. A motion made "That the question be now put", may, at the discretion of the Chairman or Chairwoman, be put forthwith without amendment or debate provided that sufficient opportunity has been given for the expression of opinion both in favour and in opposition to the matter under discussion. Should the motion be adopted the movers of the proposition, amendment or negative, may reply to the debate, after which the Chairman or Chairwoman shall put the questions under discussion to the vote.
10. When an amendment to a motion is submitted no second amendment shall be discussed until the first amendment is disposed of. If an amendment is adopted, it shall then become a motion, upon which further amendments may be moved.
11. The mover of a motion or amendment shall be limited to ten minutes, and all subsequent speakers to five minutes. The mover of a motion and mover of the amendment only shall be allowed five minutes for reply, and shall confine their reply to answering objections raised during the debate. The mover of the motion to close the debate.
12. No person shall speak more than once upon any motion or amendment, but any person may rise to "a point of order", or ask a question, provided he or she does so as soon as possible and adheres strictly thereto.
13. These Standing Orders may by resolution, supported by at least two-thirds of those present and voting, be suspended so far as the time limit for speakers is concerned, either for any particular motion or all of them.

— NATIONAL EXECUTIVE COMMITTEE.