

THE
BRITISH ASSOCIATION OF
COLLIERY MANAGEMENT

RULES

1947

ST. NICHOLAS' CHAMBERS, AMEN CORNER,
NEWCASTLE UPON TYNE

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THE BRITISH ASSOCIATION OF COLLIERY MANAGEMENT

RULES

NAME

1. The Association formed under these Rules shall be called "The British Association of Colliery Management." It shall be registered as a Trade Union and shall not change its name save as permitted by law.

OFFICE

2. The Registered Office of the Association shall be at St. Nicholas Chambers, Amen Corner, Newcastle-on-Tyne, or at such other place as the Executive Committee may from time to time determine. Unless and until otherwise determined, this shall be the place of meeting for the business of the Association and the place to which all communications and notices may be addressed. Notice of any change in the situation of the Registered Office shall be given as required by law.

OBJECTS

3. The objects for which the Association is established are:—

- A. To organize, unite, protect, represent, and act in the interests of, persons engaged in, or who have previously been engaged in, professional, technical, managerial or staff duties in the Mining Industry of Great Britain.
- B. To provide benefits for members, including the benefits of united action, and such other benefits as may be prescribed by these Rules or by Regulations duly made thereunder.
- C. To regulate the relations between members and their employers, and between members and members, and between members and other employees in the Mining Industry and other industries and trades, and, in particular
 - (a) to enter into consultation with members' employers, and to negotiate and conclude agreements with such employers (including agreements for the establishment and maintenance of joint machinery) for
 - (i) the settlement of terms and conditions of members' employment
 - (ii) consultation on questions relating to the safety, health or welfare of members
 - (iii) consultation on the organisation and conduct of the operations in which members are employed, and other matters of mutual interest to members and their employers
 - (b) to promote, enforce or supplement the above, and act in the event of failure of such negotiations, and to that end:—
 - (i) to take part in arbitration or other proceedings,
 - (ii) to adopt measures of united action on behalf of members,
 - (iii) to take all necessary steps to require members to abide by majority decisions of the Association and to impose other restrictive conditions on the contracts of service of members and
 - (iv) to rely upon any other lawful means or measures.

- D. To watch over, consider, advise and consult upon, all or any legislation or regulations, whether pending or in force, that may appear, directly or indirectly, to affect members in connexion with their work, to diffuse information and to act as a channel of communication on their behalf.
- E. To co-operate with, support (financially or otherwise), or participate in the work of, other bodies whose objects or activities seem to the Association likely to advance, directly or indirectly, the interest of members of the Association.
- F. Generally, so far as may be lawful, to do all such things as may be deemed by the Association to be incidental to the attainment of the above objects or any of them, or likely to enhance the status of members, or otherwise to conduce to the interests of members in connexion with their work or welfare.
- G. To apply the funds of the Association to any of the above objects.

MEMBERSHIP

4. (a) Membership shall be open to persons engaged in, or who have previously been engaged in, professional, technical, managerial or staff duties (~~of a superior to that of overman~~) in, or in connexion with, the Mining Industry or associated industries in Great Britain.

(b) Application for membership shall be made on the form prescribed by the Executive Committee whereby the applicant engages himself, if elected, to abide by the Rules of, and loyally to accept the decisions of, the Association. The application form shall normally be signed by two members of the appropriate Branch to whom the applicant is personally known and forwarded by the Secretary of the Branch to the General Secretary, who shall submit it to the Executive Committee. The decision of the Executive Committee upon the application and upon the Vocational Group appropriate to the applicant shall be final and binding.

(c) The Executive Committee shall have power to admit to Student Membership, Associate Membership, and Honorary Membership, on such terms and conditions, and with such rights as to voting, benefits and otherwise, as the Executive Committee may decide.

5. A member shall be entitled to resign his membership of the Association upon giving one month's notice in writing to the General Secretary and paying all sums due to the Association.

6. If any member shall be in arrear for more than 6 months in the payment of any sum due by him to the Association, the Executive Committee may terminate his membership without further notice.

DISCIPLINARY PROVISIONS

7. The Executive Committee may, upon due observance of the Disciplinary Regulations, expel from, or suspend from membership of, the Association, any member whom it holds to have acted in a manner prejudicial to the interests of the Association. If the member does not accept the decision of the Executive Committee as to such expulsion or suspension he shall have the right to cause the matter to be referred to the arbitration of a King's Counsel as provided for in the said Disciplinary Regulations which are hereto appended and shall form part of these Rules.

8. There shall be no fines and no forfeitures save the forfeiture of the rights and benefits of membership under Rules 6 and 7.

9. The Association shall not engage in politics.

VOCATIONAL GROUPS

10. The membership of the Association shall be divided into the following Vocational Groups:—

MINING GROUPS.

1. Managers and persons superior to Manager.
2. Under-Managers.
3. Other Mining Officials ~~not in Groups 1 or 2.~~

OTHER VOCATIONAL GROUPS.

4. Mining Electrical and Mechanical Engineers.
5. Surveyors.
6. Administration.
7. General.

BRANCHES

11. A Branch of the Association shall be formed in each area of the country corresponding to a Division of the National Coal Board, namely:—

- (1) Scottish Division.
- (2) Northern Division.
- (3) North Eastern Division.
- (4) North Western Division.
- (5) East Midland Division.
- (6) West Midland Division.
- (7) South Western Division.
- (8) South Eastern Division.

Each Branch shall be entitled (subject to the approval of the Executive Committee) to form sub-Branches in its area which shall work through the Branch. Each Branch shall adopt rules for the government of its Branch and its sub-Branches, (if any). Such rules shall conform to the Rules of the Association, and prior to adoption shall require the written approval of the Executive Committee.

12. Each Branch shall hold its Annual Meeting between the 1st and 21st day of March in each year, and not less than 14 days' notice of such meeting shall be given to each member of that Branch. At such Annual Meeting the members shall elect a Chairman, Vice-Chairman, Secretary and Treasurer. A number of ordinary members to form a Committee to conduct its affairs during the ensuing year shall be elected. The members of each Vocational Group shall also elect two representatives for each Vocational Group comprised in the membership of the Branch (except in the case of the South Eastern Branch which shall elect only one representative for each Vocational Group). The representatives of the Vocational Groups thus elected shall act as the Delegates of the Branch at Delegate Conferences during the ensuing year. The members shall also elect one out of the total number of all the elected Vocational Group representatives to be the representative of the Branch on the Executive Committee during the ensuing year. Any representative elected under the provisions of this Rule may nominate in writing an Alternate to attend meetings during his absence. The names of all those elected under the provisions of this Rule and any Alternates so nominated shall be notified by the Branch Secretary to the General Secretary with all convenient speed.

13. The Delegate Conference shall be the supreme governing body of the Association and shall consist of the Delegates elected by the Branches under the provisions of Rule 12. One ordinary Delegate Conference, the Annual Delegate Conference, shall be held each year in the month of April, the precise date, time and venue being determined by the Executive Committee. Delegates shall be entitled to be paid reasonable travelling expenses for attendance on any Delegate Conference.

14. Other Delegate Conferences, Special Delegate Conferences, may be held at other times during the year

- (i) in case of emergency by direction of the President
- (ii) in accordance with a resolution of the Executive Committee, or
- (iii) on the submission of a requisition addressed to the General Secretary and signed by not less than 100 members of the Association and specifying the purpose for which the meeting is to be called.

15. The ordinary business of the Annual Delegate Conference shall be to elect for such periods and on such terms as to remuneration as they shall think fit, officers and auditors and to consider the Annual Report of the Executive Committee and the Annual Statement of Accounts signed by the Auditors.

16. Except in the case of a Special Delegate Conference called by the President for urgent reasons under the provisions of Rule 14 (i) hereof, which may be called at not less than 4 days' notice, at least 21 days' notice of a Delegate Conference specifying the business to be transacted thereat, shall be addressed by post to every Delegate duly elected by a Branch, to his last known address. No business other than that specified in the notice shall be transacted at any Delegate Conference without the consent of not less than two-thirds of the Delegates present at the meeting, provided, however, the Executive Committee or any Branch may give notice of a motion for discussion at a Delegate Conference if such notice is given to the General Secretary not later than 14 days before the date appointed for the holding of such Delegate Conference. The Executive Committee shall publish a preliminary Agenda for each Delegate Conference at such time and in such manner as to afford Branch Committees a reasonable opportunity of considering it and submitting notices of motion.

17. The quorum for the transaction of business at a Delegate Conference shall be one-third of the number of Delegates elected by the Branches.

18. The proceedings at Delegate Conferences shall be conducted in accordance with the Regulations governing such meetings.

EXECUTIVE COMMITTEE

19. The Executive Committee shall be the general committee of management of the Association, and shall exercise all the powers of the Association, except those specifically reserved by the Rules or Regulations for discussion or decision by the Delegate Conference.

20. The Executive Committee shall consist of the officers of the Association together with the representative on the Executive Committee of each Branch elected by it under the provisions of Rule 12 and together with one representative of each Vocational Group elected during the Annual Delegate Conference by and from the Delegates who are members of that Vocational Group and who have been elected under Rule 12 to attend the Annual Delegate Conference.

21. The term of office of the members of the Executive Committee shall commence with the election of officers at the Annual Delegate Conference and shall run until the same election in the next succeeding year, but they shall continue in office until their respective successors are appointed. They shall be eligible for re-election.

22. Any vacancy on the Executive Committee, whether caused by election of a Delegate to the post of officer or otherwise, shall, in the case of a Vocational Group Representative, be filled by the Delegates of that Vocational Group attending or

who attended the preceding Annual Delegate Conference, and in the case of a Branch Representative by the Branch in question. In either case the Vocational Group or Branch concerned shall be entitled to decide upon the most convenient method of filling the vacancy whether by postal vote or otherwise, provided always the name of the successor to the casual vacancy shall be notified to the General Secretary within 21 days of the happening of the vacancy. A vacancy in the membership of the Executive Committee shall not invalidate its proceedings.

23. Meetings of the Executive Committee shall be held as and where necessary, but not less frequently than at quarterly intervals. The proceedings of the Executive Committee shall be conducted in accordance with the Regulations governing the same. The quorum for meetings of the Executive Committee shall be one-half of the members. Members of the Executive Committee shall be entitled to be paid reasonable travelling expenses.

24. The Executive Committee shall have power to delegate its functions to such Committee or Committees as it may deem necessary. The Executive Committee shall also have power to act generally in an emergency, on behalf of the Association, and any meeting of the Executive Committee held for that purpose, or decision there taken, shall not be invalidated by reason of any informality, or want of due notice, attending the same, but the Executive Committee shall take the first opportunity of calling a Special Delegate Conference to obtain any necessary ratification.

25. ~~The Executive Committee shall~~ appoint the General Secretary, and shall have power to appoint any other necessary stipendiary officials, on such terms as to remuneration, length of notice and otherwise as it may think fit.

26. The Executive Committee shall circulate to each member not later than the 15th February in each calendar year an Annual Report on its activities during the preceding calendar year.

27. The Executive Committee and any member thereof may be removed from office by a resolution carried by a two-thirds majority of members taking part and voting at a Special Delegate Conference held under the provisions of Rule 14 (iii), subject in the case of the President to the provisions of Rule 29 (a) and in the case of the General Secretary to the provisions of Rule 25.

OFFICERS

28. The officers of the Association shall be and comprise the President, two Vice-Presidents, the Treasurer who shall be elected annually (unless, in the case of the President, the Annual Delegate Conference shall have exercised its powers under Rule 29 (a)) at the commencement of the Annual Delegate Conference by and from the Delegates attending it, to hold office for the ensuing year, together with the General Secretary. The officers shall be eligible for re-election. If any of the officers shall vacate office during the year the Executive Committee may appoint a successor to hold office until the next Annual Delegate Conference.

29. (a) The Annual Delegate Conference shall be entitled to elect the President for a term of years not exceeding 5 and to resolve to pay him an annual salary during his term of office as President.

(b) The President shall, immediately upon election, preside at the Annual Delegate Conference and shall preside at all other meetings of the Delegate Conference and of the Executive Committee during his period of office.

30. The Treasurer shall be responsible for keeping clear and correct accounts of the finances of the Association and for the presentation of the Annual Statement of Accounts. He shall attend all Delegate Conferences and meetings of the Executive Committee during his tenure of the office of Treasurer. He shall receive the monies of the Association and shall be responsible for the payment of its accounts, for making the required Banking arrangements and for the payment over of monies to the Trustees under the provisions of Rule 41. He shall be responsible for seeing that the Books of the Association are duly audited and shall be empowered to call upon the General Secretary and Trustees to furnish him with such information as he may require to carry out his duties. The Executive Committee may require him to enter into a Bond.

31. The General Secretary shall be the principal executive Officer of the Association and shall perform such duties as may be delegated to him by the Executive Committee and as it may direct. He shall devote such time to the work of the Association as may be required under his appointment pursuant to Rule 25. He shall attend all Delegate Conferences and meetings of the Executive Committee (and of any Committees of the Executive Committee if the Executive Committee shall so require) during his tenure of office. He shall be responsible for making all such returns and giving all such notices as are required by law. He shall be responsible, under the general superintendence of the Executive Committee, for the conduct of the Association's correspondence and its contacts with other bodies. If he receives any money for the Association he shall forthwith remit it to the Treasurer. He shall act as the general organiser of the Association for the purpose of recruiting new members and he shall be responsible for any other stipendiary officials or staff whom the Association may employ under the provision of Rule 25.

FINANCE

32. The Entrance Fee shall be One Pound payable on joining. The Annual subscription for members shall be Two Pounds twelve shillings, payable on joining, and subsequently on the 1st day of January in each year in advance. In the case of any member joining between the 1st July and the 31st December in any year, the subscription for the remainder of that year shall be £1 6s. od.

33. The Executive Committee may make a levy or levies on each member not exceeding £1 (unless a Delegate Conference shall by a three-quarters majority decide upon a higher figure) in any year by demand in writing addressed to each member who shall pay such levy within one month of receipt of such demand. A levy shall not be made or proposed unless the Executive Committee consider it urgent and necessary for the furtherance of the objects of the Association. The levy shall only be applied for the purposes for which the levy has been called.

34. All subscriptions shall be paid to the Association's Bankers (Messrs. Barclays Bank, Ltd., Quayside Branch, Sandhill, Newcastle-on-Tyne) and the General Secretary shall issue a demand note to each member for the current calendar year's subscription as soon as possible after the 1st day of January in each year. A list of members in arrear with their subscriptions or levies shall be submitted to the Executive Committee at the first meeting after the 30th day of March in each year.

35. A sum equal to twenty-five per centum of the subscriptions collected from the members of each Branch shall be returned to the Committee of that Branch to cover its expenses.

36. Each Branch Committee shall cause an Annual Statement of Accounts to be prepared in a form prescribed by the Treasurer of the Association and

submitted to the Executive Committee not later than the 15th day of January in each year.

37. The receipts in writing of the Treasurer or General Secretary or a Branch Treasurer or Branch Secretary or other officer duly authorised by the Executive Committee, for any moneys which shall in any manner become payable to or for the purpose of the Association shall be an effective and complete discharge for any such moneys.

38. Payment of accounts by the Association shall be made by crossed cheque signed by one of a panel of members of the Executive Committee and countersigned by the Treasurer. The General Secretary shall have power to sign cheques up to an amount not exceeding £50 in any one month.

39. The Treasurer shall prepare an Annual Statement of Accounts to show the income and expenditure for the previous calendar year and also the assets and liabilities of the Association as at the close of that year. The Annual Statement of Accounts shall be audited and certified by the Auditors. The Annual Statement of Accounts (incorporating the Auditor's Certificate and Report), shall be circulated to members with the Annual Report of the Executive Committee.

40. Any moneys of the Association requiring investment shall be invested in the names of the Trustees in such Securities as the Executive Committee may think fit.

TRUSTEES

41. There shall be not less than three nor more than four Trustees who shall be elected by, and hold office during the will of, the Delegate Conference. If, through death, resignation or otherwise, the number of the Trustees shall be reduced below three then a new Trustee or new Trustees shall be elected at the next Delegate Conference. It shall be the duty of the Executive Committee to see that the provisions of this Rule are complied with. All property of the Association shall be vested in the Trustees upon trust for the Association, save money at the bank on current account up to a limit of £1,000 and petty cash for the time being in the hands of the General Secretary and Treasurer.

42. At each Annual Delegate Conference there shall be elected a professionally qualified Auditor or firm of Auditors to act during the ensuing year on such terms as the Executive Committee may arrange.

ALTERATION OF RULES

43. No new Rule, or alteration of an existing Rule shall be made except at an Annual Delegate Conference, or at a Special Delegate Conference called for the purpose, previous notice of motion having been given, in accordance with Rule 16. Any proposed new Rule or alteration of an existing Rule, before becoming effective shall require a majority vote of not less than two-thirds of the members present.

REGULATIONS

44. The Executive Committee shall have power to adopt, and from time to time alter, Regulations governing the following matters, namely the provision of legal aid to members, the establishment and administration of Provident and Benevolent Funds, the procedure to be followed at meetings of Delegate Conferences and of the Executive Committee, and disciplinary proceedings under Rule 7. No such Regulation or alteration of any such Regulation shall be valid

unless approved by a three-quarters majority of those present and voting at a meeting of the Executive Committee called on not less than one month's notice to consider the same.

COPIES OF RULES AND REGULATIONS

45. A copy of the Rules and of any Regulations, and of any alteration in the Rules or Regulations, shall be furnished to each member of the Association.

REGISTRATION OF RULES AND REGULATIONS

46. Every or any Rule or Regulation made or altered shall be registered with the Registrar of Friendly Societies.

INSPECTION OF BOOKS

47. Any member of the Association and any person having an interest in its funds shall have the right to inspect the books of the Association and the names of members at the Registered Office by giving 7 days' notice of his intention to the General Secretary.

DISSOLUTION

48. The Association may be dissolved by the consent of three-quarters of its members voting thereon by means of a referendum.

INTERPRETATION

49. In these Rules, unless the contrary intention appears, the following expressions shall have the following meanings:—

"The Association" shall mean the Association formed under these Rules.

"The Rules" shall mean the Rules of the Association for the time being in force, either in their original or in any duly amended form.

"The Regulations" shall mean the Regulations duly made under the provisions of the Rules and the Regulations shall be construed as one with the Rules.

"Branch" shall mean a Branch of the Association formed under the provision of the Rules.

"Vocational Group" shall mean a Vocational Group under the provisions of the Rules.

"Member" shall mean an ordinary member of the Association under Rule 4 (a) who shall have been duly elected under Rule 4 (b) and shall not have ceased for any reason to be a member.

"The Executive Committee" shall mean the Executive Committee for the time being constituted as provided by the Rules.

"Delegate Conference" shall mean a Delegate Conference of the Association as constituted by the Rules.

"The Officers" shall mean and include the holders for the time being of the offices of the Association as set out in the Rules, and any person duly appointed to a vacancy in any of these offices or duly acting as one of such Officers.

"The President," "the Vice-Presidents," "the Treasurer" and "the General Secretary" shall mean the holders for the time being of such offices as set out in the Rules and anyone duly appointed to fill a vacancy in any such office or duly acting as the holder of such office for the time being.

"The Auditors" shall mean the Auditor or Auditors for the time being elected and acting under the provisions of the Rules.

"The Trustees" shall mean the Trustees for the time being holding office under the provisions of the Rules.

"The Registered Office" shall be the Registered Office of the Association for the time being as provided for by the Rules.

"The Year" shall mean the period from the election of Officers at an Annual Delegate Conference until such election at the next following Annual Delegate Conference. The expression "the ensuing year" shall be construed accordingly.

In the Rules the singular shall include the plural and the masculine gender shall include the feminine gender.

Signed:—

A. M. BRYAN.

NORMAN BASTER.

RICHARD FAULKNER.

R. VICTOR HARE.

DEAN HARRISON.

RICHARD HART.

THOMAS JAMESON.

FRANCIS M. JOYCE.

ROBERT J. SHAW.

GEORGE A. STRONG.

S. WALTON-BROWN.

R. W. ANDERSON.

5th March 1947.

DISCIPLINARY REGULATIONS

Adopted by the Executive Committee pursuant to Rule 7 on the 5th March 1947.

1. If it shall be decided by the Executive Committee by a majority of not less than two-thirds of those present and voting that it appears that any member has acted in a manner prejudicial to the interests of the Association, the procedure set out in these Regulations shall apply.

2. The General Secretary shall notify the member in writing of the complaint or charge made against him (giving reasonable particulars of the same) and shall invite the member to reply in writing as soon as possible and to attend in person, accompanied (if he so desires) by a legal or other representative, a Special Meeting of the Executive Committee giving him not less than 14 days notice of such meeting.

3. At such Special Meeting of the Executive Committee the General Secretary shall produce the reply (if any) received from the member. If the member shall have sent no reply, or shall have sent a reply but shall have failed to attend, the Executive Committee shall consider the matter as it then stands and shall be entitled by the decision of a majority of not less than three-quarters of those present either to expel the member from the Association forthwith or to suspend him from membership of the Association for such period as the Executive Committee shall decide.

4. If, however, the member shall attend such Special Meeting of the Executive Committee the General Secretary, after producing the reply (if any) received from the member, shall state in the presence of the member and any legal or other representative who may have accompanied him, the complaint or charge made against the member and shall call witnesses in support of the same. The member, by himself or by his legal or other representative, shall be entitled to cross examine such witnesses and thereafter to call witnesses to testify on his behalf, whom the General Secretary shall be entitled to cross examine. Thereafter the General Secretary followed by the member or his legal or other representative shall address the Executive Committee. The Executive Committee shall then withdraw to consider its decision.

5. The Executive Committee shall be entitled either (a) to appoint a qualified legal assessor who shall sit with the Executive Committee and shall withdraw with the Executive Committee, in which event the General Secretary shall not accompany the other members of the Executive Committee upon such withdrawal or (b) to appoint a qualified legal promoter to act in place of the General Secretary in the matters set out in the last preceding paragraph of these Regulations in which event such legal promoter shall not accompany the members of the Executive Committee when they withdraw but the General Secretary shall accompany the other members of the Executive Committee.

6. The Executive Committee upon withdrawing shall consider the charge or complaint in the light of the evidence and shall be entitled to decide by a majority of not less than three-quarters of the members of the Executive Committee present either to expel the member from the Association forthwith, or to suspend him from membership of the Association for such period as the Executive Committee shall decide.

7. The Executive Committee shall be entitled in lieu of making a decision of expulsion or suspension under paragraphs 3 or 6 of these Regulations, to adjourn

the matter to a further Special Meeting of the Executive Committee to which all the provisions hereinbefore contained shall apply.

8. If the Executive Committee shall decide either under paragraphs 3, 6 or 7 of these Regulations to expel or suspend the member, the decision shall be conveyed or confirmed to him by notice in writing with all due speed. If within 10 days of the posting of such notice the member shall notify the General Secretary in writing that he does not accept such decision then a difference shall be deemed to have arisen between the member and the Association and he shall be entitled within a further 7 days by notice in writing addressed to the General Secretary to require the matter to be referred to the arbitration and award of a sole arbitrator under the Arbitration Acts for the time being in force, who shall be a practising King's Counsel to be nominated (failing agreement between the member and the Association) by the President of the Law Society for the time being, and such arbitration and award shall be binding on the member and the Association.