

The Fire Brigades Union



Rule Book

Revised 2011

All previous Rules rescinded

Foreword

THE IMMEDIATE AIMS of the Fire Brigades Union are to serve its members by winning for them the best possible conditions, and to serve the community by encouraging its members to be skilled at their craft.

THE FIRE BRIGADES UNION recognises that workers, however employed, can only improve their lot by their own endeavours and organisation. A richer and fuller life can be achieved only by similar means.

TO THIS END the Fire Brigades Union is part of the working-class movement and, linking itself with the international trade union and labour movement, has as its ultimate aim the bringing about of the Socialist system of society.

The most up-to-date FBU Rule Book
can always be found on the FBU website
www.fbu.org.uk

THE FIRE BRIGADES UNION

Founded 1918

Affiliated to the Trades Union Congress
and Trades Councils

President:	Alan McLean
Vice-President:	Jim Barbour
General Secretary:	Matt Wrack
Asst. Gen. Sec:	Andy Dark
Treasurer:	Warren Gee
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EXECUTIVE COUNCIL MEMBERS

Roddy Robertson	Region 1
Jim Barbour	Region 2
Andy Noble	Region 3
Ian Murray	Region 4
Warren Gee	Region 5
Dave Limer	Region 6
Rose Jones	Region 7
Grant Mayos	Region 8
Keith Handscomb	Region 9
Ian Leahair	Region 10
Jim Parrott	Region 11
Karl Horan	Region 12
Tam McFarlane	Region 13

Micky Nicholas	B&EMM
Sharon Riley	CSNC
Tam Mitchell	NRC
Denise Christie	NWC
Jack Ford	ONC
Stewart Brown	LGBT

RULE BOOK 2011

Rule 1

TITLE

The Union shall be called and known by the name of: "The Fire Brigades Union".

Rule 2

REGISTERED OFFICE

The registered office place of meeting for the business of the Union shall be at: **68 Coombe Road, Kingston upon Thames, KT2 7AE.**

Rule 3

OBJECTS OF THE UNION

- (1) To organise all those employed under the National Joint Council Scheme of Conditions of Service for Local Authorities Fire and Rescue Services and such other categories of employees as determined by the Executive Council.
- (2) To secure unity of action in order to improve the position and status of members and the service and secure that the numbers of uniformed employees of fire brigades, members of the Union and appropriate post holders within the Union, are as far as reasonably practicable, representative of gender and ethnic minorities and sexual orientation.
- (3) To settle and negotiate differences and disputes between members of the Union in matters relating to their Fire Service employment, with employers, Trade Unions, or other persons.
- (4) To liaise and engage with the United Kingdom Government, devolved administrations and all other levels of government on public services and related matters, for the purposes of promoting and monitoring legislation for the benefit of members of the union and the public we serve.

- (5) To secure that only members of this Union are employed in roles covered by the National Joint Council Scheme of Conditions of Service for Local Authorities Fire and Rescue Services.
- (6) To aid and join with other trade unions or societies having objects similar to any of the objects of this Union.
- (7) To support and promote working class unity through the trade union and labour movement and therefore to oppose all forms of discrimination whether on the grounds of race, sex, disability, age, religion, sexual orientation or trade union membership.
- (8) To provide legal assistance to members when matters relating to their employment in the Fire Service or affecting their interests as employees in the Fire Service are involved.
- (9) To further:
 - (i) political objectives as defined in Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992, as amended; and
 - (ii) such other political objectives as the Executive Council may determine from time to time which in its opinion are consistent with the Union's other objectives.
- (10) To administer from the general funds of the Union such benefit or welfare funds as may be instituted from time to time by the Executive Council in the interests of the members of the Union or of any section of the members of the Union.
- (11) To administer any scheme or fund which the Executive Council may set up from time to time.
- (12) Where possible it be the policy of the Fire Brigades Union not to conduct business with any organisations or in premises of said organisations where such organisations are unsympathetic to the Labour and Trade Union Movement.

Rule 4

CATEGORIES OF MEMBERSHIP

The Union shall consist of members in the following categories:

- (a) Members employed by Local Authority Fire Brigades under NJC Conditions of Service, other categories of employees determined by the Executive Council and elected Full Time Officials who shall be known as "Ordinary Members".
- (b) Ordinary Members in accordance with Rule 4 (a) upon retirement or upon ceasing employment in the Fire and Rescue Service, who desire to continue membership, who shall be known as "Retired and Out of Trade Members".
- (c) Members awarded Honorary membership of the FBU in accordance with Rule 5 (3) who shall be known as "Honorary Members".
- (d) Junior Firefighters employed by Local Authority Fire Brigades who shall be known as "junior members".

Any reference to the word "member" in these Rules shall mean "ordinary member" unless otherwise specified.

Rule 5

CONDITIONS OF MEMBERSHIP AND CONTRIBUTIONS

(1) Ordinary Members

- (a) Every person wishing to join the Union shall be proposed by one and seconded by another member of the Union.

The names of new members shall be reported to the next meeting of the Brigade Committee concerned.

- (b) Any former FBU member wishing to rejoin the Union shall have his/her application considered by the Branch concerned and then forwarded to the Brigade Committee.
 - (i) In the case of any former member expelled from the Union in

accordance with Rule 26, the Brigade Committee shall consider the application with the recommendation of the Branch concerned. The Brigade Committee shall then forward the application to the Executive Council with any recommendation. The Executive Council shall decide whether the application shall be accepted. The re-entry fee shall be 50 per cent of the weekly rate of pay of a Firefighter (competent).

- (ii) In all other cases, the Brigade Committee shall decide whether the application shall be accepted and whether to set any re-entry fee which shall not exceed 25 per cent of the weekly rate of pay of a Firefighter (competent).
- (c) The application cards of persons accepted into membership in accordance with this Rule shall be forwarded to the Brigade Organiser and then by him/her to the Head Office of the Union.
- (d) The Union shall not knowingly and actively seek to take into membership present or recent members of another Union, without the agreement of that organisation.
- (e) A person improperly enrolled in the Union may be excluded from membership by the Executive Council.
- (f) The weekly contribution of Ordinary members shall be:

Full time members shall contribute 1 per cent of the Firefighter (competent) rate of pay. Job share members shall contribute half of 1 per cent of a Firefighter (competent) weekly rate of pay. Retained members shall contribute one third of the trade contribution of full time members, plus 3 per cent of the trade contribution of Wholetime members rounded to the nearest penny. Volunteer members shall contribute annually a flat rate fee as set by the Executive Council.

Where members pay by the calendar month the contribution amount payable shall be circulated from the weekly contribution rates.

- (g) In Northern Ireland these rates shall be 97 per cent of the contribution specified in Rule 5 (1) (f), rounded to the nearest penny. Members in N. Ireland who agree to contribute to the political fund as provided in Rules 31 and 32 shall pay a levy in accordance with Rule 32.
- (h) A member who wishes to resign from the Union must do so by written notice to the Brigade Organiser and cancel any future payments. The resignation taking immediate effect from the date of receipt.

(2) **Retired and Out of Trade Members**

- (a) Members desiring to become 'Retired and Out of Trade Members' in accordance with Rule 4(b) shall be eligible to continue Union membership by completing an application form and forwarding it to Head Office not later than 180 days from the cessation of employment in accordance with Rule 4 (b).
- (b) Former 'Ordinary Members' who did not join as detailed in Rule 5 (2) (a), must complete an application form and return to Head Office.
- (c) Applicants must have been 'Ordinary Members' at the time of the cessation of their employment. Applications should be copied to the relevant Brigade Secretary, who should place the application before the next Brigade Committee for consideration and decision. The Brigade Secretary shall put in writing the decision of the Brigade Committee and forward it to the General Secretary within 28 Days. In the absence of a response or objection from the Brigade Secretary within 28 days, the application shall be accepted.
- (d) Applicants that are accepted will be notified in writing, by the General Secretary, of the decision.
- (e) Any member who fails to renew their Retired and Out of Trade Membership by the date indicated will have to follow the process outlined above at (c).

- (f) The contribution of Retired and Out of Trade members shall be £25 per five years.
- (g) Such members shall be entitled to receive assistance under Rules 3(3) and 3(7).
- (h) Retired and Out of Trade members shall neither hold office nor have voting rights.

(3) **Honorary Members**

Honorary membership may be awarded at the discretion of Conference and/or the Executive Council from amongst persons ineligible for ordinary membership. A Regional Committee may nominate persons for this honour.

Honorary membership may be awarded for outstanding service rendered to the Union and/or to the Fire Service.

Honorary members shall neither hold office nor having voting rights.

(4) **Junior Members**

(a) The Executive Council shall have power to provide for the enrolment of junior Firefighters (over 16 years of age) into the Union. Such members shall not be eligible for benefit under Rule 30 neither shall they be members of the Union's Political Fund. For the purpose of all other benefits under these rules, junior members shall be regarded as "ordinary members".

(b) Junior members shall contribute one-third of the trade contributions of full time members. Junior members shall become "ordinary members" and pay the full Union subscription on reaching the age of 18 years.

Where junior members pay by the calendar month the contribution amount payable shall be calculated from the weekly contribution rates.

(5) **Career Breaks**

Members on recognised career breaks shall neither hold office nor have voting rights.

(6) **Payment of Contributions**

A member shall pay his/her contributions to the Union by either:-

- (i) deduction from salary at source.
- or
- (ii) Direct Debit.

(7) Each member shall be issued with a membership card and a copy of the Union Rules.

(8) Any member, except those covered in Rule 5 (9), who permits his/her contributions to fall three or more calendar months in arrears shall forfeit all rights and title to the funds and properties of the Union, and the right to vote in any Union election or ballot. Following consultation with the Brigade Organiser the Union will notify him/her that unless his/her arrears are cleared within 3 calendar months, his/her name will be erased from the membership of the Union.

(9) A member not in receipt of full pay whilst sick, injured, or on maternity leave shall be exempt from payment of contributions for such period as he/she is not in receipt of full pay.

(10) A member who is on a recognised career break will be exempt from payment of contributions for the first 12 months. Each year thereafter the member will be required to pay a contribution of £25 per Annum, or part thereof. For the purpose of this Rule a recognised career break is accepted as an agreed break from work, which lasts up to 5 years maximum.

Rule 6

CONSTITUTION AND GOVERNMENT OF THE UNION

(1) The foundation of the Union's democratic structure shall be the organisation and representation of all members at their place of work,

uniting them in workplace Branches in pursuit of common aims. The organisation of members at their workplace Branch shall be constituted in accordance with Rule 23. In order to build upon this workplace foundation, Branches shall be collectively organised through the establishment of Brigade Committees constituted in accordance with Rule 21.

- (2) For the government of the Union there shall be a Conference and for the general administration of the Union between Conferences there shall be an Executive Council.

In order to provide the fullest opportunities for the democratic administration of the Union, the membership shall be divided into 13 Regions as follows:

- (1) Scotland
- (2) Northern Ireland
- (3) North-Eastern Region
- (4) Yorkshire and Humberside Region
- (5) North-Western Region
- (6) East Midlands Region
- (7) West Midlands Region
- (8) Wales
- (9) Eastern-East Anglia Region
- (10) London Region
- (11) South-Eastern Region
- (12) Southern Region
- (13) South-Western Region

The territory included in each Region is set out in the appendix. Only Conference shall have the power to vary the boundaries of the Regions as it may deem desirable.

- (3) To assist in the organisation of our membership and for the better administration of those affairs specific to particular members, and to assist the Executive Council to develop strategies designed to ensure Fairness at Work pursuant to Rule 8 (6)(e) there shall be the following Committees, each of which shall be directly responsible to the Executive Council.
 - (i) A Black and Ethnic Minority Members National Committee.
 - (ii) A Control Staff National Committee.
 - (iii) A National Lesbian, Gay, Bi-Sexual and Trans Committee.
 - (iv) An Officers' National Committee.
 - (v) A National Retained Committee.
 - (vi) A National Womens' Committee.

Rule 7

CONFERENCE

- (1) The supreme government of the Union shall be vested in the Conference which shall be biennial, and/or recall Conferences and the decision of which shall be binding on all members.
- (2) Delegates to Conference shall be elected according to the membership of the Brigade as in June of the year preceding that in which the Conference is to be held.

Delegates entitlement shall be calculated at the rate of one delegate per 500 members or part thereof. There shall be a minimum of two delegates from each Brigade. The method of election of delegates shall be decided upon by the Brigade Committee.

- (3) Members of the Executive Council shall attend Conference by virtue of their office only and shall be allowed to speak when so nominated to do so on behalf of the Executive Council, but shall not be eligible to vote.

- (4) Full-time Officials of the Union shall attend Conference by virtue of their office only and shall be allowed to speak when so nominated to do so on behalf of the Executive Council, but shall not be eligible to vote.
- (5) The Executive Council shall have the power to nominate further delegates to represent categories of the membership whom it shall deem to be insufficiently represented at the Conference. These delegates shall have the right to speak on matters of concern to their particular membership grouping.
- (6) To assist Conference to discharge its business, Conference shall establish a Standing Orders Committee which shall consist of six members.

Two of these members shall be appointed by the Executive Council and the other four elected from the delegates Conference.

This Committee shall appoint one of the four members elected by Conference to be the chair. The members of the Standing Orders Committee elected from the delegates to Conference will serve for four years. Two members will retire at each Conference and will be eligible for re-election for a further period of four years.

- (7) The Standing Orders Committee shall, in consultation with the Executive Council, make the necessary arrangements for the holding of Conference and publish details to the membership, including the procedure to be followed by the Brigade Committees and National Sectional Committees in submitting resolutions and amendments to rules.
- (8) The Standing Orders Committee shall prepare the agenda of the Conference and submit reports on the order of business from time to time during the Conference.
- (9) The quorum for the Standing Orders Committee shall be 50 per cent of the members of the committee elected by the delegates to Conference.

Rule 8

CONSTITUTION AND POWERS OF THE EXECUTIVE COUNCIL

- (1) The management of the Union shall be vested in the Executive Council which shall consist of one representative from each Region enumerated in Rule 6. In addition, there shall be elected every four years in accordance with Rule 19 (3), one Officers representative (Rule 19 (3)(b)), one Control Staff representative (Rule 19 (3)(c)), one Retained members representative (Rule 19 (3)(d)) and in order to further the Rule 3 (2) Objects of the Union, one Women members representative (Rule 19 (3)(e)), one Black and Ethnic Minority members representative (Rule 19 (3)(f)) and one Lesbian, Gay, Bi-Sexual and Trans members representative (Rule 19 (3)(g)).
- (2) The President shall preside at the meetings of the Executive Council.

The Vice-President shall be a member of the Executive Council and shall preside in the absence of the President.

The National Treasurer shall be a member of the Executive Council.

The General Secretary and Assistant General Secretary shall attend in an advisory capacity.

Ten voting members shall form a quorum.
- (3) Executive Council members shall hold office for four years. Retiring members are eligible for re-election.
- (4) The Executive Council shall meet not less often than once every three months.
- (5) Any member who fails to attend a meeting without offering a satisfactory reason may be removed from office. In the event of the enforced absence of a member either through prolonged illness, removal from office, prolonged family care leave or when the Executive Council post is vacant awaiting election, the Executive Council will appoint a Regional Official, who has been nominated by the Regional Committee from the affected Region, to act in place of that member.

This Regional Official shall be afforded full voting rights at the meetings of the Executive Council. In the case of members elected pursuant to Rules 19 (3)(b) – (g), the Executive Council will appoint the Chair or Secretary, who has been nominated by the relevant National Committee.

- (6) The Executive Council shall, subject to these rules and to the decision of Conference, have full power and authority to take such action as it deems necessary for the conduct of the Union's affairs and the realisation of the objects set out in Rule 3. The Executive Council shall have the following powers that shall not in any way limit its powers as set out above.
 - (a) To determine the salaries of all the full time employees of the Union and to administer arrangements for pension, retirement and kindred benefits for these employees.
 - (b) To make levies on members to keep the funds in a solvent condition.
 - (c) To make grants or loans to kindred organisations and parties connected with the trade union movement and, in exceptional circumstances for services rendered.
 - (d) To set up where necessary committees to deal with the special problems or business or special categories of the membership and to delegate to these committees such of its powers as it thinks fit, with the exception of the power to dismiss Officials.
 - (e) To develop strategies designed to ensure fairness at work, health and safety procedures and educational opportunities. To this end the Executive Council will maintain a Fairness at Work Advisory Committee consisting of representatives of the Executive Council and the Regional Fairness at Work Officers. The Executive Council will also ensure that not less than once per year, national meetings of Regional Fairness at Work Officers, Regional Health and Safety Co-ordinators and Regional Education Officers shall take place.
- (7) Any member of the Executive Council may attend any lower committee of the Union "ex-officio".

Rule 8A

INTERNAL UNION DISCIPLINE:

HONORARY OFFICIALS OTHER THAN EXECUTIVE COUNCIL MEMBERS

- (1) (a) The following procedure shall apply in relation to the following honorary Officials, namely Branch Officials and committee members, Divisional Officials and committee members, Brigade Officials and committee members, Regional Officials and committee members and the Officials and members of the six National Committees of the Union as per Rule 6 (3).
 - (b) For the avoidance of doubt:
 - (i) this Rule applies to any substitute, deputy or acting Official or committee member, or former Officials committing an alleged offence when serving as an Official;
 - (ii) action may be taken simultaneously under this Rule against every member of a committee.
- (2) (a) If the Executive Council member for a Region believes (which belief he/she may form after conducting a preliminary inquiry) that an honorary Official as specified above when holding office in that Region (the defendant) committed an offence contrary to Rule 26 (1), he/she
 - (i) may suspend the defendant from all or any office whether currently held or not in the Union;
 - (ii) shall as soon as practicable send a written complaint to the General Secretary setting out details of the defendant's conduct and reporting any action taken to suspend the defendant.
- (b) If a defendant is suspended under Rule 8A (2)(a)(i) he/she shall be ineligible to stand for election to any post within the Union pending the outcome of proceedings under this Rule.

- (c) If an Executive Council member suspends a defendant he/she may take such steps as he/she considers necessary to ensure the good management of the Union pending the outcome of proceedings under this Rule.
 - (d) Should the election for an office from which the defendant has been suspended fall due during the period of suspension then that election shall also be suspended pending the outcome of proceedings under this Rule, as shall the election for any other office which the defendant is, or would be, but for the operation of this Rule, eligible to stand.
 - (e) A defendant suspended under this Rule shall not attend or call meetings of the Union or represent the Union in any capacity as the holder of the office(s) from which he/she is suspended but may continue to receive such honoraria and allowances and such Union papers marked "for information only" as he/she would have received but for his/her suspension.
- (3) Upon receipt of a complaint under paragraph (2) above the General Secretary shall convene a meeting (which may be an ordinary meeting) of the Executive Council in accordance with Rule 26 (5) for the purpose of a hearing to consider the complaint. In addition to the matters referred to in that Rule the notice of the meeting sent to the defendant shall also inform him/her that the proceedings may lead to him/her being permanently debarred from office in the Union.
- (a) If on receipt of a report from the Executive Council Member for a Region following a preliminary enquiry, where an Official has pleaded guilty to a minor misdemeanour, where a reprimand would be deemed a reasonable punishment, the General Secretary can instruct the Executive Council Member to issue that reprimand without the matter having to be brought before the full Executive Council.
- (4) (a) Save as appears below the hearing shall be conducted in accordance with Rule 26 (6).
- (b) The complainant shall be the Executive Council member who made the complaint.

- (c) The Executive Council shall consider firstly the disciplinary complaint against the defendant and shall make a resolution in accordance with Rule 26 (3)(e)(i) or (ii). The penalties available are those set out in Rule 26 (3)(f).
- (d) Thereafter, if the defendant was subject to suspension under Rule 8A (2)(a)(i) the Executive Council shall resolve to:
 - (i) reinstate the defendant to office forthwith otherwise terminate any suspension under Rule 8A (2)(a)(i); or
 - (ii) debar him/her from holding office for a specified period; or
 - (iii) debar him/her from holding office permanently.

For the avoidance of doubt, if a resolution is passed reinstating a defendant to office, the term of that office will expire on the same date as if the suspension had not occurred.

- (e) As soon as is practicable, the General Secretary shall notify the defendant in writing of the resolution of the Executive Council and of any right of appeal.
 - (f) Any Official who is found guilty of an offence under Rule 26 (1)(d), and who is not expelled may be barred from holding Union Office at any level.
- (5) (a) There shall be a right of appeal from the Executive Council to the Final Appeals Committee, save in the case of a Regional Official, and the Officials of the six National Committees of the Union, as per Rule 6 (3), when the right of appeal shall be to Conference if the Executive Council has expelled the defendant from membership of the Union or debarred him/her from holding office for a specified period or permanently.
- (b) Where the appeal lies to the Final Appeals Committee, the procedure set out in Rule 26 (4) shall apply.
 - (c) (i) Where the appeal lies to Conference, the appeal shall be considered at the meeting (which may be an ordinary meeting or

especially recalled for this purpose at the discretion of the General Secretary) of the Conference immediately subsequent to the meeting of the Executive Council which made the resolution against which the appeal lies;

- (ii) the defendant shall submit a Notice of Appeal to the General Secretary in accordance with Rule 26 (4)(c)(ii) to (iv);
 - (iii) upon receipt of a Notice of Appeal the General Secretary shall circulate to delegates to Conference at least seven days before the start of Conference (unless it is impractical to do so and then at the earliest opportunity) a copy of the defendant's Notice of Appeal and a copy of the relevant part of the Executive Council minutes;
 - (iv) at the meeting of Conference the defendant (or his/her representative) shall be afforded an opportunity to address the Conference, immediately after which without debate the President shall put the Notice of Appeal to the vote either as a whole or in parts at his/her discretion. The Conference may uphold or dismiss the appeal and may not substitute its own decision for that of the Executive Council. The decision of Conference shall be final.
- (6) Any resolution of the Executive Council that may be the subject of an appeal shall not take effect until either the time limit for appeal has expired and no appeal has been entered or the appeal has been dismissed. In all other cases, any decision of the Executive Council shall have immediate effect. If the defendant was subject to suspension at the time of the Executive Council hearing, that suspension shall continue until the resolution of the Executive Council or of any appeal takes effect.
- (7) The defendant has the right to representation under this Rule as set out in Rule 26 (7). For the avoidance of doubt, at any hearing before Conference, only one address to Conference by either the defendant (or his/her representative) shall be allowed.

- (8) Nothing in this Rule shall prevent a member of the Union instituting disciplinary proceedings against an honorary Official under Rule 26 unless proceedings under this Rule have already commenced in which case no proceedings may be brought under Rule 26 pending the outcome of proceedings under this Rule.
- (9) Where the post of Executive Council member is vacant, or the member is absent on long-term sickness leave, overseas, or for any other reason is not readily contactable, the General Secretary, or another Executive Council member or Full Time Official nominated by the General Secretary, may act as if he/she were the Executive Council member for the Region concerned under this Rule and all references to the Executive Council member shall be taken as referring to the member or Official acting under this paragraph.
- (10) (a) Where both (i) and (ii) below apply, the procedure at (b) shall operate.
- (i) The General Secretary has received a complaint or information that an Honorary Official as specified in Rule 8A (1)(a) has or may have committed an offence contrary to Rule 26.
 - (ii) The Executive Council member for the Region has been notified of the complaint or provided the information but has not sent a complaint under Rule 8A (2)(a)(ii).
- (b) The General Secretary, or another Executive Council member or Full Time Official nominated by the General Secretary, may then act as if he/she were the Executive Council member for the Region concerned under this Rule and all references to the Executive Council member shall be taken as referring to the member or Official acting under this paragraph.

Rule 8B

INTERNAL UNION DISCIPLINE:

EXECUTIVE COUNCIL MEMBERS, PRESIDENT AND FULL TIME OFFICIALS

- (1) (a) If the Vice-President believes (which belief he/she may form after conducting a preliminary inquiry) that an Executive Council member, the President, or a Full Time Official (the defendant) has committed an offence contrary to Rule 26 (1), he/she:
 - (i) may suspend the defendant from all or any office or position he/she holds in the Union;
 - (ii) shall as soon as practicable send a written complaint to the General Secretary setting out details of the defendant's conduct and action taken to suspend the defendant.
- (b) If a defendant is suspended from office he/she shall be ineligible to stand for election to any post within the Union pending the outcome of proceedings under this Rule.
- (c) If the Vice-President suspends a defendant, he/she may take such steps as he/she considers necessary to ensure the good management of the Union pending the outcome of proceedings under this Rule.
- (d) If a Full Time Official is suspended under this Rule, that suspension shall be on full pay.
- (e) Should the election for an office from which the defendant has been suspended fall due during the period of suspension then that election shall also be suspended pending the outcome of proceedings under this Rule, as shall the election for any other office for which the defendant is, or would be, but for the operation of this Rule, eligible to stand.
- (f) A defendant suspended under this Rule shall not attend or call meetings of the Union or represent the Union in any capacity as an Executive Council member or Full Time Official but may

continue to receive such honoraria and allowances and such Union papers marked "for information only" as he/she would have received but for his/her suspension.

- (2) (a) Upon receipt of a complaint under (1) above the General Secretary shall convene a meeting (which may be an ordinary meeting) of the Executive Council to take place within 48 hours of the receipt of the complaint by him/her for the sole purpose of giving a report of the complaint and of the reasons for any suspension to the Executive Council.
- (b) Thereafter the General Secretary shall convene a meeting (which may be an ordinary meeting) of the Executive Council in accordance with Rule 26 (5) which shall commence within 28 days of the conclusion of the meeting referred to at (2)(a) above for the purpose of a hearing to consider the complaint. In addition to the matters referred to in Rule 26 (5) the notice of the meeting sent to the defendant shall also inform him/her that the proceedings may lead to him/her being permanently debarred from office in the Union. If the defendant is a Full Time Official the notice of the meeting sent to him/her shall also inform him/her that the proceedings may lead to his/her dismissal from the Union's employment.
- (3) (a) Save as appears below the hearing shall be in accordance with Rule 26 (6).
- (b) The complainant shall be the Vice-President.
- (c) The Executive Council shall consider firstly the disciplinary complaint against the defendant and shall make a resolution in accordance with Rule 26 (3)(e)(i) or (ii).

The penalties available to the Executive Council shall be, in all cases:

- (i) a reprimand;
- (ii) a fine not exceeding 40 per cent of a firefighter's (competent) weekly rate of pay;

- (iii) to expel the defendant from membership of the Union;
and additionally
 - (iv) in the case of a Full Time Official, dismissal, which penalty may be imposed in addition to (iii) above.
- (d) Thereafter, if the defendant was subject to suspension from office, the Executive Council shall resolve to:
 - (i) reinstate the defendant to office forthwith; or
 - (ii) except in the case of a Full Time Official, debar him/her from holding office for a specified period; or
 - (iii) debar him/her from holding office permanently.
- (4) (a) There shall be a right of appeal from the Executive Council to Conference when the Executive Council has expelled the defendant from membership of the Union or debarred him/her from holding office for a specified period or permanently, or in the case of a Full Time Official, dismissed him/her.
- (b) The procedure for an appeal to Conference shall be in accordance with Rule 8A (5)(c).
- (c) Any Official, as defined by Rule 8B, who is found guilty of an offence under Rule 26 (1)(d), and who is not expelled, may be barred from holding Union office at any level.
- (5) For the avoidance of doubt:
 - (i) a decision to reinstate a Full Time Official either under (3) above or on appeal shall have the effect of entitling him/her to continuity of employment, pension rights, back pay, and any other emoluments to which he/she would have been entitled under his/her Contract of Employment as if he/she had never been dismissed.
 - (ii) a decision to reinstate any defendant to office shall not affect the term of office which shall expire on the same date as if the suspension had not occurred.

- (6) For the avoidance of doubt if the complaint lies against the Vice-President then references above to the Vice-President shall be taken as National Treasurer and if the complaint lies against the General Secretary then references above to the General Secretary shall be taken as Assistant General Secretary.
- (7) Any resolution under this Rule shall take effect at the same time as provided by Rule 8A (6), save that any decision of the Executive Council to dismiss a Full Time Official shall have immediate effect.
- (8) The defendant has the right to representation under this Rule as set out in Rule 26 (7), save that if the defendant is a Full Time Official he/she may be represented by a Full Time Official if that Official is willing to act as his/her representative.
- (9) Nothing in this Rule shall prevent a member of the Union instituting disciplinary proceedings against an Executive Council member or Full Time Official under Rule 26 unless proceedings under this Rule have already commenced in which case no proceedings may be brought under Rule 26 pending the outcome of proceedings under this Rule.

Rule 9

ELECTION OF EXECUTIVE COUNCIL

- (1) Candidates for election to the Executive Council must at the time of nomination and election have a minimum of two years' continuous membership and be fully paid up members.
- (2) Members of the Executive Council shall hold office for four years on the basis of quadrennial elections. The quadrennial elections shall take place without regard to casual vacancies. Where and whenever it is practically possible to do so, election procedures shall be instituted three months prior to retirement of an Executive Council member. Retiring members shall be eligible for re-election.
- (3) The procedure for election shall be in accordance with Rule 19.

Rule 10

PRESIDENT AND VICE-PRESIDENT

- (1) The President shall preside at all Conferences of the Union, at meetings of the Executive Council and at other meetings of the Union as directed by the Executive Council. By virtue of his/her office he/she shall have the right to attend and preside at any meetings of the Union. He/she shall carry out such further functions and duties as are assigned to him/her by the Executive Council.
- (2) In the absence of the President the Vice-President shall act with the authority of this Rule. The Vice-President shall also discharge such functions and duties as are assigned to him/her by the Executive Council.

Rule 11

ELECTION OF PRESIDENT AND VICE-PRESIDENT

The President and Vice-President shall be elected every four years in accordance with the procedures laid down in Rule 19. Candidates at the time of nomination and election must be fully paid up members and have at least five years' continuous membership. They must have served for not less than two consecutive years on the Executive Council. Retiring holders of offices shall be eligible for re-election.

Only serving members of the Executive Council shall be eligible for nomination and election to the position of Vice-President. On election, the Vice-President will continue to serve as an Executive Council member and will be subject, on the expiry of his/her normal Executive Council term of office, to re-election to the Executive Council, under the procedures laid down in Rule 19.

Should he/she then fail to be re-elected as an Executive Council member, his/her term of office as Vice-President will terminate automatically.

Rule 12

THE NATIONAL TREASURER

The National Treasurer shall be elected every four years in accordance with the procedures laid down in Rule 19. Candidates at the time of nomination and election must be fully paid up members and have at least five years' continuous membership. They must have served not less than two consecutive years on the Executive Council. Retiring holders of the office shall be eligible for re-election.

Only serving members of the Executive Council shall be eligible for nomination and election to the position of National Treasurer. On election, the National Treasurer will continue to serve as an Executive Council member and will be subject on the expiry of his/her normal Executive Council term of office to re-election to the Executive Council, under the procedures laid down in Rule 19.

Should he/she then fail to be re-elected as an Executive Council member, his/her term of office as National Treasurer will terminate automatically.

- (1) It shall be the duty of the Treasurer to see that the money paid to the General Secretary for the benefit of the Union is banked from time to time to the credit of the Union.
- (2) He/she shall inspect the bank books and such other books as he/she may desire to see at any time during office hours to satisfy himself/herself that the Rules relating to finance are being carried out.
- (3) He/she shall render such assistance to the auditors as they deem necessary.
- (4) He/she shall attend all meetings as required by these Rules.
- (5) He/she shall, with the General Secretary, present to Conference the annual financial statements, and an interim statement to each ordinary meeting of the Executive Council.

Rule 13

THE GENERAL SECRETARY

- (1) The General Secretary shall conduct the business of the Union in accordance with the Rules and act under the instructions of the Executive Council.
- (2) He/she shall devote his/her whole time to the service of the Union, unless the Executive Council shall otherwise determine.
- (3) He/she shall keep a register of members and enter therein their names, dates of admission, addresses and contributions paid and shall keep the same in good order.
- (4) He/she shall attend all meetings of the Executive Council and shall take, or cause to be taken, minutes of the business thereat transacted, the resolutions proposed and the votes given.
- (5) He/she shall be responsible for the finance of the Union and shall receive a receipt of all monies paid to the Union and bank the same to the credit of the Union in the Union's bank. He/she shall give a receipt or receive a receipt of all monies received or paid respectively. Together with the Treasurer he/she shall issue a financial statement to every quarterly meeting of the Executive Council.
- (6) He/she shall, together with the Treasurer, every 12 months draw up a full report of the income and expenditure of the Union for the past year from the 1 January to the 31 December which shall be audited by incorporated auditors engaged by the Executive Council.
- (7) He/she shall present to the Executive Council, prior to Conference, a report of the work of the Union and of the attendance of members of the Executive Council since the previous Conference for approval by the Executive Council. After such approval the report shall be presented to Conference as the report of the Executive Council.

Rule 14

ASSISTANT GENERAL SECRETARY AND NATIONAL OFFICERS

The Assistant General Secretary shall assist the General Secretary in his/her duties and act in his/her absence under the authority of Rule 13. In order further to assist the General Secretary in the discharge of his/her duties there shall be elected four National Officers. The Assistant General Secretary and National Officers shall act under the directions of the General Secretary in accordance with the policy of the Executive Council and these Rules.

Rule 15

ELECTION OF GENERAL SECRETARY, ASSISTANT GENERAL SECRETARY AND NATIONAL OFFICERS

Those holding office in these positions shall do so for five years, after which period they shall be eligible for re-election. Candidates shall, at the time of nomination and election, be fully paid up members and have at least five years' continuous membership. Elections for these positions shall be in accordance with Rule 19.

Holders of these posts may be required by the Executive Council to relinquish their positions on reaching the age of 60 years. Where the 60th birthday of any full-time office holder falls within five years of the date when he/she would normally be due for re-election, his/her period of office may be extended by the Executive Council until he/she reaches retirement age.

Where and whenever it is practically possible to do so, election procedures shall be instituted three months prior to retirement of any Official to whom this Rule applies.

Rule 16

THE AUDITORS

- (1) The General Secretary's annual financial statement and the accounts of the Union shall be audited by incorporated auditors engaged by the Executive Council.

- (2) They shall have access to all books and papers necessary for the fulfilment of their duties and shall have such assistance from the Officers and Executive Council as they may require.

Rule 17

THE TRUSTEES

- (1) Two Trustees elected by Conference shall invest the funds of the Union as directed. Investments shall be made in freehold or leasehold property, in organisations associated with or supporting the Labour movement, or in any investment in which the Trustees are for the time being authorised by law to invest trust funds. All investments and deposits shall be in the name of the Trustees. The Trustees shall be the persons to sue and be sued on behalf of the Union.
- (2) They shall when instructed by the Executive Council authorise withdrawals from the bank deposit account.
- (3) The Trustees shall have the power to examine the accounts of the Union.
- (4) The Trustees shall perform such functions and assume such responsibilities in connection with their office as are assigned to them under the Trade Union Act.
- (5) In the event that between Conferences one or more of the Trustees wishes to retire or, in the opinion of the Executive Council, is unfit to continue acting as a Trustee, whether for medical or other reasons, those Trustees may be retired by the Executive Council who shall then appoint replacements. Unless themselves retired by the Executive Council under this Rule, such replacements shall serve until the next Conference when their continuation or replacement shall be determined by Conference.

Rule 18

REGIONAL OFFICIALS

- (1) In each Region there shall be elected in accordance with Rule 19, a Regional Chair, a Regional Secretary, a Regional Treasurer and (in Regions 1, 2, 8 and 10) a Regional Official, each of whom shall hold

office for four years. In each Section referred to in Rule 22, a National Sectional Chair and a National Sectional Secretary each of whom shall hold office for four years. Where and whenever it is practically possible to do so, election procedures shall be instituted three months prior to the retirement of any Official to whom Rule 18 (1) and Rule 18 (5) applies. These Officials shall, through the Executive Council members for their Region or Section, be responsible to the Executive Council for ensuring that their respective Regional/Sectional Committees discharge their obligations under these Rules.

- (2) The duties of the Regional/Sectional Chair shall, apart from his/her general duties referred to above, be to preside at all meetings of the Regional/Sectional Committee and (in the case of the Regional Chair) the Regional Executive Committee and to carry out such other duties within the Region/Section as assigned to him/her by the Executive Council in accordance with these Rules and the policy of the Union.
- (3) Apart from his/her general duties referred to above, the duties of the Regional/Sectional Secretary shall be to prepare the agenda and business of the Regional/Sectional Committee and (in the case of the Regional Secretary) Regional Executive Committee and to carry out such other duties as assigned to him/her by the Executive Council in accordance with these Rules and the policy of the Union.
- (4) Apart from his/her general duties referred to above, the Regional Treasurer shall be responsible for the Regional finances. He/she shall ensure the Brigade Organisers promptly dispatch to Head Office, members' contributions collected by them. He/she shall supervise the expenditure from the Regional funds. He/she shall prepare a quarterly financial statement which, after being audited and presented to the Regional Committee, shall be submitted to Head Office.
- (5) Apart from the general duties referred to in Rule 18 (1) the Regional Officials shall assist the Regional Committees in the administration of the Union's affairs.
- (6) Regional Officials may within their Region attend any lower Committee or Branch meeting of the Union "ex-officio".

Rule 19

NATIONAL AND REGIONAL ELECTIONS

(1) (a) *General*

The overlapping of elections is permitted subject to adherence to these basic principles.

- (i) The Executive Council shall determine the order in which elections shall be processed and shall be required to give notice of intention to hold an election to the respective electoral territory concerned before instituting nominating procedures.
 - (ii) Following acceptance of nominations in respect of an election, nominations in respect of outstanding elections may be called for, providing that the Executive Council are satisfied that no eligible candidate is concerned in the first election. Similarly nominations for an election may be called for at the ballot stage of another election providing the Executive Council are satisfied that no eligible candidate is concerned in that ballot.
 - (iii) This procedure shall be ongoing and uninterrupted subject to the proviso that no member shall stand for more than one full-time or honorary position at any one time nor be debarred from standing for election to any post for which he/she is eligible.
- (b) (i) Elections for the following posts are referred to as statutory elections in this Rule.
- President
 - General Secretary
 - Assistant General Secretary
 - All Executive Council Members
- (ii) The counting and scrutinising of votes and the declaring of returns in elections provided for in this Rule shall be undertaken by independent Scrutineers nominated by the

General Secretary.

In statutory elections, the Scrutineers nominated will meet the criteria specified by statute and shall conduct the election in accordance with all procedures required by statute.

- (c) (i) Nomination papers shall be despatched by the General Secretary to all Branches entitled to nominate for the election at least five weeks before the date of close of nominations.
 - (ii) A Branch may only nominate a candidate for an election at a properly convened Branch meeting.
 - (iii) The Branch's nomination shall be entered on the correct nomination paper which shall be signed by two Officials of the nominating Branch, who shall also certify that the nomination has been properly made in accordance with (ii) above.
 - (iv) Completed nomination papers in respect of elections for the posts of General Secretary, Assistant General Secretary, National Officer and President shall be sent direct by the Branch Officials to the Returning Officer. Nomination papers in respect of other elections held in accordance with this Rule shall be sent direct to the General Secretary.
 - (v) The closing date and time for receipt of nomination papers shall be clearly shown on the nomination papers.
 - (vi) A nomination paper not completed in accordance with these Rules or not completed in accordance with the instructions thereon or received after the closing date and time shall be rejected and declared void.
- (d) (i) The General Secretary shall notify each candidate for election of his/her nomination within seven days of close of nominations.

- (ii) A nominated candidate shall notify the General Secretary in writing not more than 21 days after close of nominations whether he/she accepts nomination failing which the nomination shall be rejected and declared void.
 - (iii) Eligible candidates who have accepted nomination shall be entitled to submit to the General Secretary for onward transmission to the scrutineers in statutory elections an election statement not exceeding 250 words in length, which may for example, set out the industrial and political work of the candidate and the work he/she has performed or proposes to perform on behalf of the Union. Election statements received by the General Secretary more than 21 days from the date of close of nomination shall not be circulated.
- (e)
- (i) Save in respect of statutory elections a notice of intention to commence balloting shall be sent seven days before the distribution of ballot papers to all Branches in the electoral area concerned clearly stating the closing date and time of voting.
 - (ii) A list of candidates produced as a ballot paper together with the election statements referred to above shall be issued to each member entitled to vote in the election in accordance with the procedure given below.
 - (iii) The ballot paper shall state each candidate's full name, length of membership, past and present offices held in the Union and the names of the Branch or Branches nominating that candidate.

In statutory elections it will also bear its own unique serial number, specify the name of the Scrutineer and set out the address to which and the date by which it is to be returned.
 - (iv) The General Secretary shall supply ballot papers to the Brigade Secretary for the electoral territory concerned who shall distribute or cause to be distributed the ballot papers to the Branches whose members are entitled to vote. If the

Brigade Secretary is involved in the election, another Official appointed by the Brigade Committee shall fulfil this function.

In statutory elections the scrutineers shall distribute ballot papers by post to the home address of all members entitled to vote, or to such other address as the member has specified in a written request to the Union to be treated as his/her postal address.

- (v) Each member shall record his/her vote by marking an "X" in the box opposite the name of the candidate he/she desires to be elected and shall then return the completed voting paper in the envelope provided for this purpose to be received by the date and time of close of voting by the scrutineer in the case of statutory elections, and in other cases by the Branch Official conducting the ballot.
- (vi) A ballot paper on which the votes are not recorded in accordance with the instructions contained thereon and as specified by this Rule shall not be counted as a valid vote.

A ballot paper not received by the date and time referred to in Rule 19 (1)(e)(v) shall not be counted as a valid vote, whatever the reason for any delayed receipt.

In the case of elections which are not statutory elections:

- (f) (i) Upon the closing of voting, the Branch Secretary shall send or cause to be sent to the Scrutineers forthwith:
 - the ballot papers unopened and unexamined in their envelopes;
 - the completed form provided setting out the serial numbers of the ballot papers provided to members of the Branch concerned; and
 - the number of ballot papers unissued.
- (ii) Ballot papers received by the Scrutineers later than 14.00 hours on the date notified for receipt of ballot papers which

shall be at least seven days after the close of voting shall not be counted as valid votes in the election whatever the reason for any delayed receipt.

- (g) The Scrutineers shall decide whether any ballot papers shall be rejected or counted in accordance with these Rules and shall determine all disputes concerning the conduct of elections under this Rule.

Their decision shall be final. The Scrutineers shall prepare a Scrutineers report setting out the number of ballot papers distributed and returned, the total number of votes given for any candidate and the total number of votes rejected. In statutory elections this report shall also contain any other information required by statute.

- (h) A notice declaring the result of the election as stated in the Scrutineers Report, together with a copy of that Report shall be sent by "All Members Circular" as soon as practicable after the Union receives the scrutineers Report.

(2) *National Officials*

- (a) No candidate shall stand for the position of President, General Secretary, Assistant General Secretary and National Officer except at the discretion of the Executive Council, which will satisfy itself that any member so nominated will be capable of fulfilling the office for which he/she is nominated.
- (b) Each Branch of the Union shall be entitled to submit nominations for these offices.
- (c) In the event of any of these offices falling vacant, the Executive Council shall within six months of the vacancy occurring hold an election in accordance with this Rule.

(3) *Executive Council Members and Regional Officials*

- (a) Nominations in respect of these positions shall be confined to members serving at Branches situated within the respective

electoral territories. Each Branch shall be entitled to nominate one candidate for each position in respect of the electoral territory within which the Branch is situated.

Officers Executive Council Member and National Secretary and Chair.

- (b) Nominations in respect of these positions shall be confined to members of Station Officer rank or above. Each Brigade Committee shall, after consultation with its Officer membership, be entitled to nominate one Officer member as a candidate for these positions. Ballot papers for election to these offices will be issued to Station Officer rank and above.

The provisions contained in Rule 9 shall apply to the Officers Executive Council Member.

Control Staff Executive Council Member and National Secretary and Chair

- (c) Nominations in respect of these positions shall be confined to Control Staff members. Each Brigade Committee shall, after consultation with its Control Staff membership, be entitled to nominate one Control Staff member as a candidate for these positions. Ballot papers for election to these offices will be issued to Control Staff members.

The provisions contained in Rule 9 shall apply to the Control Staff Executive Council Member.

Retained Staff Executive Council Member and National Secretary and Chair

- (d) Nominations in respect of these positions shall be confined to Retained members. Each Brigade Committee shall, after consultation with its Retained members, be entitled to nominate one Retained member as a candidate for these positions. Ballot papers for election to these offices will be issued to Retained members. The provisions contained in Rule 9 shall apply to the Retained Members Executive Council Member.

Women Members Executive Council Member and National Secretary and Chair

- (e) Nominations in respect of these positions shall be confined to Women members. Each Brigade Committee shall, after consultation with its Women members, be entitled to nominate one Women member as a candidate for these positions. Ballot papers for election to these offices will be issued to Women members. The provisions contained in Rule 9 shall apply to the Women Members Executive Council Member.

Black and Ethnic Minority Members Executive Council Member and National Secretary and Chair

- (f) Nominations in respect of these positions shall be confined to Black and Ethnic Minority members. Each Brigade Committee shall, after consultation with its Black and Ethnic Minority members, be entitled to nominate one Black and Ethnic Minority member as a candidate for these positions. Ballot papers for election to these offices will be issued to Black and Ethnic Minority members.

The provisions contained in Rule 9 shall apply to the Black and Ethnic Minority Members Executive Council Member.

Lesbian, Gay, Bi-Sexual and Trans Members Executive Member and National Secretary and Chair.

- (g) Nominations in respect of these positions shall be confined to Lesbian, Gay, Bi-Sexual and Trans members. Each Brigade Committee shall, after consultation with its Lesbian, Gay, Bi-Sexual and Trans members, be entitled to nominate one Lesbian, Gay, Bi-Sexual and Trans member as a candidate for these positions. Ballot papers for election to these offices will be issued to Lesbian, Gay, Bi-Sexual and Trans members.

Rule 19A

CANVASSING

- (1) Canvassing for nomination or votes by a candidate for election under this Rule whether in person or by letter, circular or any other means or on behalf of a candidate for election under this Rule by letter, circular, or other written communication shall constitute a disciplinary offence.
- (2) If a member believes that another member ("the defendant") has committed a disciplinary offence contrary to (1) above, he/she shall submit a written complaint setting out details of the defendant's conduct to the General Secretary to be received by him/her not later than 28 days after the declaration of the result of the election by the Returning Officer.
- (3) If the General Secretary believes (which belief he/she may form after a preliminary inquiry has been held) that the defendant has committed an offence contrary to this Rule:
 - (a) if the result of the election for which canvassing is alleged has not been declared, the election shall be suspended;
 - (b) if the result of the election has been declared and the defendant was the successful candidate he/she shall be suspended from the office to which he/she was elected or re-elected pending the outcome of proceedings under this Rule. If a Full Time Official is suspended, that suspension shall be on full pay. A suspended defendant shall not attend or call meetings of the Union or represent the Union in any capacity as the holder of the office from which he/she is suspended but may continue to receive such honoraria and allowances and such Union papers marked "for information only" as he/she would have received but for his/her suspension;
 - (c) the General Secretary shall convene a meeting (which may be an ordinary meeting) of the Executive Council in accordance with Rule 26 (5) for the purposes of a hearing to consider the complaint. In addition to the matters referred to in that Rule the

notice of the meeting sent to the defendant shall also inform him/her that the proceedings may lead to him/her being disqualified from standing for election to the office concerned. Save as appears below the hearing shall be in accordance with Rule 26 (6) and the complainant shall be the General Secretary or a member nominated by the General Secretary; and

- (d) The General Secretary may take such steps as he/she considers necessary to ensure the good management of the Union pending the outcome of proceedings under this Rule.
- (4) At the hearing referred to at (3)(c) above, the Executive Council shall consider firstly the disciplinary complaint against the defendant and shall make a resolution in accordance with Rule 26 (3)(e)(i) or (ii). The penalties available are those set out in Rule 26 (3)(f).
- (5) If the Executive Council find the complaint to be justified, in addition to (4) above:
- (a) If the result of the election has not been declared, or has been declared and the defendant was the successful candidate, or canvassing on behalf of the successful candidate, the election shall be recommenced from close of nominations save that if there is no candidate remaining or the suspension of the election was before close of nominations the election shall be declared void and entirely recommenced.
 - (b) The defendant shall be disqualified from standing in the recommenced election.

For the avoidance of doubt:

- (i) in all other circumstances the result of the election shall stand;
- (ii) if the defendant was canvassing on behalf of a candidate, that candidate shall not be disqualified from standing in the recommenced election;
- (iii) if an election is to be recommenced from close of

nominations and only one candidate remains nominated due to the operation of this Rule, that candidate shall be declared elected unopposed.

- (6) If the Executive Council find the complaint not to be justified:
 - (a) if the result of the election has been declared, the result shall stand;
 - (b) if the result of the election has not been declared:
 - (i) if nominations had been closed prior to the suspension of the election, the election shall be recommenced from close of nominations;
 - (ii) if nominations had not been closed prior to the suspension of the election the election shall be declared void and entirely recommenced.
- (7) As soon as is practicable, the General Secretary shall notify the defendant in writing of the resolution of the Executive Council and of any right of appeal.
- (8) There shall be a right of appeal from the Executive Council to the Final Appeals Committee save that if the election was for the position of Executive Council member or Full Time Official the appeal shall lie to Conference. The procedure for appeal shall be in accordance with Rule 26 (4) for appeals to the Final Appeals Committee and Rule 8A (5) for appeals to Conference.
- (9) Any resolution under this Rule shall take effect at the same time as provided by Rule 8A (6).
- (10) The defendant has the right to representation under this Rule as set out in Rule 26 (7), save that if the defendant is a Full Time Official he/she may be represented by a Full Time Official if that Official is willing to act as his/her representative.
- (11) No other proceedings under Rule 8A, 8B or 26 shall be permitted against a defendant to proceedings under this Rule until such proceedings have been disposed of and no proceedings under Rule 8A, 8B or 26 shall be taken in relation to any offence under (1) above.

- (12) For the purpose of this Rule, Full Time Official includes General Secretary and Assistant General Secretary.
- (13) For the avoidance of doubt, if the complaint lies against the General Secretary then references above to General Secretary shall be taken as Assistant General Secretary.

Rule 20

REGIONAL COMMITTEES

- (1) For the furtherance of the Union business and for the mutual encouragement and strengthening of Brigade Committees and of the membership within each Region there shall be established in each Region a Committee to be known as "the Regional Committee".
- (2) In the case of London and Northern Ireland, the Brigade Committees shall also perform the functions and assume the title of Regional Committees.
 - (a) In all other cases the Regional Committee shall be comprised of its Officials and delegates elected from Brigade Committees on the following basis:

With the exception of Nos. 5 and 8 Regions, one delegate shall be elected from each Brigade Committee to the Regional Committee and from each Metropolitan Brigade Committee, there shall be two delegates elected to the Regional Committee.

For the No. 5 Region, representation to the Regional Committee shall be on the basis of two delegates from the Greater Manchester Brigade Committee, two from Lancashire Brigade Committee, two from Merseyside Brigade Committee, two from Cheshire Brigade Committee, two from Cumbria Brigade Committee and one from the Isle of Man Brigade Committee plus Officials.

For the No. 8 Region, representation to the Regional Committee shall be on the basis of two delegates from each Brigade Committee plus Officials.

- (b) Provision shall be made in the composition of each Regional Committee for the adequate representation of Black and Ethnic Minority members, Control Staff members, Lesbian, Gay, Bi-Sexual and Trans members, Officer members, Retained members and Women members within the Region. All members of the Regional Committee, excluding the Executive Council Member, shall have full voting rights.
- (3) The duties of the Regional Committees shall be:
- (a) To supervise the conduct of negotiations within its territory in accordance with the policy of the Union. In cases in which the policy on matters to be negotiated has not been determined by Conference or by the Executive Council it shall be the duty of the Regional Committee to refer such matters to the Executive Council for guidance. To facilitate the discharge of these responsibilities the Regional Committees shall ensure the establishment in each Brigade of a Brigade Negotiating Committee.
 - (b) To refer to the Executive Council member or the Executive Council, with such recommendation as it may deem appropriate, any Brigade Committee, Brigade Official or other honorary Official who fails to comply with the policy of the Union or refuses to accept the guidance, advice or direction of the Regional Committee.
 - (c) To be responsible for the development of membership and organisation in the Region.
 - (d) The Regional Committee shall ensure that effective arrangements are made to dispatch contributions from members to Head Office, via Brigade Organisers acting under the supervision of the Regional Treasurer.
 - (e) To ensure that timely and adequate reports on the policy of the Executive Council and of the Regional Committee are provided to Brigade Committees and Branches.

- (f) To receive and consider resolutions from Brigade Committees and to forward such resolutions as it approves on matters of national policy to the Executive Council.
- (g) To be responsible for the development of strategies designed to ensure fairness at work, health and safety procedures, trade union education and lifelong learning opportunities. To this end, the Regional Committee shall appoint three Officials, to be known as;
 - (1) The Regional Fairness at Work Officer;
 - (2) The Regional Health and Safety Co-ordinator; and
 - (3) The Regional Education and Learning Organiser.

The Regional Committee shall also establish three sub-committees for these specific references, which shall report to each meeting of the Regional Committee. The sub-committee in each case will include a Regional Official, the appointed Official and relevant representatives from Brigade Committees.

- (4) For political purposes it shall establish a Regional Political Fund to which the central political fund shall remit, at the end of each financial quarter, one-third of the monies collected from the membership in the Region.
- (5) The Regional Committee shall hold an annual general meeting, to which Brigade Committees shall be invited to send extended delegations on a basis to be determined by the Regional Committee and to which the Executive Council member and the Regional Secretary shall make their annual reports.
- (6) In each Regional Committee there shall be established an Executive Committee, which shall consist of the Chair, Secretary, Treasurer and (in Regions 1, 2, 8 and 10) a Regional Official and such other members of the Regional Committee as the Regional Committee may appoint. This Executive Committee shall meet, where necessary, between Regional Committee meetings. The Executive Committee shall report on its proceedings and upon its actions to each subsequent meeting

of the Regional Committee.

- (a) The Regional Committee shall nominate for the consideration of Conference, one of its Regional Officials to serve on the Final Appeals Committee, as described in Rule 26

Rule 21

BRIGADE COMMITTEES

- (1) Within the territory of each Fire Authority (except where the Executive Council may otherwise determine), there shall be established a Brigade Committee. The Brigade Committee may, following approval by the Regional Committee, be comprised of either delegates from the Branches within the Brigade's territory, or of delegates from Divisional Committees.

Representation to the Brigade/Divisional Committees shall be based on the following criteria:

- a) Where no Divisional Committees are established, the representation to the Brigade Committee shall be on the basis of one delegate per branch, or two delegates in the case of any Branch having 100 or more members.

Where there are fewer than six Branches in a Brigade, additional delegates may be appointed from the Branches to the Brigade Committee in proportion to their membership, provided that not more than three delegates are appointed from any Branch.

- b) Where Divisional Committees are established, their boundaries and functions shall be determined by the Brigade Committee. Representation to the Divisional Committee shall be on the basis of one delegate per Branch within that division, or two delegates in the case of any Branch having 100 or more members. Representation to the Brigade Committee shall be on the basis of two delegates from each Divisional Committee, both delegates to have full voting rights except for London Region, where each division shall have one delegate. The Divisional Committee shall annually elect from amongst their members a Chair and Secretary

who will act in an ex-officio capacity to the Divisional Committee until the next annual general meeting. The Chair and Secretary will be eligible for re-election.

- (2) The duties of the Brigade Committee shall be:
- (a) In association with the Regional Committee, to establish negotiating machinery through which matters of concern to members within the Brigade shall be pursued with the employing authority and the Chief Fire Officer. The Brigade Committee shall report to the Regional Committee on all matters dealt with through this negotiating machinery.
 - (b) To ensure that timely and adequate consideration is given to matters referred to the Committee by the Executive Council or the Regional Committee. To ensure that proper reports on these matters are received by the Branches.
 - (c) To supervise the establishment of proper Branch and Divisional Committee organisation and to ensure that Branches and Divisional Committees comply with the requirements placed upon them by these Rules.
 - (d) To provide that Black and Ethnic Minority members, Control Staff members, Lesbian, Gay, Bi-Sexual and Trans members, Officer members, Retained members, Women members and, where appropriate, other special categories of members are adequately represented on the Brigade Committee with full voting rights.
 - (e) To ensure that the Union is affiliated to and represented on those Trades Councils corresponding to the territory covered by the Committee.
 - (f) To be responsible for the development of strategies designed to ensure fairness at work, health and safety procedures, life long learning and trade union educational opportunities.

To this end, the Brigade Committee shall appoint four Officials, to be known as

- 1) The Brigade Fairness at Work Officer;
- 2) The Brigade Health & Safety Representative;
- 3) The Brigade Lifelong Learning Co-ordinator; and
- 4) The Brigade Education Officer.

The Brigade Committee shall also establish four sub-committees for these specific references, which shall report to each meeting of the Brigade Committee. The sub-committee in each case will include a Brigade Official, the appointed Brigade Officer and representatives from the Brigade Committee.

In exceptional cases, the Brigade Committee may resolve to carry out itself, the duties of four Sub-Committees.

- (g) To perform such other functions as are delegated to it by the Executive Council or Regional Committee.
- (3) (a) In each Brigade the Brigade Committee Chair and Secretary shall be elected by ballot of the membership of the Brigade for a period of office of two years.
- (b) In each Brigade, the Brigade Organiser shall be elected or appointed for a period of two years, by the Brigade Committee acting in consultation with the Regional Committee.

The Brigade Organiser shall perform the duties specified in Rule 20 (3) (d) and Rule 5 (1) (c) and to develop, in conjunction with the Brigade and Regional Committee, local strategies to promote the recruitment and organisation of FBU members.

- (c) Such other offices as the Brigade Committee may approve shall be filled by appointment or election in accordance with procedures determined by the Brigade Committee.
- (d) Regional Officials shall be eligible for nomination and election to the posts of Brigade Committee Chair or Secretary.
- (e) Brigade Officials elected or appointed in accordance with Rule 21 (3)(a) or (b) may attend within their Brigade any Lower Committee or Branch meeting of the Union "ex-officio".

Rule 22

NATIONAL SECTIONAL COMMITTEES

(i) A Black and Ethnic Minority Members National Committee.

There shall be established a Committee known as the Black and Ethnic Minority Members National Committee. The functions of this Committee shall be to advise the Executive Council on matters affecting the conditions of employment of Black and Ethnic Minority members of the Union and the negotiations attaching thereto. It shall be responsible for advising the Executive Council on the organisation and recruitment of Black and Ethnic Minority members into the Union.

It shall comprise of one Black or Ethnic Minority member from each Region, a Chair and a Secretary. The member from each Region shall be elected by the Black and Ethnic Minority members in the Region. The National Chair and Secretary shall be elected by Black and Ethnic Minority Members in line with Rule 18 and Rule 19. It shall also, subject to the approval of the Executive Council, elect members to serve in a capacity advisory to the Executive Council upon the national negotiating bodies concerned with Black and Ethnic members' conditions of employment.

In conjunction with the Executive Council the Black and Ethnic Minority Members National Committee shall organise an annual general meeting of representatives of Black and Ethnic Minority members.

The Chair and Secretary of the Black and Ethnic Minority Members National Committee shall have the status under these Rules of a Regional Chair and Regional Secretary.

(ii) Control Staff National Committee

There shall be established a Committee known as the Control Staff National Committee. The function of this Committee shall be to advise the Executive Council on matters affecting the conditions of employment of Control Staff members of the Union and the negotiations attaching thereto.

It shall be responsible for advising the Executive Council on organisation and recruitment of Control Staff into the Union. It shall comprise of one Control Staff member from each Region, a Chair and a Secretary. The member from each Region shall be elected by the Control Staff Members in the Region. The National Chair and Secretary shall be elected by Control Staff Members in line with Rule 18 and Rule 19. It shall also, subject to the approval of the Executive Council, elect members to serve in a capacity advisory to the Executive Council upon the national negotiating bodies concerned with Control Room Staff conditions of employment.

In conjunction with the Executive Council the Control Staff National Committee shall organise an annual general meeting of representatives of Control Staff members.

The Chair and Secretary of the Control Staff National Committee shall have the same status under these Rules as a Regional Chair and Regional Secretary.

(iii) A National Lesbian, Gay, Bi-Sexual and Trans Committee.

There shall be established a Committee known as the National Lesbian, Gay, Bi-Sexual and Trans Committee. The functions of this Committee shall be to advise the Executive Council on matters affecting the conditions of employment of the Lesbian, Gay, Bi-Sexual and Trans members of the Union and the negotiations attaching thereto. It shall be responsible for advising the Executive Council on the organisation and recruitment of Lesbian, Gay, Bi-Sexual and Trans members into the Union.

It shall comprise of one Lesbian, Gay, Bi-Sexual and Trans member from each Region, a Chair and a Secretary. The members from each Region shall be elected by the Lesbian, Gay, Bi-Sexual and Trans members in the Region. The National Chair and Secretary shall be elected by the Lesbian, Gay, Bi-Sexual and Trans Members in line with Rule 18 and Rule 19. It shall also, subject to the approval of the Executive Council, elect members to serve in a capacity advisory to the Executive Council upon the national negotiating bodies concerned

with Lesbian, Gay, Bi-Sexual and Trans conditions of employment.

In conjunction with the Executive Council the National Lesbian, Gay, Bi-Sexual and Trans Committee shall organise an annual general meeting of representatives of Lesbian, Gay, Bi-Sexual and Trans members.

The Chair and Secretary of the National Lesbian, Gay, Bi-Sexual and Trans Committee shall have the status under these Rules of a Regional Chair and Regional Secretary.

(iv) Officers National Committee

There shall be established a Committee known as the Officers' National Committee. The functions of this Committee shall be to advise the Executive Council on matters affecting the conditions of employment of members of the Union of the rank of Station Officer and above and the negotiations attaching thereto. It shall be responsible for advising the Executive Council on the organisation and recruitment of Officers into the Union.

It shall comprise of one member of Station Officer rank or above from each Region, a Chair and a Secretary. The member from each Region shall be elected by the Officer members in the Region. The National Chair and Secretary shall be elected by Officer members in line with Rule 18 and Rule 19. It shall also, subject to the approval of the Executive Council, elect members to serve in a capacity advisory to the Executive Council upon the national negotiating bodies concerned with Officers' conditions of employment.

In conjunction with the Executive Council the Officers' National Committee shall organise an annual general meeting of representatives of Officer members.

The Chair and Secretary of the Officers' National Committee shall have the status under these Rules of a Regional Chair and Regional Secretary.

(v) National Retained Committee

There shall be established a Committee known as the National Retained

Committee. The functions of this Committee shall be to advise the Executive Council on matters affecting the conditions of Employment of Retained members of the Union and the negotiations attaching thereto. It shall be responsible for advising the Executive Council on the organisation and recruitment of Retained members into the Union.

It shall comprise of one Retained member from each Region, a Chair and a Secretary. The member from each Region shall be elected by the Retained members in the Region. The National Chair and Secretary shall be elected by Retained Members in line with Rule 18 and Rule 19. It shall also, subject to the approval of the Executive Council, elect members to serve in a capacity advisory to the Executive Council upon the national negotiating bodies concerned with Retained conditions of employment.

In conjunction with the Executive Council the National Retained Committee shall organise an annual general meeting of representatives of Retained members.

The Chair and Secretary of the National Retained Committee shall have the status under these Rules of Regional Chair and Regional Secretary.

(vi) A National Women's Committee

There shall be established a Committee known as the National Women's Committee. The functions of this Committee shall be to advise the Executive Council on matters affecting the conditions of employment of women members of the Union and the negotiations attaching thereto. It shall be responsible for advising the Executive Council on the organisation and recruitment of women into the Union.

It shall comprise of one woman member from each Region, a Chair and a Secretary. The member from each Region shall be elected by the Women members in the Region. The National Chair and Secretary shall be elected by Women Members in line with Rule 18 and Rule 19. It shall also, subject to the approval of the Executive Council, elect members to serve in a capacity advisory to the Executive Council upon the national negotiating bodies concerned with women's conditions of employment.

In conjunction with the Executive Council the National Women's Committee shall organise an annual general meeting of representatives of women members.

The Chair and Secretary of the National Women's Committee shall have the status under these Rules of a Regional Chair and Regional Secretary.

Rule 23

BRANCH ORGANISATION

- (1) Those members employed at a fire station, or subject to approval by the Brigade Committee at any other place of employment, shall comprise a Branch.
- (2) It shall be the duty of the Branch members to elect from their number by such methods as they may determine with the approval of the Brigade Committee, a Chair, Secretary, Health and Safety representative, a Union Learning representative and a delegate, or delegates to the Brigade Committee or to the Divisional Committee.
- (3) All or any number of the foregoing Officers with such other members as the Branch shall decide shall constitute a Branch Committee, which shall be representative of all watches at the station and which shall meet monthly.
- (4) General Branch meetings shall be held as considered necessary by the Branch Committee, provided that such a meeting is held at least once a quarter. A majority of Branch members may by requisition oblige the Chair to call a special Branch meeting. At each General Branch meeting, a report will be given of business conducted by the Brigade Committee, including reports from the three sub-committees referred to in Rule 21 (2)(f).
- (5) Under the direction of Brigade Committees, Branches shall be affiliated to local Trades Councils.
- (6) A Branch Officials' handbook will be supplied to each Branch Secretary. This handbook will be updated as and when necessary by the Executive Council.

- (7) It will be the duty of Branch Secretaries to hand over the Branch handbook to his/her Brigade or Divisional Secretary when he/she relinquishes his/her office.
- (8) Other than through no fault of his/her own, the cost of the Branch handbook, should it need replacing, will be borne by the Official in whose custody it is in at the time a replacement is required.
- (9) It will be the duty of the Branch Secretary to make available the minute book of the Branch to the Brigade Secretary and or Regional Official for inspection.

Rule 24

DUTIES OF MEMBERS

- (1) It shall be the duty of every member to attend regularly at his/her Branch meeting.
- (2) It shall be the duty of every member to bring all complaints before his/her Branch or Branch Committee and to accept their ruling provided that he/she shall have the right to make a written appeal to the Brigade Committee. If he/she is dissatisfied with the decision of the Brigade Committee he/she shall have the right to appeal to the Regional Committee. If he/she is dissatisfied with the decision of the Regional Committee he/she shall have the right to appeal to the Executive Council whose decision shall be final and binding. This procedure does not apply to matters of internal union discipline covered by Rules 26, 8A and 8B.
- (3) It shall be the duty of every member to treat others with dignity and respect and to challenge offensive behaviour of any kind.
- (4) Any member who wishes to dispute the decision or action of an Official of the Union, shall make a written report to his/her appropriate Committee and await investigation.
- (5) Any member who may resign, be expelled from membership shall forfeit all rights and title to the funds and properties of the Union.

- (6) Every member shall strive to promote the highest efficiency in his/her Fire Brigade.

Rule 25

ASSISTANCE TO MEMBERS

- (1) Any member requiring assistance must produce a current membership card.
- (2) Each case of alleged victimisation by dismissal from employment shall be considered on its merits by the Executive Council. Should it be made clear to the Executive Council that a member has been victimised because of his/her connection with the Union or because of any act done in the name of the Union by authority of the Executive Council, the Executive Council may place such member on victimisation pay for as long a period as it deems fit, provided that the whole case shall be reviewed at the expiration of three weeks.
- (3)
 - (a) Save where otherwise provided in these Rules assistance to members is discretionary and may be granted or refused by or on behalf of the Executive Council in accordance with the policies and procedures of the Union. Where a member applying for assistance is or may be accused of discrimination, bullying or harassment, assistance granted will continue, only until a decision is made by the Regional Committee under the Union's policy All Different All Equal on whether the member has an arguable defence. Assistance will then continue only if the member is found to have an arguable defence and the decision at Regional level shall remain effective unless and until changed on any appeal.
 - (b) Any member requiring legal assistance in relation to any matter, whether or not arising in the course of his/her Fire Service employment, and any family members of a member may make application to the Executive Council or the National Official or other person nominated to act on behalf of the Executive Council in respect of such applications. Such applications shall be in the format approved by the Executive Council whether in writing or otherwise.

For the avoidance of doubt legal assistance granted is subject to any general conditions agreed with the solicitors instructed (and specific additional conditions may be attached in individual cases) and those persons granted legal assistance are liable for legal costs (which also includes legal disbursements, the premium for any policy of legal expenses insurance and opponents' costs) but are protected against having to pay those costs by such means provided or approved by the General Secretary on behalf of the Union as he/she may determine: such means may be varied or amended by the General Secretary during the course of the case.

- (c) If a member/family member, having been granted legal assistance, is found not to have given the full facts or to have given false or misleading facts to Officials of the Union or to the Union's nominated solicitors, either in making the application referred to at (b) above or at any other time, legal assistance may be withdrawn by the National Official immediately and with effect from the application referred to at (b) above. The member shall refund to the Union the whole of any costs paid by the Union or such lesser sum as the Executive Council may determine. Also any Union indemnity granted in respect of the costs incurred by any other party to a case may be regarded as null and void from the date granted.
- (d) If a member/family member having been granted legal assistance is in breach of any condition attached to the grant of legal assistance, refuses to follow the advice of the Union or its solicitors, or makes any arrangements for legal representation independent of the Union or its nominated solicitors, legal assistance shall be withdrawn immediately and with effect from the application referred to at (b) above. The member shall refund to the Union the whole of any costs paid by the Union, or such lesser sum as the Executive Council may determine. He/she will also have no Union indemnity in respect of the costs incurred by any other party to a case in which the Union has supported him/her.
- (e) The Union shall not be liable for any costs incurred or ordered to be paid by a member in any proceedings taken or for advice

obtained by the member on his/her own account independently of the Union, or in respect of any incident, accident, or contraction of disease or illness arising prior to the date the member joined the Union (save in accordance with any guidelines published by the TUC from time to time) or during the period of any lapsed membership.

Rule 26

INTERNAL UNION DISCIPLINE

(1) Offences

A member of the Union commits a disciplinary offence if that member:

- (a) knowingly proposes or seconds an application for membership containing false statements;
- (b) wrongly or fraudulently receives or misapplies funds of the Union;
- (c) acts contrary to or fails to carry out instructions of the Executive Council;
- (d) discriminates against, harasses or bullies another whether on the grounds of race, creed, sex or sexual orientation or otherwise.
- (e) fails to pay any fine imposed under this Rule within two months of the conclusion of proceedings, without good and sufficient reason;
- (f) acts contrary to or fails to carry out or comply with the policies and/or Rules of the Union;
- (g) acts in any way prejudicial to the interests of the Union.
- (h) Is or becomes a member of, or acts or campaigns on behalf of, any racist or fascist political party or organisation.

(2) Discipline at Regional Level

- (a) If a member believes another member, who may belong to a different Region (the defendant), has committed a disciplinary

offence, he/she shall submit a written complaint setting out details of the defendant's conduct to the defendant's Regional Secretary.

- (b) (i) Upon receipt of such a complaint, subject to (iv) and (v) below, the Regional Secretary shall consider whether a preliminary investigation of the complaint is necessary.
- (ii) If the Regional Secretary is of the opinion that a preliminary investigation is necessary he/she shall appoint another member who may be an Official of the Union (the investigator) to conduct such investigation. At this stage the defendant should be informed, in writing, of the complaint made against the member.
- (iii) If the Regional Secretary is of the opinion that a preliminary investigation is not necessary he/she shall convene a Regional Committee meeting for the purpose of a hearing to consider the complaint.
- (iv) If arising out of or directly related to the subject matter of the complaint, the Regional Committee has already determined or is in the process of determining whether or not any member should be granted representation, the member complained against shall have the option to have the complaint investigated and heard by a different Regional Committee. Where this applies, upon receipt of the complaint pursuant to (2)(b)(i) and before an investigator is appointed or other decision is taken, the Regional Secretary shall notify the member complained against of their right.
- (v) Where (iv) applies, the member complained against has 14 days from receipt of the notification from the Regional Secretary referred to in (iv) to exercise that right by notifying the General secretary in writing. The General Secretary will then decide which alternative Region will be responsible for conducting the proceedings at Regional level throughout.

Subsequent references to the Regional Committee or Regional Secretary shall be treated as references to the Region so nominated by the General Secretary.

- (c) Upon conclusion of a preliminary investigation under (b)(ii) above the investigator shall report in writing to the Regional Secretary that:
- either
- (i) in the opinion of the investigator there are insufficient grounds to proceed with the complaint further, whereupon the Regional Secretary shall notify the member who submitted the complaint that no further action will be taken upon it, the defendant shall also be notified of this decision;
- or
- (ii) that in the opinion of the investigator the complaint should proceed further, whereupon the Regional Secretary shall convene a Regional Committee meeting for the purpose of a hearing to consider the complaint.
- (d) The Regional Committee may resolve to:
- (i) dismiss the complaint;
 - (ii) find the complaint justified and penalise the defendant.
- (e) The penalties available to the Regional Committee shall be:
- (i) a reprimand;
 - (ii) a fine not exceeding 30 per cent of a firefighter's (competent) weekly rate of pay
 - (iii) to recommend that the defendant should be expelled from membership of the Union.
- (f) As soon as is practicable, the Regional Secretary shall notify the defendant in writing of the resolution and if that resolution is to recommend expulsion the Regional Secretary shall send to the General Secretary:

- (i) within 14 days, a written report of the Regional Committee proceedings;
 - (ii) as soon as is practicable, a copy of the Regional Committee's minutes recording the hearing and resolution.
- (g) Any member who is found guilty of an offence under 1(d) and who is not expelled, will be automatically barred from holding Union Office at any level.

(3) *Discipline at Disciplinary Committee level*

- (a) The Disciplinary Committee shall be a Committee of the Executive Council and shall comprise four members of the Executive Council as nominated by the Executive Council from time to time and the President who shall Chair the meeting and who shall be entitled to a casting vote only.
- (b) (i) The Secretary to the Disciplinary Committee shall be a National Officer nominated to that post by the General Secretary from time to time.
- (ii) The Secretary shall not be a member of the Disciplinary Committee nor have a vote at its meetings, but shall be present at its meetings to take minutes and advise on procedure.
- (c) If a member of the Executive Council believes (which belief he/she may form after conducting a preliminary inquiry) that a Regional Committee has failed, or will fail, to deal with a disciplinary complaint, he/she shall submit a written complaint setting out that belief and details of the defendant's conduct to the Secretary to the Disciplinary Committee.

At this stage the defendant should be informed in writing, by the Executive Council Member, of the complaint made against the Member.

- (d) Upon receipt of a report from a Regional Committee under (2)(f)(i) above or a complaint under (3)(c) above, the Secretary to the Disciplinary Committee shall convene a meeting of the Committee for the purpose of a hearing to consider the report or complaint.

- (e) The Disciplinary Committee may resolve to:
 - (i) dismiss the report or complaint;
 - (ii) find the report or complaint justified and penalise the defendant.
- (f) The penalties available to the Disciplinary Committee shall be:
 - (i) a reprimand;
 - (ii) a fine not exceeding 40 per cent of a firefighter's (competent) weekly rate of pay;
 - (iii) to expel the defendant from membership of the Union.
- (g) As soon as is practicable, the Secretary to the Disciplinary Committee shall notify the defendant in writing of the resolution and of any right of appeal.
- (h) Any member who is found guilty of an offence under 1(d), and who is not expelled, will be automatically barred from holding Union Office at any level.

(4) Appeals

- (a) there shall be a right of appeal:
 - (i) from the Regional Committee to the Disciplinary Committee when the Regional Committee has imposed a fine;
 - (ii) from the Disciplinary Committee to the Final Appeals Committee when the Disciplinary Committee has expelled the defendant from membership of the Union.
- (b) Final Appeals Committee:
 - (i) the Final Appeals Committee shall be comprised of one Regional Official from each Region of the Union, plus one National Chair or Secretary from each of the National Sectional Committees;
 - (ii) each Regional Committee/National Sectional Committee

shall nominate to Conference for endorsement, a Regional Official/National Sectional Chair or Secretary to serve on the Final Appeals Committee;

- (iii) upon endorsement by Conference that Official shall serve as a member of the Final Appeals Committee for a term of two years commencing at the conclusion of the Conference;
- (iv) the quorum of the Final Appeals Committee shall be 50 per cent of its total membership;
- (v) the Final Appeals Committee shall elect one of its members as Chair and the General Secretary shall nominate a National Officer as its Secretary (who shall not be the National Officer who acted as Secretary to the Disciplinary Sub-Committee in its proceedings relating to the resolution under appeal) on each occasion it is required to meet;
- (vi) the Secretary shall not be a member of the Final Appeals Committee nor have a vote at its meetings, but shall be present at its meetings to take minutes and advise on procedure.

(c) The Appeal:

- (i) for the purposes of this paragraph, the Disciplinary Committee and Final Appeals Committee shall be known as “the Appeals Committee”;
- (ii) the defendant shall submit the appeal in writing (Notice of Appeal) specifying the grounds of the appeal;
- (iii) the time limit for an appeal shall be 14 days from the date the written notice of the resolution against which the appeal lies was sent to the defendant;
- (iv) it is the defendant’s responsibility to ensure that the Notice of Appeal complies with this paragraph and is received by the Secretary to the Appeal Committee within the time limit;

- (v) upon receipt of a Notice of Appeal the Secretary to the Appeal Committee shall convene a meeting of that Committee for the purpose of a hearing to consider the appeal. He/she shall also require the Secretary of the Committee against whose resolution the appeal lies to forward to him/her a report of that Committee's proceedings and a copy of its minutes, recording the hearing and resolution;
- (vi) the Appeal Committee may resolve to dismiss the appeal or uphold the appeal and it may substitute a lesser penalty;
- (vii) any decision of the Appeal Committee shall be final;
- (viii) as soon as is practicable, the Secretary to the Appeal Committee shall notify the defendant in writing of the resolution of the Appeal Committee.

(5) *Convening of Meetings*

- (a) Whenever the convening of a meeting is required by this Rule, the procedure set out below shall be followed. For the avoidance of doubt, the meeting may be an ordinary meeting of the Committee concerned or a meeting called especially for the purpose of the disciplinary proceedings, at the discretion of the Secretary to that Committee.
- (b) The Secretary shall send to the defendant at his/her last known address written notice of the meeting by ordinary first class post not less than 21 days before the date of the meeting.
- (c) The notice of the meeting sent to the defendant shall be dated and shall specify:
 - (i) the date, time and place of the meeting;
 - (ii) the purpose of the hearing;
 - (iii) details of the alleged offence sufficient to enable the defendant to appreciate the nature of the case against him/her;

- (iv) his/her right to attend, make verbal submissions, call witnesses and submit documentary evidence;
 - (v) his/her right to be represented by himself/herself or another member of his/her choice (subject to that nominated member's agreement);
 - (vi) his/her right to make written submissions;
 - (vii) that his/her reasonable travelling expenses will be met; his/her representative's reasonable travelling expenses will be met;
 - (viii) that the proceedings may ultimately lead to his/her expulsion from membership of the Union;
 - (ix) that the meeting may proceed in his/her absence unless he/she submits written reasons showing good cause why he/she cannot attend;
 - (x) that he/she is required to acknowledge receipt and state within 10 days of the date of the notice whether he/she intends to attend at the meeting;
 - (xi) that he/she is requested to forward copies of any documents to which he/she will refer, to the Secretary;
 - (xii) and shall enclose a copy of any report submitted by the investigator under (2)(c)(ii) above.
- (d) If, in the opinion of the Secretary, the defendant has submitted written good cause why he/she cannot attend, the hearing shall be adjourned to a future meeting.
- (e) Copies of the complaint or report, relevant minutes of any previous hearing and any documentary evidence in his/her possession shall be sent to the defendant by the Secretary as soon as is practicable and in any event at least seven days before the meeting.
- (f) The Secretary shall send written notice of the meeting at least

seven days before the meeting to the complainant and to those who are members of the Committee holding the meeting. This notice shall include copies of the notice sent to the defendant, any Notice of Appeal, the complaint or report, relevant minutes of any previous hearing and any documentary evidence in the Secretary's possession.

(6) Hearings

- (a) For the purpose of all hearings under this Rule the provisions set out below shall apply.
- (b) The following may not be present except as complainant, complainant's assistant, defendant, defendant's representative or witnesses:
 - (i) at Regional Committee level: members of the defendant's Brigade (Division);
 - (ii) at Disciplinary Committee and Final Appeals Committee level: members of the defendant's Region.

This provision includes those who would normally attend meetings as members of the above Committees save that at Regional Committee level, the Executive Council member and any Regional Official who is a member of the same Brigade (Division) as the defendant may be present and participate in the proceedings and save that at Disciplinary Committee level, the President may be present and Chair the meeting if he/she has not previously participated in the proceedings at Regional level (in which case references in (3) above to President shall be taken as Vice-President).

The complainant, complainant's assistant, defendant, defendant's representative and witnesses shall withdraw from the hearing upon the conclusion of the presentation of evidence and submissions on behalf of both sides and shall not play any part in the discussion or debate upon the resolution before the Committee holding the hearing.

- (c) The following shall act as complainant:
- (i) at the Regional Committee: the member making the complaint save that if an investigator has been appointed under (2)(b) above the complainant shall be the investigator.
 - (ii) on report or appeal to the Disciplinary Committee and Final Appeals Committee level: an Executive Council or Regional Committee member nominated by the Regional Committee.

The complainant may appoint an assistant who shall be a member of the Union to help him/her in the presentation of the case, but any such assistant shall have no speaking rights at any hearing under this Rule.

- (d) The procedure adopted at the hearing shall be in accordance with such guidance notes as the Executive Council may approve from time to time.
 - (e) All hearings on report or appeal shall be by way of full rehearing and new evidence shall be admissible at the discretion of the Chair.
- (7) (a) The defendant may be represented at any hearing under this Rule by another member of the Union (except a Full Time Official) if that member is willing to act as his/her representative.
- (b) The defendant shall notify the Secretary to the Committee holding the hearing of the name and address of his/her representative as soon as is practicable and in any event at least seven days before the hearing.
- (8) Where a disciplinary decision taken under this Rule can be the subject of an appeal, it shall not take effect until either the time limit for appeal has expired and no appeal has been entered or the appeal has been dismissed. In all other cases the decision shall have immediate effect.
- (9) For the avoidance of doubt, nothing in this Rule shall in any way limit or fetter the powers of the Executive Council set out in Rule 8 above; and in the case of conflict between this Rule and Rules 8A and 8B, this Rule shall be subordinate.

- (10) For the avoidance of doubt, if a disciplinary complaint or report lies against a Regional Secretary, references above to the Regional Secretary shall be taken to read Regional Chair.
- (11) For the purpose of this rule, "Member" shall include Ordinary, Retired and Out of Trade, Honorary, and Junior Members.

Rule 26A

MOTION OF NO CONFIDENCE

- (1) A motion of no confidence may be carried against an Executive Council member, a Regional Official, Brigade Official, the Chair or Secretary of each of the six National Committees of this Union, as per Rule 6 (3), the National Treasurer, the Vice-President or the President in accordance with this Rule ("the Official" for the purposes of this Rule).
- (2)
 - (a) A motion of no confidence (or preliminary motion) in the National Treasurer or Vice-President (in the capacity of National Treasurer or Vice-President) or in the President shall be considered by the Executive Council ("the Committee" for the purposes of this Rule).
 - (b) A motion of no confidence (or preliminary motion) in an Executive Council member (except the Executive Council members referred to in (c) – (h) of this Rule) or Regional Official shall be considered by the Regional Committee for the Region represented by the Executive Council member or Regional Official concerned ("the Committee" for the purpose of this Rule). For the avoidance of doubt this paragraph applies to the National Treasurer and Vice-President in the capacity of Executive Council member.
 - (c) A motion of no confidence (or preliminary motion) in the Executive Council Black and Ethnic Minority Members representative, Black and Ethnic Minority Members National Committee Chair or Secretary shall be considered by the Black and Ethnic Minority Members National Committee ("the Committee" for the purposes of this Rule).

- (d) A motion of no confidence (or preliminary motion) in the Executive Council Control Staff representative, the Control Staff National Committee Chair or Secretary shall be considered by the Control Staff National Committee ("the Committee" for the purposes of this Rule).
 - (e) A motion of no confidence (or preliminary motion) in the Executive Council Lesbian, Gay, Bi-Sexual and Trans members representative, the National Lesbian, Gay, Bi- Sexual and Trans Committee Chair or Secretary shall be considered by the National Lesbian, Gay, Bi-Sexual and Trans Committee ("the Committee" for the purposes of this Rule).
 - (f) A motion of no confidence (or preliminary motion) in the Executive Council Officers' representative, the Officers' National Committee Chair or Secretary shall be considered by the Officers' National Committee ("the Committee" for the purposes of this Rule).
 - (g) A motion of no confidence (or preliminary motion) in the Executive Council Retained Members representative, National Retained Committee Chair or Secretary shall be considered by the National Retained Committee ("the Committee" for the purpose of this Rule).
 - (h) A motion of no confidence (or preliminary motion) in the Executive Council Women Members representative, National Women's Committee Chair or Secretary shall be considered by the National Women's Committee ("the Committee" for the purpose of this Rule).
 - (i) A motion of no confidence (or preliminary motion) in a Brigade Official shall be considered by the Brigade Committee for the Brigade represented by the Brigade Official concerned ("the Committee" for the purposes of this Rule). For the avoidance of doubt this paragraph applies to a Regional Official in the capacity of a Brigade Official.
- (3) Before a motion of no confidence may be moved a preliminary motion of no confidence shall have been passed by the Committee

not less than three months and not more than six months previously.

- (4) A motion or preliminary motion of no confidence shall be taken only at an ordinary meeting of the Committee. Notice of the meeting stating the motion to be moved shall be sent by ordinary first class post by the Secretary to the Committee to all those entitled to attend (including the Official who is the subject of the motion) and if the motion or preliminary motion is to be considered by a Regional Committee, Brigade Committee, or National Committee as per Rule 6 (3) to the General Secretary not less than 21 days before the date of the meeting at which the motion is to be moved. If the Secretary to the Committee is the subject of the motion then the notice shall be sent by the Chair of the Committee.
- (5) Should the Official not attend, the meeting may proceed in his/her absence.
- (6) A motion or preliminary motion of no confidence shall not be voted upon until the Official (if present) has spoken (or declined to speak) in reply.
- (7) If the motion or preliminary motion of no confidence alleges specific acts or omissions on the part of the Official and the Official in his/her reply under Paragraph (6) above states that in his/her opinion he/she was acting in accordance with Union policy in relation to the alleged acts or omissions the Committee shall pay due regard to such a submission before any vote upon the motion or preliminary motion of no confidence is taken.
- (8) To be carried, a motion or preliminary motion of no confidence shall require a majority of two-thirds of those entitled to vote and present at the meeting. The Officials shall be entitled to vote if he/she would normally have a vote at the meeting.
- (9) A motion or preliminary motion of no confidence may not be moved in the same Official less than twelve months after an unsuccessful motion or preliminary motion has been moved.
- (10) An Official in whom a motion of no confidence has been successfully

moved shall be deemed to have resigned forthwith and an election for the post thus vacated shall be held in accordance with the Rules of the Union. For the avoidance of doubt, the Official in whom the motion was carried may offer himself/herself for election to the vacant position.

Rule 26B

PROCEDURE FOR MOTION OF NO CONFIDENCE IN THE WHOLE OF THE EXECUTIVE COUNCIL

- (1) The Executive Council shall be removed from office upon two-thirds of the members of the Union voting in favour of a motion for such removal in a national ballot of the membership.
- (2) The General Secretary shall initiate the ballot at (1) above upon receipt of a written request signed on behalf of such number of Brigade Committees as represent a minimum of one-third of the total membership of the Union.
- (3) The ballot shall be scrutinised by the firm of Chartered Accountants referred to in Rule 19 (1)(b) who shall act as returning officers.
- (4) Upon the removal from office of the Executive Council in accordance with this Rule the General Secretary shall give notice of an election for all the Executive Council seats vacated by the effect of this Rule. Any Executive Council member removed from office as a result of the ballot at (1) above may offer himself/herself for re-election.

Rule 27

FINANCE

- (1) The Union's bankers shall be the Unity Trust Plc.
- (2) At the end of each financial quarter one-third of the monies received at Head Office as contributions to the political fund from each representative Region shall be remitted to the Regional Committee for use within the terms of the Rule governing the use of the political fund.

Rule 28

HONORARIA AND EXPENSES

- (1) Honoraria shall be paid to:

The President

Brigade Organisers

This honoraria will be adjusted annually to maintain this relationship with the Firefighter's (competent) weekly pay.

- (2) Delegates to Conference or any other Conference convened under these Rules, or members appointed as delegates to other Conferences and members of the Executive Council or any other Committee constituted in accordance with these Rules, shall be entitled to necessary travelling expenses, reasonable cost of hotel accommodation and reimbursement for loss of wages.
- (3) All Union Officials shall be entitled to necessary travelling expenses, reasonable cost of hotel accommodation and reimbursement for loss of wages incurred in carrying out Official Union Business. Such expenses shall also be allowed to other members at the discretion of the Executive Council.

Rule 29

AFFILIATION

The Union may be affiliated to the Trades Union Congress and Scottish Trades Union Congress and such other organisations as the Executive Council may decide, but may not be affiliated to any political party without the prior consent of Conference.

Rule 30

ACCIDENT INJURY AND DEATH BENEFIT FUND

Index to Rule:

- (1) Membership of the Fund.
- (2) Nominations, Revocations and Variations.
- (3) Definitions.
- (4) Time limits.
- (5) Benefits.
- (6) Exclusions.
- (7) Claims and administration.
- (8) Appeals.
- (9) Management of the Fund.

(1) Membership of the Fund

- (a) An ordinary member of the Union is eligible to become a member of the Fund, (subject to the provisions of this Rule Book) upon receipt, by the Union, of a correctly completed application form, (except under (1)(d) of this Rule).
- (b) A member shall cease to be a member of the Fund upon ceasing for whatever reason, to be an ordinary member of the Union, or upon written resignation from the Fund itself.
- (c) A member of the Fund shall lose all rights under this Rule upon ceasing, for whatever reason, to be a member of the Fund, except in relation to Death Benefit under (5)(c) of this Rule.
- (d) Any former member of the Fund wishing to rejoin shall submit an application to their Branch Secretary. The Branch shall consider the application at their next Branch meeting and pass any recommendation to the Brigade Committee who shall consider

the application. The Brigade Committee's decision will be final and will have effect forthwith.

- (e) Members of the Fund shall pay 0.14% of a Firefighter's (competent) rate of pay.

(2) Nominations, Revocations and Variations

- (a) A member may nominate any person or persons to whom any sum of money payable by the Union on his/her death, but not exceeding the maximum allowed by law may be paid.
- (b) The nominated person/s shall not be an Official or employee of the Union, unless that Official or employee is the husband, wife, cohabiting partner, father, mother, child, brother, sister, nephew or niece of the nominator.
- (c) A member may from time to time revoke or vary such nomination by completing the appropriate form.
- (d) On receiving satisfactory proof of the death of a nominator, the Union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid at (2)(a) of this Rule.
- (e) The Union shall keep a record of all nominations, revocations or variations made by members.
- (f) Revocation or Variation of Nomination forms are available from Regional Offices.

(3) Definitions

For the purposes of all claims under this Rule, the following definitions shall apply:

- (a) Injury:
 - (i) Any physical injury resulting in disablement commencing not later than 12 calendar months from the date it was sustained and not excluded by (6) of this Rule, except

where hospital treatment for any injury sustained is unavoidably delayed and any absence from duty during a period of delayed hospitalisation and recuperation falls outside of the aforementioned 12 month period.

- (ii) Any illness or disease contracted as a direct consequence of Fire Service duties.

(b) On Duty Injury:

- (i) Any injury sustained whilst on duty and while performing normal Fire Service duties.
- (ii) No payment shall be made to any member under (3)(b)(i) of this Rule for the first 12 months of sickness, unless the member has suffered a reduction in sick pay from his/her Fire Authority. Thereafter payment will be made at the Temporary Disablement rate.

(c) Off Duty Injuries:

- (i) Any injury other than those defined at (3)(b) of this Rule including any injury sustained whilst on standby as part of Day Crewing, Retained or Flexible Duty System arrangements or any injury sustained whilst travelling to or from a member's place of work.
- (ii) No payment shall be made to any member under (3)(c)(i) of this Rule for the first six months of sickness, unless the member has suffered a reduction in sick pay from his/her Fire Authority. Thereafter payment will be made at the Temporary Disablement Rate.

(d) Temporary Disablement:

Any injury as defined at (3)(a) of this Rule which temporarily totally incapacitates the member from following his/her full duties in the Fire Service except that a member shall not be entitled to receive benefit during any period the member is performing Fire Service light duties.

(e) Permanent Disablement:

- (i) Any injury as defined at (3)(a) of this Rule which renders the member unable to perform any remunerative employment or occupation whatsoever; and/or;
- (ii) The total loss of sight in one eye or the loss by physical separation of a hand at or above the wrist or a foot at or above the ankle, or permanent loss of the use of one or more limbs.

(f) Ordinary Member:

Is any member as defined by Rule 5(1).

(4) Time Limits

(a) Injuries (other than illness or disease);

Within 18 months of the commencement of any disablement for an off-duty injury, or 24 months of the commencement of any disablement for an on-duty injury, for which the member wishes to claim, the member shall submit a written claim on the prescribed form.

(b) Illness or disease;

Within 24 months of the commencement of any disablement due to illness or disease, the member shall submit a written claim on the prescribed form.

(c) Death of a partner/spouse or dependant child;

Within 24 months of the date of death the member shall submit a claim on the prescribed form.

(d) Death of a member;

Within 12 months of the date of death, the member's personal representative shall submit a claim on the prescribed form.

Receipt of a claim shall normally be acknowledged within 14 days of receipt.

(5) Benefits

Subject to this Rule, a member of the Fund shall be entitled to benefits as set out below:

(a) Temporary disablement;

30% of a Firefighter's (competent) weekly rate of pay, per week, for the duration of such disablement for a maximum period of 52 weeks for any one incident.

(b) Permanent disablement;

50% of a Firefighter's (competent) annual salary paid in a lump sum.

(c) Death of a member (or a member who has retired and subsequently dies within 28 days of such retirement);

100% of a Firefighter's (competent) annual salary, paid in a lump sum. Payment shall be made to the person nominated by the member in accordance with (2) of this Rule, to the maximum allowed by law. The balance of any payment due under this Rule (or the total sum in the absence of a valid nomination) shall be paid to the personal representatives of the member's estate upon production of a grant of probate or letters of administration, not later than three years after the date of death. In the event of a failure to produce such documents in the required three years, any benefits remaining shall be forfeited to the Fund.

(d) In all cases of the death of a member of the Fund, a lump sum of 20% of a Firefighter's (competent) annual salary will also be paid for each dependent child, as defined under (5)(e)(iii) of this Rule.

(e) On the death of:

(i) the wife or husband of a member; or

(ii) a person cohabiting with a member as his/her partner; or

(iii) a member's child under the age of 18, or who was undergoing full-time education, or was a dependant child with disabilities;

20% of a Firefighter's (competent) annual salary shall be paid to the member.

For the purposes of this benefit, "member" includes a member who has retired in accordance with (5)(c).

All payments under this Rule will be subject to the necessary proof of death, where applicable and such other details as the Executive Council may require to be furnished.

(6) Exclusions

The following shall not qualify for benefits under this Rule:

- (a) Any injury sustained whilst playing or taking part in any game or sport, except as part of an on-duty physical training programme.
- (b) Any injury sustained whilst participating in a competition drill.
- (c) Any injury sustained whilst engaged in, or taking part in, military or naval or air force service. Or whilst engaged in, or taking part in, civil commotions or riots of any kind, except where that injury is sustained whilst on duty.
- (d) Any injury, illness or disease directly or indirectly caused by, or contributed to by intentional self-injury or natural causes, except when intentional self-injury leads to death, then the extant rule will apply.
- (e) Any injury caused by, or contributed to, by provoked assault or fighting, except in bona fide self-defence.
- (f) Any injury/illness directly or indirectly resulting from medical or surgical treatment except where such treatment was rendered necessary by an on duty injury.
- (g) Any injury sustained whilst engaged or taking part in aeronautics or aviation other than as a passenger.
- (h) Any injury sustained whilst riding or driving in any race or pace-making in connection with any competition.

- (i) Any injury consequent on war or civil war.
- (j) Any injury sustained whilst contravening FBU Rules or policies.
- (k) Any injury sustained by a wholetime member whilst engaged in gainful employment outside the Fire Service.
- (l) Any injury in respect of which the claim does not comply with the time limits set out at (4) of this Rule.
- (m) Any injury in respect of which the claim is not made on the prescribed form.

(7) Claims and Administrative Procedures

- (a) Claims of less than 14 days duration will not qualify for benefits under this Rule.
- (b) Any member who suffers an injury which is likely to result in a claim upon the Fund shall place themselves under the care of a duly qualified medical practitioner as soon as possible.
- (c) Any interim payments made under (5)(a) of this Rule in respect of an injury, shall be deducted from any lump sum payable in respect of the same injury.
- (d) Except in the case of permanent disablement, if a member submits a claim for benefits for an injury within one year from the date of the last payment of benefit for a previous claim, the benefits payable shall be 50% of those specified in (5)(a) of this Rule. If a member submits a further claim (or claims) for a third (or subsequent) injury (or injuries) within the period of one year from the date of the last payment of benefit in respect of the last claim, the benefits payable shall be 25% of those specified in (5)(a) of this Rule.
- (e) The National Officer responsible shall consider all claims made upon the Fund, and shall ensure compliance with the Rules.

Prior to making a decision, the National Officer may;

- (i) require the member to be medically examined by a medical practitioner nominated by them and/or;

- (ii) make such further enquiries as to authenticate the member's claim as considered necessary.
- (f) All benefits under this Rule shall be paid within 28 days of receipt of all information required to lawfully make that payment.

(8) Appeals

- (a) If a claim is rejected under (7)(e) of this Rule, the member (or representative in the case of death of a member) shall have the right of appeal to the Management Committee against that decision.
- (b) The appellant shall submit, in writing, full particulars of their appeal to the Management Committee within 14 days of receipt of rejection.
- (c) If the Management Committee rejects a claim under this Rule, the member (or representative in the case of a death of a member) shall have the right of appeal to the Executive Council against that decision.
- (d) The appellant shall submit to the General Secretary, in writing, full particulars of their appeal to the Executive Council, within 14 days of receipt of the decision of the Management Committee.
- (e) The appellant shall be invited to make representations in writing to the next ordinary meeting of the Executive Council held at least 14 days after receipt by the General Secretary of the member's written appeal specified above.
- (f) The decision of the Executive Council shall be final.

(9) Management of the Fund

The Executive Council shall appoint a Management Committee to administer the Fund, consisting of four Executive Council Members and Chaired by the Vice-President.

- (a) The Management Committee may exclude any member from membership or terminate or suspend membership for such

period as they may determine or withhold or reclaim benefits for fraud or dishonesty in connection with the Fund; and/or for breach of this Rule. However, the Management Committee shall not do so without giving the member a reasonable opportunity to make representations to the Management Committee in person or in writing. The member shall be given 14 days notice in writing of the Management Committee meeting considering his/her case, which notice shall give the member full particulars of the complaint against him/her.

- (b) (i) If the Management Committee penalise a member under (9)(a) of this Rule, the member (or personal representative in the case of a death of a member) may appeal to the Executive Council against the Management Committee decision.
 - (ii) The appellant shall submit full particulars of his/her appeal in writing to the General Secretary within 14 days of the date that the decision of the Management Committee against which he/she appeals, was sent to him/her.
 - (iii) The appellant shall be invited to make representations to the next ordinary meeting of the Executive Council held at least 14 days after receipt by the General Secretary of the member's written appeal specified above.
 - (iv) The decision of the Executive Council shall be final.
- (c) The Management Committee, on behalf of the Executive Council, shall in their complete discretion have the right to make such ex-gratia payments as they think proper in order to alleviate undue hardship to a member of the Fund or his/her relatives/dependants resulting from the rejection of a claim.
 - (d) If at any time the Management Committee of the Fund considers that the Fund is, or may be unable to meet its present and future liabilities they shall immediately report to the Executive Council. The Executive Council shall consider such a report forthwith and may declare that all or some benefits shall cease, be suspended,

or reduced from such date as they decide, and/or take other action they consider necessary in the circumstances.

- (e) A separate account shall be maintained in accordance with the Rules of the Union in respect of the Fund.

Rule 31

RULES FOR POLITICAL FUND

- (1) The objects of the Fire Brigades Union shall include the furtherance of the political objects to which section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies, that is to say the expenditure of money –
 - (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
 - (b) on the provision of any service or property for use by or on behalf of any political party;
 - (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the Union in connection with any election to a political office;
 - (d) on the maintenance of any holder of a political office;
 - (e) on the holding of any Conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
 - (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a Conference or meeting as a delegate or otherwise as a participator in the proceedings, any

expenditure incurred in connection with his/her attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the Conference or meeting.

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

In these objects –

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

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

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

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

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

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

- (2) Any payments in the furtherance of such political objects shall be made out of a separate fund of the Union (hereinafter called the political fund).
- (3) Members of the political fund shall be permitted to indicate on a form approved by the General Secretary that they do not wish any part of their contribution to the political fund to be used for affiliation fees to any political party.

- (4) As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the Union the Executive Council shall ensure that a notice in the following form is given to all Members of the Union in accordance with this Rule:-

Trade Union and Labour Relations (Consolidation) Act 1992

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the Union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the Union but every Member of the Union has a right to be exempt from contributing to that fund.

A form of exemption notice can be obtained by or on behalf of any Member either by application at, or by post from, the Head Office or any Regional Office of the Union or from the Certification Office for Trade Unions and Employers' Associations, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ.

This form, when filled in, or a written request in a form to the like effect, should be handed over or sent to the Secretary of the Branch to which the Member belongs.

The notice shall be published to members by such methods as are customarily used by the Union to publish notices of importance to members and shall include the following minimum requirements. The notice shall be published in the Union's main journal which is circulated to members. A copy of the notice shall be posted to each Branch of the Union.

A copy of the notice shall be posted up, so far as is reasonably practicable, and kept posted up for at least 12 months in a conspicuous place, accessible to members at all offices of the Union.

The Secretary of each Branch shall also take steps to secure that every member of the Branch, so far as is reasonably practicable, receives a copy of the notice, and shall supply a copy to any member on request.

The Executive Council shall provide the Secretary of each Branch with a number of copies of the notice sufficient for these purposes.

- (5) Any member of the Union may at any time give notice on the form of exemption notice specified in Rule 31 (6), or by a written request in a form to the like effect, that he/she objects to contribute to the political fund. A form of exemption notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the Head Office or any Regional Office of the Union, or from the Certification Office for Trade Unions and Employers' Associations, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ.
- (6) The form of exemption notice shall be as follows:-

**FIRE BRIGADES UNION
POLITICAL FUND
(EXEMPTION NOTICE)**

I hereby give notice that I object to contribute to the political fund of the Fire Brigades Union and am in consequence exempt, in the manner provided by Chapter VI of the Trade Union and Labour Relations (Consolidation) Act 1992, from contributing to that fund.

Signature:

Date:

Address:

Branch:

Union No:

- (7) Any member may obtain exemption by sending such notice to the Secretary of the Branch to which the member belongs and on receiving it, the Secretary shall send an acknowledgement of its receipt to the member at the address in the notice and shall inform the General Secretary of the name and address of that member.

- (8) On giving such notice, a member shall be exempt, so long as his/her notice is not withdrawn, from contributing to the political fund of the Union as from either: (a) the first day of January next after notice by the member is given, or, (b) in the case of a notice given within one month after the notice given to members under Rule 31 (4), or after the date on which a new member admitted to the Union is supplied with a copy of these Rules under Rule 31 (14), as from the date on which the member's notice is given.
- (9) The Executive Council shall give effect to the exemption of members to contribute to the political fund of the Union by relieving any members who are exempt from the payment of part of any periodical contributions required from the members of the Union towards the expenses of the Union as provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment.

For the purpose of enabling each member of the Union to know, in respect of any such periodical contribution, what portion, if any, of the sum payable by the member is a contribution to the political fund of the Union, it is hereby provided that 3 per cent of the full-time contribution specified in Rule 5 (1)(f) rounded to the nearest penny is the contribution payable by all members of the Political Fund to the political fund of the Union, and that any member who is exempt as aforesaid shall be relieved from the payment of the said sum of 3 per cent of the full-time contribution specified in Rule 5 (1)(f) rounded to the nearest penny and shall pay the remainder of his/her contribution only.

- (10) A member who is exempt from the obligation to contribute to the political fund of the Union shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the Union (except in relation to the control or management of the political fund) by reason of his/her being so exempt.
- (11) (a) Contribution to the political fund of the Union shall not be made a condition for admission to the Union.

(b) **Junior Members, Out of Trade Members or Honorary Members** shall not be permitted to contribute to the political fund of the Union.

- (12) If any member alleges that he/she is aggrieved by a breach of any of these Rules for the political fund, being a Rule or Rules made pursuant to section 82 of the Act, he/she may complain to the Certification Officer, and the Certification Officer, after giving the complainant and any representative of the Union an opportunity of being heard, may, if he/she considers that such a breach has been committed, make such order for remedying the breach as he/she thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the Act, be enforced in the manner provided for in section 82 (4) of the Act.
- (13) Any member may withdraw his/her notice of exemption on notifying his/her desire to that effect to the Secretary of his/her Branch, who shall on receiving it send the member an acknowledgement of receipt of the notification and inform the General Secretary of the name and address of that member.
- (14) The Executive Council shall ensure that a copy of these Rules is available, free of charge, to any member of the Union who request a copy.
- (15) The Executive Council shall also send to the Secretary of each Branch sufficient copies of these Rules for distribution to each member.
- (16) The Secretary of each Branch shall, as far as possible secure that each member of that Branch receives a copy of the Rules.
- (17) The Secretary of each Branch shall supply a copy of these Rules free of charge to each member who requests a copy.
- (18) A copy of the Rules shall also be supplied by the Secretary of each Branch to every new member on his/her admission to the Union.

Rule 32

POLITICAL FUND

(Northern Ireland)

In the application of Rule 31 to Northern Ireland the following shall have effect:

- (1) Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 no Northern Ireland member of the Union shall be required to make any contribution to the Political Fund of the Union unless he/she has delivered, as provided in Clause 4, to the Head Office or some Branch office of the Union, a notice in writing, in the form set out in Clause 2, of his/her willingness to contribute to that Fund and has not withdrawn the notice in the manner provided in Clause 3. Every member of the Union who has not delivered such a notice or who, having delivered such a notice, has withdrawn it in the manner provided in Clause 3, is to be deemed for the purpose of these Rules to be a member who is exempt from the obligation to contribute to the Political Fund of the Union.

(2) FORM OF POLITICAL FUND CONTRIBUTION NOTICE FOR NORTHERN IRELAND MEMBERS

The form of notice of willingness to contribute to the Political Fund of the Union is as follows:

POLITICAL FUND CONTRIBUTION NOTICE – NORTHERN IRELAND

I hereby give notice that I am willing and agree, to contribute to the Political Fund of the FIRE BRIGADES UNION, and I understand that I shall in consequence, be liable to contribute to that Fund and shall continue to be so liable unless I deliver to the Head Office or some Branch office of the Union, a written notice of withdrawal. I also understand that after delivering such a notice of withdrawal I shall still continue to be liable to contribute to the Political Fund until the next following first day of January.

Signature:

Name:.....

Address:.....

Membership Number:

.....day of.....

- (3) If at any time a member of the Union, who has delivered such a notice as is provided for in Clauses 2 and 3, gives notice of withdrawal thereof, delivered as provided in Clause 4, to the Head Office or at any Branch office of the Union, he/she shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.
- (4) The notices referred to in Clauses 2 and 3 may be delivered personally by the member or by an authorised agent of the member, and any notice shall be deemed to have been delivered at the Head or any Branch office of the Union if it has been sent by post properly addressed to that office.
- (5) The Executive Council shall give effect to the statutory exemption of Northern Ireland members to contribute to the Political Fund of the Union by making a separate levy of contributions to that Fund from those Northern Ireland members who have provided written consent of their willingness to contribute, namely, the sum of 3 per cent of the contribution specified in Rule 5 (1)(f), rounded to the nearest penny. No monies of the Union other than the amount raised by such separate levy shall be carried to the Political Fund.
- (6) Northern Ireland members who are statutorily exempt from the obligation to contribute to the Political Fund of the Union shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the Union (except in relation to the control or management of the Political Fund) by reason of their being exempt.
- (7) Contribution to the Political Fund of the Union shall not be made a condition for admission to the Union.

- (8) If any Northern Ireland member alleges that he/she is aggrieved by a breach of any of the rules made pursuant to Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 he/she may complain to the Northern Ireland Certification Officer, 2-8 Gordon Street, Belfast, BT1 2LG, under Article 57(2) to (4) of that Order.

If, after giving the complainant and a representative of the Union an opportunity to be heard, the Certification Officer considers that a breach has been committed, the Certification Officer may make an order for remedying it as the Certification Officer thinks just in the circumstances. Under Article 69 of the 1995 Order an appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law.

Additionally, if any Northern Ireland member alleges that he/she is aggrieved by a breach of the Political Fund rules made pursuant to Section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992 he/she may complain to the GB Certification Officer, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. If, after giving the complainant and a representative of the Union an opportunity of being heard, the GB Certification Officer considers that a breach has been committed, he/she may make an order for remedying it as he/she thinks just in the circumstances. Any such order of the GB Certification Officer is subject to the right of appeal provided for by Section 95 of the 1992 Act.

Rule 33

RULES AND REPORTS

- (1) The Executive Council Report, Conference Proceedings and the Financial Statement shall be sent to every Branch Secretary, who shall show them upon request to any member. A person other than a member demanding to be supplied with a copy of the Rule shall pay £1.50 for it.
- (2) It shall be the duty of the Branch Secretary to put the Executive Council Report, Conference Proceedings and the Financial Statement before

the members at the first available Branch meeting.

- (3) A 'Report of Proceedings' of Conference shall be published and circulated within six months of the end of Conference.

Rule 34

ACCESS TO BOOKS

Any fully paid up member or other person having an interest in the funds of the Union shall be entitled to inspect the Union's books and list of names at all reasonable times and it shall be the duty of the General Secretary to produce them accordingly.

Rule 35

ALTERATION OF RULES

These Rules, or any part thereof, may be amended, rescinded, altered or additions made thereto, by the majority vote of Conference held every fourth year following the year 2011, unless the Executive Council advises that amendments shall be specially considered at any Conference or such a number of Brigade Committees as shall represent a minimum of one-third of the Union's membership request special consideration of amendments at Conference.

Brigade Committees who request special consideration of amendments at Conference must do so in writing to the Executive Council not later than 13 weeks before the Conference.

Every fourth year following the year 2011 an additional day shall be provided to delegates at Conference for consideration of amendments and alterations to the Rules. Brigade and National Sectional Committees will be entitled to submit a maximum of three amendments to Rules, plus any consequential amendments to Rules required for consideration by Conference.

Rule 36

INTERPRETATION OF RULES

In the event of a dispute arising on the interpretation of any of the Rules which cannot be satisfactorily settled by the Executive Council or any Sub-Committees thereof, the Standing Orders Committee shall be empowered to adjudicate on the dispute.

Rule 37

DISSOLUTION OF THE UNION

The Union may be dissolved by a vote of five-sixths of the members.

APPENDIX A – Territories

The following territory is covered by the respective Regions:-

- 1) Central, Dumfries & Galloway, Fife, Grampian, Highlands & Islands, Lothian & Borders, Strathclyde and Tayside.
- 2) Northern Ireland.
- 3) Cleveland, Durham, Northumberland and Tyne & Wear.
- 4) Humberside, North Yorkshire, South Yorkshire and West Yorkshire.
- 5) Cheshire, Cumbria, Greater Manchester, Isle of Man, Lancashire and Merseyside.
- 6) Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire.
- 7) Hereford & Worcester, Shropshire, Staffordshire, Warwickshire and West Midlands.
- 8) North Wales, Mid & West Wales and South Wales.
- 9) Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk.
- 10) London.
- 11) East Sussex, Kent, Surrey and West Sussex.
- 12) Berkshire, Buckinghamshire, Hampshire, Isle of Wight and Oxfordshire.
- 13) Avon, Cornwall, Devon & Somerset, Dorset, Gloucestershire and Wiltshire.

APPENDIX B – Regional Offices

Region 1

FBU Regional Office
4th Floor
52 St Enoch Square
Glasgow G1 4AA
Scotland
Tel: 0141 2212309
Fax: 0141 2044575

Region 3

FBU Regional Office
1 Carlton Court
5th Avenue
Team Valley
Gateshead NE11 0AZ
Tel 0191 487 4142
Fax 0191 487 4161

Region 5

FBU Regional Office
The Lighthouse
Lower Mersey Street
Ellesmere Port
Cheshire CH65 2AL
Tel 0151 357 4400
Fax 0151 357 4409

Region 7

FBU Regional Office
195-197 Halesowen Road
Old Hill
West Midlands B64 6HE
Tel 01384 413633
Fax 01384 561243

Region 2

Fire Brigades Union
14 Bachelors Walk
Lisburn
Co Antrim BT27 1XJ
Northern Ireland
Tel 02892 664662
Fax 02892 667844

Region 4

FBU Regional Office
9 Marsh Street
Rothwell
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Notes



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