



**NARPO (ENGLAND & WALES)**  
**RULES POST CONFERENCE 2010**

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#### **RULE 1 TITLE**

- (i) The Association shall be called the ‘National Association of Retired Police Officers’-The short title shall be ‘NARPO’.
- (ii) The names ‘National Association of Retired Police Officers’ and ‘NARPO’, also the logo and the coat of arms of the Association are registered trademarks of the Association and shall not be used without the authority of the National Executive Committee.
- (iii) The Headquarters of the Association shall be situated at NARPO House, 38 Bond Street, Wakefield, West Yorkshire, WF1 2QP, or at such other place as may be determined by the National Executive Committee of the Association.

#### **RULE 2 OBJECTIVE**

- (a) The objective for which the Association was established is to safeguard the rights of members and promote measures for their welfare with particular regard to pensions.
- (b) To enable the Association to achieve its objective it will:
  - (i) Protect, promote and represent the interests of its members and provide a channel whereby they can express their opinion.
  - (ii) Assist in the solution of problems of members.
  - (iii) Promote the efficiency and status of the Association.
  - (iv) Provide opportunities for contact between the National Executive Committee and Branches, and between members of all Branches with each other and the National Executive Committee, and the co-ordination of the work of the N.E.C and Branches for the mutual benefit of the members.
  - (v) Establish liaison with other bodies on matters of common interest where this is consistent with the objects of the Association.
  - (vi) Make representations to Police representative bodies and Authorities, Government and Ministerial Departments.
  - (vii) Make charitable and benevolent donations.
  - (viii) Promote or assist in securing legislation in the interests of pensions, welfare and care of members.
  - (ix) Negotiate with, and become affiliated to or associated with, societies or other pensioner bodies, where this is consistent with the objects of the Association.
  - (x) Purchase or acquire any property and any rights of any kind over any property and/or other assets in accordance with the furtherance of the objects of the Association.
  - (xi) Sell, improve, manage, develop, lease, mortgage, dispose of, or turn to account, or otherwise deal with all or any part of the property or rights of the Association.

- (xii) Invest and deal with the funds and assets of the Association not immediately required in such manner as may from time to time be determined and to hold or otherwise deal with any investment made.
- (xiii) Raise money where appropriate and secure the repayment of any money lent, raised or owing in such manner as may be determined by the National Executive Committee.
- (xiv) Ensure the provision of Public Liability Insurance to indemnify the members or officers of the Association against losses, damages, costs and demands made against them in respect of any acts or omissions done by them in the course of their official duties for the Association to the extent that such indemnity is not prohibited by law.
- (xv) Do all such things and carry out such other activities for the benefit of the members as the National Executive Committee may decide.

### **RULE 3 CONSTITUTION**

The Association shall comprise members who join together to form Branches in regions in England, Wales and the Isle of Man, as determined from time to time by Conference. The Association shall have a National Executive Committee (referred to hereafter as the N.E.C) that shall be elected on a regional basis. Branches shall be comprised of members who join together to foster the objects of the Association and for no other reason.

There shall be no discrimination against any member or intending member on the grounds of race, colour, creed, religion, age, political affiliation, disability, marital status, sex or sexual orientation.

### **MEMBERSHIP**

#### **RULE 4 MEMBERSHIP OF THE ASSOCIATION**

- (i) **Full Membership**

Within the meaning of the Police Act 1996, as amended, and the Isle of Man Police Act 1993, the Police (Scotland) Act 1967, the Police Service (Northern Ireland) Act 2000 or any other Act or Acts defining such police forces, full membership of the Association shall be open to:

  - (a) Former Police Officers who have retired from such a police force having completed 25/30 years pensionable service, or on maximum age grounds, or on medical grounds. "Retired" does not include those dismissed or required to resign from the Police Service.
  - (b) Spouses and partners of such former Police Officers.
  - (c) Widows, widowers and partners of such deceased former Police Officers.
  - (d) Widows, widowers and partners of Police Officers who died in service.
- (ii) **Life Membership**

Branches may confer Life Membership upon any member defined in Rule 4 (i) who has given outstanding service to the Association either at Branch or National level. The name and the Branch number of the member so honoured shall be submitted by the Branch to the Chief Executive Officer who shall, on approval of the National

Executive Committee and payment of the appropriate fee, issue a Life Membership Certificate and badge to the Branch for presentation to the member so honoured. Under the provisions of Rule 14(i) the Life Member will be exempt from payment of the minimum subscription but, under the provisions of Rule 13, Branches honouring such persons will be required to pay the precept in relation to their Life Members to cover N.E.C administration costs and the provision of the Association magazine.

(iii) **Additional Membership**

A full member of a Branch defined in Rule 4 (i) may be admitted to membership of other Branches of the Association and may hold office at such Branch. At other Branches the member may join, he/she shall be classified as an Additional Member and may be levied a supplementary subscription under the provisions of Rule 10 (ii). The exemption under Rule 14 (ii) shall apply to such members.

(iv) **Associate Membership**

(a) This may be granted by a Branch Committee to any person, save those whose non eligibility is due to being dismissed or required to resign from the Police Service, who is not eligible to join the Association under Rule 4(i).

(b) This may be granted by a Branch Committee to widows, widowers and partners of deceased Associate members.

(c) An Associate member shall not hold any office nor be eligible to be a delegate to the Annual Conference. Associate members will be required to pay a subscription to the Branch as per Rules 10 to 14.

(v) **Affiliate Membership**

(a) Retired former Police Officers of Scottish police forces within the meaning of the Police (Scotland) Act 1967 and retired former Police Officers of Northern Ireland Police Forces within the meaning of the Police Act 1998, who are members of a Branch of the Retired Police Officers Association in Scotland or of the Northern Ireland Association of Retired Police Officers, and retired former Police Officers of other police forces excluded from full membership of the Association by the provisions of Rule 4 (i) shall, subject to specific approval by the National Executive Committee, be eligible for Affiliate Membership of the Association.

(b) Applications for Affiliate Membership shall be made to the Chief Executive Officer of the Association. The National Executive Committee shall have absolute discretion to accept or refuse into Affiliate Membership any person or body of persons on such terms as it deems appropriate.

(c) On admission to membership of the Association, Affiliate Members will receive a membership card with the name and Association number of the member, a copy of the Association Rules, and will also receive free of charge at his/her registered address the quarterly magazine of the Association. Such members shall not have entitlement to any other membership benefits and services of the Association but may receive such benefits and assistance as the National Executive Committee may determine. On ceasing membership of the Association such former

members must return their membership cards to the Chief Executive Officer. Affiliate members will be required to pay a subscription directly to the funds held by the N.E.C. that is equal to the precept from Branches in respect of each full member.

- (d) Affiliate Members shall not use the name of the Association nor publicise their Affiliation in any way without the prior approval of the National Executive Committee and shall not participate in the organisation of the Association.
  - (e) Branch committees may grant Membership of Branches to Affiliate Members defined in Rule 4 (v). An application by an Affiliate Member to join a Branch may be made to the Branch committee of any Branch of the Association. The Branch committee shall have absolute discretion to accept or refuse an application. An Affiliate Member shall not be eligible to attend Annual Conference as a delegate or be nominated to hold office in a Branch or vote on any matter or issue and shall not be eligible for election to the National Executive Committee.
  - (f) The Branch shall have the discretion under the provisions of Rule 10 (ii) to levy a supplementary subscription from an Affiliate member who joins the Branch. The supplementary subscription shall not exceed that part of the minimum subscription paid by members into Branch funds after apportionment under Rule 11 and shall not be subject of a precept by the National Executive Committee.
- (vi) **Honorary Membership**  
Branches may confer Honorary Membership upon any person who has given support and goodwill to the Branch. Particulars of any person so honoured must be submitted to the Chief Executive Officer who will issue the member with a membership card. The quarterly magazine of the Association will be sent free of charge to the address of the member. Such members may receive such benefits and services as the National Executive Committee may determine, but shall not be eligible to attend Conference as a delegate or be nominated to hold office in a Branch or vote on any matter or issue, and shall not be eligible for election to the National Executive Committee. Honorary members shall be exempt from payment of the minimum subscription but under the provisions of Rule 13, Branches honouring such persons will be required to pay the precept in relation to their Honorary Members to cover the N.E.C. administrative costs and provision of the magazine.
- (vii) **Membership Obligations**
- (a) Application for each membership classification of the Association shall constitute acceptance by the applicant of the Rules of the Association as binding on him/her upon being accepted into membership.
  - (b) To remain in membership, members shall pay the annual subscription as prescribed in Rules 10 and 11, unless exempt under the provisions of Rule 14.

## **BRANCHES**

## **RULE 5 FORMATION**

The formation of Branches requires the approval of the National Executive Committee and applications for the formation of a Branch shall be made in writing to the Chief Executive officer.

## **RULE 6 ORGANISATION**

The Association shall be organised in Branches. All Branches shall enjoy autonomy and equal rights within the Rules of the Association. Branches may, if mutually agreed by the members, combine to form Area Committees or Groups to enable the implementation of Rule 2 Objective (iv).

## **RULE 7 ADMINISTRATION**

- (i) Annual General Meetings, open to all members of Branches, shall be held by Branches between 1st January and 15th May.
- (ii) Branches must notify all members of their Branch, in writing at their last known address, the particulars of the date, time and venue of Annual General Meetings at least 21 days beforehand.
- (iii) Branches shall elect the Officers of the Branch, namely the Chairman, Vice Chairman, Secretary and Treasurer who shall be full members of the Association. Branches may elect members of the Branch to form the Branch Committee.
- (iv) Branches may make their own rules and arrangements provided they are not inconsistent with these Rules. Records of membership and business transacted shall be maintained.
- (v) If required Branches may convene further meetings of the Branch membership provided the provisions set out in paragraph (ii) of this rule in relation to notification to members are followed.

## **RULE 8 FINANCE**

- (i) **Arrangements**

The financial year of the Association shall be from 1st January to 31st December. Branch Committees shall be responsible for maintaining adequate accounting systems with respect to its transactions, its assets and its liabilities. Accounts shall be examined annually. Copies of certified Balance Sheets or Statements of Income and Expenditure shall be forwarded to the Chief Executive Officer by the 31st May. The National Executive Committee shall have the power to appoint one or more of its members or staff to inspect the financial records of any Branch. Branches in respect of which this power is exercised shall have the right to raise the matter at the next Annual Conference.
- (ii) **Accounts**

Branch accounts shall be in the name of the Branch, e.g. 'Narpo Wexminster Branch' or of the Association and not in the name of an individual member. Branches may include the name of the Association as shown in Rule 1(i), on

cheques, transfers and statements, but must in that case, also include the name of the Branch.

(iii) **Controls**

Branches must establish and maintain a satisfactory system of control of its cash holdings and all its receipts and remittances. All withdrawals from an account whether by cash, cheque, warrant or electronic means, shall require at least two signatories. Branch bank statements must be checked and initialled six monthly by the Branch Chairman.

(iv) **Inventory**

Branches shall keep an up to date inventory of all property and equipment purchased by the Branch, recording the cost and date of purchase and the disposal of it.

(v) **Authorised Signatories**

Branches shall appoint at least three signatories for banking purposes who should not be related, except where this would cause the Branch an insurmountable problem. Two of the signatories shall be sufficient to authorise any transaction.

(vi) **Public Liability Insurance**

Members of Branches will be indemnified against all liabilities which they may incur in the discharge of their duties, that are expressly or implicitly authorised for or on their behalf, by the provision of Public Liability and Professional Insurance held by the N.E.C.

#### **RULE 9 DISBANDMENT OF BRANCHES**

- (i) Branches shall give notice to the National Executive Committee of any intention to disband and at the same time must supply statements of all property, funds and assets held by the Branch, hereafter referred to in this rule as Branch assets, together with the books, records and accounts of the Branch.
- (ii) All Branch assets, books, records and accounts of the Branch shall on such notice to the National Executive Committee be vested in the ownership of the Association to be dealt with under the provisions of Rule 9 (iii).
- (iii) The National Executive Committee shall have the overall responsibility for winding up the affairs of a disbanding Branch. All debts and liabilities incurred by or on behalf of the Branch shall be fully discharged from the Branch assets, and any remaining property, funds and assets divided among receiving Branches, rateably in proportion to the number of members transferring from the disbanding Branch to the receiving Branch. In the event of there being no receiving Branch the property, funds and assets will remain vested in the Association to be dealt with under the provisions of Rule 24.

#### **RULE 10 COLLECTION OF SUBSCRIPTIONS**

Branches shall be accountable for collecting and accounting for subscriptions.

(i) **Subscription**

Means the minimum subscription referred to in Rule 11.

(ii) **Additional Subscriptions**

In order to finance Branch requirements a Branch shall have discretion to levy from its members, annual Branch subscriptions that are supplementary to the minimum subscriptions. These additional Branch subscriptions shall be subject of the provisions of Rules 8, and 9.

### **RULE 11 SUBSCRIPTIONS**

- (i) The minimum subscription for members shall be increased annually by the percentage increase in police pensions as determined in the previous year. If this amount is not divisible by 12 then it shall be rounded up to the lowest figure divisible by 12. This final amount shall be the starting figure used in calculating the increase for the following year. The National Executive Committee can defer to a later year implementation of the increase. Any proposal to increase or reduce subscriptions in variation of the aforementioned link to Police Pensions must be submitted as a Motion in compliance with Annex 1 of the Regulations for the Conducting of Annual Conference, Rule 3, and will require a two thirds majority to succeed.
- (ii) All full NARPO members shall pay the minimum subscription unless exempted under the provisions of Rule 14. The subscription shall include the membership of the spouse, except where the spouse is also a police pensioner, in which case he/she will pay a separate minimum subscription.
- (iii) Associate members shall pay the minimum subscription unless exempted under the provisions of Rule 14.

### **RULE 12 APPORTIONMENT OF SUBSCRIPTIONS**

Funds of the Association held by the National Executive Committee will be provided by a precept from each Branch of the Association. Annual Conference shall decide the precept percentage. The precept amount to be paid by each Branch shall be determined by multiplying the number of members who pay their subscriptions to the Branch (as per Rule 11) as reported in the annual Branch returns, Life members (as per rule 4(ii)) and Honorary Members (as per Rule 4 (vi)) by the minimum subscription amount and applying the precept percentage to the total.

### **RULE 13 PAYMENT OF PRECEPT**

Branches will be notified of the apportionment following Annual Conference. Any change in the minimum subscription to be paid or the percentage rate of the precept to be applied will become effective from the 1st January the following year. Payments will be made in two instalments, the first on 15th June and the second on 15th December. Interest at the rate of 2% per month or part thereof shall be payable by a Branch on any overdue account. An account will be deemed overdue if monies are not received before the end of the month that payment was due. The National Executive Committee shall have the discretion to waive payment of such interest.

### **RULE 14 EXEMPTIONS FROM PAYMENT OF MINIMUM SUBSCRIPTIONS**

Members of the Association in the following classifications shall be exempt from payment of the minimum subscription under the provisions of Rules 10, 11,12, and 13.

- (i) Life members referred to in Rule 4 (ii).
- (ii) Additional Members in relation to their membership of any second or subsequent Branch, referred to in Rule 4 (iii). This exemption does not extend to the requirement of full members to pay the minimum subscription to the Branch of which they are full members under the provisions of Rule 4 (i).
- (iii) Widows, widowers and partners of deceased full members.
- (iv) Affiliate Members referred to in Rule 4 (v)(c) who pay an annual subscription to the funds held by the National Executive Committee.
- (v) Honorary Members referred to in Rule 4 (vi).
- (vi) Widows, widowers and partners of deceased Associate members.

#### **RULE 15 USE OF FUNDS HELD BY BRANCHES**

Subject to the approval of the appropriate Branch Committee, and in compliance with the Objects of the Association set out in Rule 2, funds held by Branches may be used for the following purposes:

- (i) Welfare and social purposes for members of the Association.
- (ii) The administrative expenses of the Branch including the provision of office accommodation and equipment, the employment of staff, and all general administrative costs.
- (iii) To meet the costs of additional meetings of the Branch and Branch Committee, also meetings of Area Committees and Groups formed by members under the provisions of Rule 6 to further the objects of the Association.
- (iv) The grant of honoraria to members of the Branch.
- (v) To meet costs incurred of approved general meetings of the Branch and the Association.
- (vi) To meet any expenses incurred in connection with Association activities and professional services on questions of interest generally which affect the welfare and pensions of members at local level, which are not payable from public funds or the funds held by the National Executive Committee.
- (vii) To authorise the purchase of a gift for any person, whether or not a member of the Association where, in the opinion of the Branch Committee, the individual has made a valid or recognisable contribution to the Association or its members.
- (viii) Make charitable and benevolent donations.

- (ix) To invest and deal with the Branch moneys of the Association not immediately required, in such manner as may from time to time be determined by the Branch, and to hold or otherwise deal with any investment made.

#### **RULE 16 EXPENSES OF MEMBERS AND STAFF**

The expenses of members and staff carrying out duties and functions authorised by the appropriate Branch Committee shall be met from funds held by Branches. These expenses shall be subject to the following provisions:

- (i) **Subsistence, Refreshment and Lodging expenses incurred must be:**
  - (a) Necessary.
  - (b) Reasonable.
  - (c) Additional to what the member would otherwise have incurred.
- (ii) **Travelling**
  - (a) Reimbursement of actual cost of Standard Rail or Public Service Vehicle fare incurred, or at a mileage allowance as applicable. Such mileage allowance shall be at a rate not exceeding the published Her Majesty's Revenue and Customs Authorised Mileage Rates applicable to business miles for cars and vans.
  - (b) Reimbursement of actual cost of Economy Low Cost flights where the total inclusive cost of travel does not exceed the costs that would be incurred by travel under the provisions set out in paragraph (ii) (a) above.

#### **RULE 17 ADMITTANCE TO, AND REFUSAL OF, MEMBERSHIP**

- (i) Applicants for Membership of Branches shall complete and sign an application form that must be delivered to the Branch Secretary.
- (ii) A Branch Secretary may accept or refuse Membership and Additional Membership of the Branch to any applicant or member of the Association who is not already a member of that Branch.
- (iii) Anyone whose application for Membership or Additional Membership is refused, shall be notified in writing of the reasons for that refusal, and be informed that they have 14 days in which to lodge a written appeal to the Branch Committee whose decision shall be final and binding on the applicant.
- (iv) In a case of refusal of an application the Branch Committee must forthwith send to the Chief Executive Officer of the Association, a copy of the written notice of refusal and the grounds thereof, and the details of the determination of any appeal by the applicant.
- (v) No person shall be refused membership of a Branch on the grounds of his/her race,

colour, creed, religion, age, political affiliation, disability, marital status, sex, or sexual orientation.

### **RULE 18 MISCONDUCT**

A member found blameworthy of an allegation of misconduct may be expelled from membership of the Association for life.

Where the allegation of misconduct is being found guilty of a criminal offence that makes their continuing membership of the Association undesirable the Branch Secretary (or the Acting Branch Secretary if the Branch Secretary is the person against whom the allegation is made) shall, upon obtaining proof of the conviction, call a meeting of the Branch Committee who may then expel the member from the Association for life. The Branch Secretary (or Acting Branch Secretary) must inform the member of the decision in writing by Recorded Signed For Post within 7 days. The expelled member must be informed of his/her right of appeal to the Misconduct Sub-Committee of the N.E.C. The Branch Secretary (or Acting Branch Secretary) must also inform the Chief Executive Officer of the Association of the action taken.

Provisions of the rule dealing with allegations of all other misconduct against members of the Association are set out in Annex 3 to these rules.

### **NATIONAL EXECUTIVE COMMITTEE**

#### **RULE 19 NATIONAL EXECUTIVE COMMITTEE MEETINGS**

- (i) The National Executive Committee shall meet at least four times a year. At its first meeting after Conference it will elect a Chairman, and a Vice Chairman. The Chairman and the Vice Chairman will be the ex officio President and Vice President of the Association respectively.
- (ii) The National Executive Committee will appoint sub-committees as appropriate and the Chairman and Chief Executive Officer will be ex-officio members of each sub-committee.

#### **RULE 20 APPOINTMENT AND SUPERVISION OF STAFF**

The National Executive Committee shall appoint a Chief Executive Officer, Deputy Chief Executive Officer, Financial Controller, and such other staff as may be necessary for the administration of the Association. The duties and conditions of service of all staff shall be the responsibility of the National Executive Committee.

#### **RULE 21 NATIONAL EXECUTIVE COMMITTEE OFFICERS**

The officers of the National Executive Committee shall be the Chairman, the Vice Chairman, who shall be full members of NARPO, and the appointed Chief Executive Officer and Deputy Chief Executive Officer.

## **RULE 22 CO-OPTION**

The National Executive Committee may co-opt to serve with it, or with any sub-committee or working party, not more than two members of the Association, whose qualifications render this desirable. Such co-option to be for specific meetings up to a maximum period of twelve months. Such person shall not be entitled to vote.

## **RULE 23 FINANCING OF CENTRAL ORGANISATION**

The National Executive committee will prepare by the 30th June each year, the budget of estimated financial need of the Central Organisation in respect of the Secretariat and its own expenses for the year next following. It will also make provision for reserve funds. The budget shall be presented in writing for the information of Conference.

## **RULE 24 USE OF FUNDS HELD BY N.E.C.**

The assets of the central organisation held by the National Executive Committee shall be applied to further the objectives of the Association, defined in Rule 2, and may be used for the following purposes:

- (i) To meet any expenses incurred in connection with Association activities, and professional services on questions of welfare, pensions, administration and policies of the Association.
- (ii) The administrative expenses of the central organisation, including the provision of office accommodation and equipment, the employment of staff, and all general administrative work.
- (iii) The expenses incurred by members of the N.E.C attending all authorised meetings of the N.E.C. and any sub-committee or working party meetings, or engaged as authorised representatives of the Association or the N.E.C. under the provisions of Rule 2. Such expenses shall be at the rates applicable to members of Branches under the provisions of Rule 16.
- (iv) To meet the costs of meetings and additional authorised meetings of the N.E.C. and the authorised costs of Annual and Extra-Ordinary Conferences, and Area Meetings arranged by the N.E.C.
- (v) To meet the costs of Misconduct Appeal Committee meetings and the expenses of the members of that committee.
- (vi) To permit the purchase of a gift for any person, whether or not a member of the Association, where, in the opinion of the N.E.C, the individual has made a valid or recognisable contribution to the Association or its members.

## **RULE 25 N.E.C. FUNDING FROM SOURCES OTHER THAN PRECEPTED SUBSCRIPTIONS**

Additional income to the funds held by the National Executive Committee may be received from, or generated by, the commercial activities of the N.E.C, sales of property and goods, donations, gifts, bequests, returns from investments, subscriptions from affiliate members, and any other source that does not contravene any legal provisions.

## **RULE 26 N.E.C. ACCOUNTS AND AUDIT**

The National Executive Committee, hereafter referred to, as the N.E.C., will hold all the assets of the Association not held by Branches The funds of the Association held by the N.E.C. shall be banked and/or invested in the name of the National Association of Retired Police Officers.

### **RESPONSIBILITIES OF THE N.E.C.**

#### **(i) Financial Accounting and Statements**

- (a) Prepare financial statements for each financial year that give a true and fair view of the state of affairs of the Association and income and expenditure for that year.
- (b) In the preparation of those statements, select suitable accounting policies and then apply them consistently, making judgements and estimates that are prudent and reasonable.
- (c) State whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.
- (d) Prepare financial statements on the going concern basis unless it is inappropriate to presume that the Association will continue in business.
- (e) Keep proper accounting records that disclose with reasonable accuracy at any time the financial position of the Association.
- (f) Safeguard the Association's assets.

#### **(ii) Assets of the Association**

The N.E.C. shall make investments or otherwise deal with the assets under its control in any way authorised by them, and shall:

- (a) Authorise payments in line with the rules of the Association.
- (b) Present the accounts of the N.E.C. to Annual Conference.
- (c) Place on bank deposit all funds received by the N.E.C. except so much thereof as is required for current expenses and is insufficient for investment.
- (d) Ensure the assets of the Association held by the N.E.C. are used only towards promoting the Objectives of the Association.

#### **(iii) Financial Controls**

The expenditure of the central organisation shall be subject to the following provisions:

- (a) All payments exceeding an amount from time to time determined by the N.E.C. must be authorised in writing by the Urgent Business Sub-

Committee, which shall comprise the Chairman, the Vice Chairman, and the Chief Executive Officer.

- (b) The limit on a single item of expenditure delegated to the Chief Executive Officer shall be determined annually by the N.E.C., and shall not be exceeded by making a number of payments each of which is within the prescribed limit.
- (c) The limit on virement levels between budget headings delegated to the Chief Executive Officer shall be determined annually by the N.E.C.
- (d) All other payments must be authorised in writing, either by the Chief Executive Officer, or by any other person duly authorised by resolution of the N.E.C.
- (e) The N.E.C. shall appoint not more than five signatories for banking purposes; any two of the five signatories being sufficient to authorise a transaction.
- (f) The Chief Executive Officer will advise the bank of the Association of any changes to the personnel with powers to authorise payments.
- (g) The fidelity of all cheque signatories, and of those authorising payments, will be guaranteed by insurance policies paid for by funds of the central organisation.

(iv) **General**

- (a) The financial year of the Associations shall be from the 1st January to the 31st December.
- (b) The N.E.C. may appoint from its membership an internal examiner authorised to perform a monthly examination of the accounts of the central organisation.
- (c) A professional and independent auditor shall be appointed annually by the N.E.C. to audit the accounts of the N.E.C. The accounts must be published to the members of the Association in an edition of the Quarterly bulletin of the Association and presented at Annual Conference.
- (d) In pursuance of the objectives of the Association, the N.E.C. may; raise money, where appropriate, and secure the repayment of any money lent, raised or owing, in such a manner as may be determined by the N.E.C. Buy, sell, exchange, lease or grant leases of any real or personal property. Pay out of pocket expenses to its employees and others undertaking activities on behalf of the Association, under the terms of rules approved by Conference.
- (e) The officers and members of the N.E.C. will be indemnified out of the funds held by the N.E.C. and by the provision of Public Liability Insurance, against all liabilities, which they may incur in the discharge of their duties that are expressly or implicitly authorised by or on their behalf. The N.E.C. may indemnify wholly or partially out of the funds of the central organisation any representative of the N.E.C. against liabilities, which may

be incurred in the discharge of duties, which have been authorised by or on behalf of the N.E.C.

- (f) The N.E.C. shall keep an inventory of all property and equipment purchased with funds of the Association, recording the cost and date of purchase, and the disposal of such property and equipment.
- (g) The N.E.C. shall not be responsible for any liabilities of Branches.
- (h) Any member of the Association may examine the Books of the Association at the Association Headquarters on giving the Chief Executive 14 working days written notice.

## **GENERAL**

### **RULE 27 INTERPRETATION OF RULES AND MATTERS NOT PROVIDED FOR IN THE RULES**

The National Executive Committee shall determine any question on which the rules are silent or otherwise require interpretation and shall report such decisions to Annual Conference. The National Executive Committee has no power to alter the Rules of the Association save as provided for in Rule 28(iii). Nothing in these rules shall be contrary to current legislation.

### **RULE 28 AMENDMENT OR REVISION OF RULES**

- (i) These Rules and any Regulations or Standing Orders made under them, may be changed or amended by Annual Conference following written notice with the precise wording of any proposed changes or amendments, to the Chief Executive Officer by the 30th April. Such rule changes or amendments will only be determined by a vote in favour of at least two thirds of the delegates at Conference. Any agreed change, amendment, decision or revision, shall be operative from the conclusion of the Conference at which it was approved, with the exception of financial matters that will take effect from 1st January the following year.
- (ii) These Rules and any Regulations or Standing Orders made under them, may also be changed or amended by an Extra-Ordinary Conference convened for that purpose under the provisions of this Rule 28 (i), with the exception of the requirement for such written notice to the Chief Executive Officer by the 30th April.
- (iii) The N.E.C may make administrative changes to the Rules made necessary by changes in legislation, or for any other reason, without bringing the matter before Annual Conference. Any such changes shall not be made without first informing Branches by means of a Branch Circular, and if any objections to the proposed change(s) are made the matter must be put before Annual Conference to decide, in accordance with paragraph (i).

### **RULE 29 DISBANDMENT OF THE ASSOCIATION**

- (i) The Association may be disbanded at an Annual or Extra-Ordinary Conference, following notice on the agenda to disband the Association and appoint a liquidator.

The motion shall be carried only if not less than two thirds of those members present shall vote in favour.

- (ii) No part of any excess of receipts over expenditure shall in any circumstances, either during the existence of the Association or upon its termination, be divisible among the members or receivable by them as a profit. No funds of the Association shall be paid to any member, with the exception of remuneration for work done and for reimbursement of sums paid on the Association's behalf. On disbandment, winding up, dissolution or termination of the Association, all surplus funds of the Association, after payment of its debts and liabilities, shall be handed over to a police charity fund or funds that are obviously and undoubtedly charitable.

### **RULE 30 ASSOCIATION PUBLICATION**

The National Executive Committee shall be responsible for the publication of a Quarterly Magazine, which shall be supplied free to the membership.

### **CONFERENCE RULE 31 ANNUAL CONFERENCE**

The Association shall hold an Annual Conference in accordance with the 'Regulations for Conduct of Annual Conference' as approved by Annual Conference. If required, the N.E.C. may convene Extra-Ordinary Conferences, at not less than 28 days notice.

### **RULE 32 REGIONS**

England, Wales and the Isle of Man shall be divided into eight regions as defined hereunder:

- No 1. North West Region comprising the police areas of Cheshire, Cumbria, Lancashire, Greater Manchester, Merseyside and The Isle of Man.
- No 2. North East Region comprising the police areas of: Cleveland, Durham, Humberside, Northumbria, North Yorkshire, South Yorkshire and West Yorkshire.
- No 3. Midlands Region comprising the police areas of West Midlands, West Mercia, Warwickshire and Staffordshire.
- No 4. Eastern Region comprising the police areas of Cambridgeshire, Derbyshire, Leicestershire, Lincolnshire, Norfolk, Northamptonshire, Nottinghamshire and Suffolk.
- No 5. South East Region comprising the police areas of: Bedfordshire, Essex, Hampshire, Hertfordshire, Kent, Surrey, Sussex and Thames Valley.
- No 6. South West Region comprising the police areas of: Avon and Somerset, Devon and Cornwall, Dorset, Gloucestershire and Wiltshire.
- No 7. Wales Region comprising the police areas of: North Wales, South Wales, Dyfed Powys and Gwent.

No 8. London Region comprising the police areas of: the Metropolitan Police district and the City of London Police district.

### **RULE 33 REGIONAL ELECTIONS**

- (a) **Election of National Executive Committee (N.E.C)**  
The National Executive Committee (N.E.C) shall consist of sixteen members. Two members shall represent each of the eight regions. No more than one member of a Branch may serve on the N.E.C at any one time except in the case of London, which may have two members. A regional meeting will be held prior to the 31st May each year and will comprise of two representatives from each Branch in the region along with the Regional N.E.C Members. The representatives from each Region shall elect one member each year at the regional meeting. Those elected shall serve for two years.
- (b) **Election of Reserves to the National Executive Committee (N.E.C)**  
At the regional meeting reserves will be elected to the N.E.C, one member for each of the eight regions. Those elected shall serve for two years.
- (c) **Election of Members of the Misconduct Appeal Committee**  
Eight members shall be elected at the regional meeting, on alternate, odd numbered years, to sit on the Misconduct Appeal committee. One will be elected for each region and members shall serve for two years.
- (d) **Conduct of Elections**  
The elections shall take place at the regional meeting held prior to the 31st May. Each nominee must be proposed and seconded. Nominations for election must be submitted to the Regional Secretary at least one month before the election. In the event that there are more nominations than vacancies, a ballot shall be held. Votes will be apportioned to each branch on the basis of membership numbers, namely one vote per hundred members or part thereof. These shall be cast by any one of a maximum of two representatives per Branch who are present at the meeting. If there is a tie in any of the elections the nominated regional chairman shall have a casting vote to determine a clear result. If the regional chairman is a nominee then another representative agreed by the representatives present will conduct the election. The Regional Secretary shall notify the Chief Executive of the result of elections by the 15th of June.
- The period of office will commence from the conclusion of the Annual Conference following their election.
- (e) **Attendance of retiring N.E.C Members at First Meeting of New Committee.**  
Retiring members of the National Executive Committee may attend the first meeting of the newly elected Committee, provided that, if not re-elected they shall be present as observers, without voting rights, and shall surrender all appropriate N.E.C books, correspondence etc. to their successors.
- (f) Regions may convene further meetings throughout the year.

### **ANNEX 1**

### **REGULATIONS FOR THE CONDUCTING OF ANNUAL CONFERENCE**

## **REGULATIONS**

1. **Date of Annual Conference**

The Annual Conference of the Association shall be held, generally in the month of September, at a place decided at the previous Annual Conference, or failing this, the date and venue to be decided by the National Executive Committee.

2. **Notice of Business**

To qualify for making a contribution at Annual Conference, Branches must send in the appropriate completed forms, which have been circulated so as to reach the Chief Executive Officer by 30th April in the year of the Conference. Forms for the purpose will have been previously circulated and will provide for indicating:

- (a) Total number of Former Police Officers, Life, and Widow/Widower, and partners of Branch Members, at the previous 31st December. As listed in Rule 4 (i) and Rule 4 (ii).
- (b) Names of nominated delegates, the total number not to exceed one per hundred or part thereof of membership, as at (a), subsequent changes in delegates being notified by letter. Delegates nominated by Branches may address the Conference and/or vote. For the purpose of this regulation, 'Membership' includes former Police Officers, Widows, Widowers and partners of deceased full members, and Life Members defined in the provisions of Rule 4 of the Association Rules.
- (c) Nominations for Delegates to serve on the National Executive Committee and Reserves (not more than one member of a Branch may serve on the National Executive Committee at any one time except in the case of London which may have two members).
- (d) Motions for consideration at the Annual Conference including business under Association Rule 27.

3. **Motions**

Motions may be submitted by Branches or by the National Executive Committee. Branches desirous of submitting motions must send these, signed by Committee Chairmen and Secretaries, to reach the Chief Executive Officer by 30th April. Branches submitting motions but not sending delegates must name the Branches or delegates who will propose and second the motion.

The National Executive Committee shall have the discretion to reject a motion if:-

- (i) The intention of the motion is obscure.
- (ii) The motion is concerned with matters outside the objectives of the Association.
- (iii) The motion is already the existing Association policy.
- (iv) The motion is not addressed to Conference.
- (v) The motion is pious or mischievous.

- (vi) The motion is concerned with more than one subject.
- (vii) The motion relates to a topic that has been the subject of debate by Annual Conference in the preceding 2 years and has either been carried or lost.

All motions rejected by the National Executive Committee shall be published to Branches with detailed reasons for rejection.

By the 31st May the Chief Executive Officer will circulate to all Branch Secretaries details of motions accepted by the National Executive Committee for consideration by Annual Conference.

4. **Amendments to Motions**

- (i) Branches, or the National Executive Committee, desirous of submitting amendments to motions must send them, signed by the Committee Chairmen and Secretaries, to reach the Chief Executive Officer by the 30th June.
- (ii) The National Executive Committee shall reject all motions and amendments received at the Association Headquarters after the final dates for receipt of motions and amendments communicated on behalf of the National Executive Committee to Branches.
- (iii) Notwithstanding the foregoing provisions of this rule, the National Executive Committee shall at its discretion, admit to the agenda at any time up to the commencement of the proceedings of Annual Conference, motions, the matters of which arise in circumstances which could not be foreseen at the final date for receipt of motions.

5. **Agenda for Annual Conference**

The Chief Executive Officer will send copies of the Annual Conference Agenda, to reach Branch Secretaries and Conference Delegates, at least twenty-one days before the date of the Conference.

6. **Roll of Delegates**

The roll of accredited delegates to the Annual Conference will be prepared by the Chief Executive Officer, and the roll shall be used by the Stewards each time the Conference assembles.

7. **Stewards**

Stewards, sufficient in number, will be provided, if possible, by the host Branch, to take the roll mentioned in regulation 6, to ensure that any observers present are seated separately from the delegates, and to ensure the Chairman's directions are complied with. Stewards shall not be entitled to address the Conference or to vote unless they are also appointed as delegates.

8. **Observers**

Observers may attend the Annual Conference, but they are not entitled to address the Conference or to vote, and must be seated separately from the delegates.

9. **Chairman and Secretary**

The Chairman and Secretary of the Annual Conference shall be Chairman of the National Executive Committee and the Chief Executive Officer of the Association respectively, or their deputies.

10. **Scrutineers**  
Scrutineers, 1 per Region, shall be appointed from among the delegates to supervise the voting at Annual Conference. Candidates for election to the National Executive Committee or members of the N.E.C may not also be Scrutineers.
11. **Voting on Motions**  
Voting on motions shall be by show of Delegate Voting Cards, unless the Conference determines otherwise. The N.E.C members, who are additional delegates to Conference, shall be entitled to address any motion they are proposing or seconding on behalf of the N.E.C, and address any other motion on behalf of the N.E.C, but shall not be entitled to vote. In the case of deadlock the Chairman shall have a casting vote.
12. **Adoption of Standing Orders**  
The Conference shall proceed to adopt Standing orders for the Regulation of the Business of the Annual Conference.
13. **Report of National Executive Committee**  
The National Executive Committee shall present a written report of its work during the year, together with audited balance sheet and statement of income and expenditure in respect of the central organisation for the previous year.

## ANNEX 2

### STANDING ORDERS FOR THE REGULATION OF BUSINESS OF ANNUAL CONFERENCE – (REGULATION 12)

- S.O.1 **Order of business**  
The roll for attendance of delegates at Annual Conference shall be conducted in accordance with the Regulations for the Conduct of Annual Conference.
- S.O.2 **Business before the Conference**  
Subject as may be otherwise agreed to the contrary, the Conference will proceed in accordance with the Agenda.
- S.O.3 **Motions, Amendments, etc.**
  - (a) Motions shall be passed, rejected, or remitted to the National Executive Committee for further consideration.
  - (b) The first proposition on any subject shall be known as the original motion, and all succeeding propositions on that subject shall be called amendments. Each motion and amendment will be proposed and seconded, but no delegate will be allowed to propose or second more than once. When the motion and all its amendments have been so presented to Conference, discussion will follow as per the numbering of the amendments on the Conference Agenda and in accordance with paragraph 5 of these Orders. The printing of the motion and amendment on the Conference Agenda is

formal presentation and does not need to be repeated when proposing or seconding.

- (c) Voting shall take place with the highest numbered amendment being taken first, then second highest, etc., and any amendment which is carried becomes the substantive motion, and subsequent amendments taken, including the original motion. The arrived at substantive motion shall then be voted upon for acceptance or rejection by Conference. If a proposal, which is seconded, asks for the subject to be remitted then a vote for remittance or action will be taken first of all on the substantive motion, and if lost, then a further vote for acceptance or rejection of the substantive motion. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the main question, and if carried shall then become a resolution of the Conference.
- (d) Except where included on the Conference Agenda, arrangements, amendments, riders to motions, and "Late Day" motions will not be accepted unless the Conference agrees by two-thirds majority. No discussion will take place unless and until Conference so agrees to accept the amendments, riders to motions, and "Late Day" motions. Such motions printed on the agenda cannot be amended.
- (e) Voting shall take place in accordance with Conference Regulations.

#### **S.O.4 Selection of Speakers**

Every delegate shall stand when speaking and shall address the Chairman as "Mr. Chairman", or "Madam Chairman". When more than one delegate rises to speak, the first to rise shall be given precedence, the decision resting with the Chairman, but the delegate who rose immediately after the first one shall have the right to speak at the close of such delegate's address.

#### **S.O.5 Speeches**

- (a) No delegate shall be allowed to speak more than once upon any subject before Conference, or on a point of order, except the mover of the original motion. Except by permission of the Chairman, no delegate shall speak for more than five minutes at one time, other than the mover who may speak for ten minutes. Any delegate may formally second any motion or amendment and reserve his speech until a later period in the debate.
- (b) Delegates wishing to raise points of order must first obtain the permission of the Chairman, and must rise immediately the alleged breach occurs.

#### **S.O.6 Right of Reply**

The mover of the original motion shall, if no amendment is moved, have the right to reply at the close of the debate on such motion. When an amendment is moved he shall be entitled to speak thereon in accordance with Standing Order No. 5, and at the close of the debate on such amendment shall reply to the discussion, but shall introduce no new matter. The question shall then be put to the vote immediately, and under no circumstances shall any further discussions be allowed once the question has been put to the Chair. The mover of the amendment shall not be entitled to reply.

**S.O.7 Acceptance of motions and amendments**

No motion or amendment appearing on the Conference agenda, or otherwise, shall be accepted for debate unless it is formally proposed and seconded. No motion or amendment which has been accepted by the Chairman shall be withdrawn unless Conference agrees by a two-thirds majority.

**S.O.8 Closing the debate**

Motions for the previous question, next business or the closure, may be moved and seconded only by delegates who have not spoken at any time during the debate. No speeches shall be allowed on such motions. In the event of the closure being carried, the mover of the original motion shall have the right to reply in accordance with Standing Order No. 6 before the question is put. Should any one of the motions mentioned in this Standing Order be defeated, fifteen minutes shall elapse before it can be accepted again by the Chairman, unless he is of the opinion the circumstances have materially altered in the meantime.

**S.O.9 Moving the Adjournment**

Any delegate who has not already spoken during the debate may move the adjournment of the question under discussion, or of the Conference, but must confine his remarks to that question, and must not discuss any other matter. The mover of the motion on which the adjournment has been moved shall be allowed to reply on the question of the adjournment, but such reply shall not prejudice his right of reply on his own motion. In the event of the adjournment motion being lost it shall not be moved again except in accordance with Standing Order No. 8.

**S.O.10 Chairman's Ruling**

If the Chairman rises to call a delegate to order, or for any other reason connected with the proceedings, the delegate speaking shall thereupon resume his seat, and no other delegate shall rise until the Chair is resumed. The ruling of the Chairman on any question under Standing Orders or on points of order shall be final, unless challenged by not less than four members and not less than two thirds of the delegates vote to the contrary.

**S.O.11 Misconduct**

If any delegate interrupts another while addressing the Conference, or uses abusive or profane language, or causes disturbance, and refuses to obey the Chairman when called to order, he shall be named by the Chairman, he shall thereupon be expelled from the room and shall not be allowed to enter again until an apology satisfactory to the Conference is given.

**S.O.12 Absence without leave of the Chairman**

No delegate shall leave the Conference before its conclusion without permission from the Chairman.

**S.O.13 Suspension of Standing Orders**

In the event of any matter of urgency the Chairman may accept a motion for the suspension of Standing Orders. The delegate moving such a suspension must clearly state the nature of the urgency of his business, the numbers of Standing Orders affected, and the length of time (not exceeding thirty minutes) he desires the suspension to last. At the option of Conference a further extension may be allowed, but no suspension shall take place unless sanctioned by votes in favour of not less than two thirds of the delegates present and voting.

## ANNEX 3 RULE 18 PART 1

### MISCONDUCT

#### MISCONDUCT – DUTIES, PROCEDURES AND MEANING OF TERMS USED IN THIS RULE

1. **Duties of Branch Committees**

Branch Committees and Officers of the Association **MUST** bring to the notice of the National Executive Committee cases where there is good and sufficient reason to believe that any member of their Branch has committed any offence of misconduct which renders him/her to be no longer a fit and proper person to be a member of the Association.
2. **Duties of the National Executive Committee**

At the first meeting after Annual Conference the National Executive Committee shall appoint from their number, five members to form the Misconduct Sub-Committee that shall have the powers to initiate enquiries, institute action and to hear and determine issues against any member of the Association alleged to have committed any offences of misconduct.
3. **Meaning of certain expressions**

In this procedure for dealing with offences of misconduct, the following expressions shall have the meanings herein assigned to them:

  - 3.1 **Misconduct** means unacceptable or improper behaviour.
  - 3.2 **Misconduct Sub-Committee:** means not less than three of the five members of the N.E.C appointed by them to initiate enquiries, institute action and to hear and determine issues arising from allegations of misconduct against members of NARPO. They will also hear and determine appeals against the decision of a Branch Committee and in such cases the decision of the Misconduct Sub-Committee is final. No member of the Misconduct Sub-Committee shall be a member of the Branch involved in the issues to be determined by the Sub-Committee.
  - 3.3 **Misconduct Appeal Committee:** means not less than three of the eight members of NARPO elected at Regions to hear and determine issues arising from appeals from decisions of the Misconduct Sub-Committee. No member of the Appeal Committee shall be a member of the Branch involved in the issues which are the subject of the appeal.
4. **Misconduct by Members of the Association**
  - 4.1 Where an offence of misconduct is alleged against a Branch Secretary, the Branch Committee may impose a precautionary suspension on him/her, and shall appoint

another full member of the Branch to perform the functions of the Branch Secretary. The Deputy Chief Executive Officer shall perform the functions allotted to the Chief Executive Officer if a misconduct offence is alleged against him/her.

4.2 **Precautionary Suspension:** means a period of suspension from membership of the Association for the duration of an enquiry into a misconduct offence alleged against him/her. Precautionary suspension is not a penalty or sanction.

5. **Penalties for Offences of Misconduct**

A penalty imposed by a Branch Committee or the Misconduct Sub-Committee, subject to any variation imposed on appeal, will take immediate effect.

5.1 The member shall be suspended from membership or any specific office in the Association for a specified period.

**or**

5.2 The member shall be expelled from membership of the Association for life.

6. **Publication of penalties imposed**

6.1 There shall be no publication of a penalty imposed by a Branch Committee or the Misconduct Sub-Committee until the time limit for appeal has expired. In cases where an appeal has been lodged within the prescribed time limit there shall be no publication of a penalty until the appeal has been determined.

6.2 Publication will be by way of a Branch Circular

7. **Criminal or wrongful acts against the Association**

Notwithstanding the above provisions, the National Executive Committee shall have the discretion to initiate legal proceedings against any member who appears to them to have committed any criminal or wrongful act against the Association, the Members or Officers and to terminate automatically his/her membership upon conviction or judgement against such member.

**RULE 18 ANNEX 3 PART 2**

**PROCEDURES FOR DEALING WITH MISCONDUCT APPLICABLE  
TO ALL MEMBERS OF THE NATIONAL ASSOCIATION OF  
RETIRED POLICE OFFICERS**

1. Action at branch level on discovery or receipt of an allegation of an offence of misconduct committed by a member.

On discovery or receipt of a report or allegation that a member of a Branch has committed an offence of misconduct, the Branch Secretary shall inform the Chief Executive Officer and the Branch Committee. The Branch Committee must nominate one or more of its members to make urgent preliminary enquiries and take the following action:-

1.1 Gather all the relevant facts promptly, and where necessary take witness statements and collect relevant documents.

- 1.2 If the alleged offence is the subject of a criminal investigation or the member concerned has been charged with the alleged offence to appear before a court of law the actions required in subsection 1.1 above may be suspended until such investigations or proceedings are concluded, with the exception that the branch member concerned will be informed that the facts available will be reported to the Branch Committee and that he or she will be informed of any further action.
- 1.3 Report all the results of the preliminary enquiry to a meeting of the Branch Committee as soon as possible.
2. The Branch Committee may, having regard to the circumstances of the case, impose a period of precautionary suspension on the member. The suspension to remain in being until the allegation(s) has been determined by a competent committee under the provisions of these rules. The member shall be provided with written notice of the precautionary suspension where this has been imposed.
3. On receipt of the results of the preliminary enquiry the Branch Committee shall forward their findings to the Chief Executive Officer, together with any evidence gathered, and any recommendations that they wish to make.
4. **Action at N.E.C. level by the Chief Executive Officer of the Association**
  - 4.1 The Chief Executive will convene a meeting of the Urgent Business Sub-Committee of the N.E.C. as soon as reasonably practicable, and after considering the available evidence and recommendations of the Branch Committee make a decision as to any further action.
  - 4.2 If the decision of the Urgent Business Sub-Committee is to take no further action the Chief Executive Officer will inform the member involved and the Branch Committee as soon as possible.
  - 4.3 If the Urgent Business Sub-Committee decide that proceedings are to be taken the Chief Executive Officer will notify the Branch Committee and send by Recorded Signed For Post to the member concerned the following:-
    - (i) Particulars of the misconduct charge(s) alleged against him/her, together with copies of statements and documents supporting the charge(s) and a copy of the Association Misconduct Procedures.
    - (ii) The proposed date, time and venue of the Misconduct Hearing, with not less than three weeks notice from the date of delivery of the notification.
    - (iii) That if he/she so requests within 2 days of receiving the notification, the hearing may be deferred for not more than one week.
    - (iv) That he/she is invited to submit a written reply to the misconduct charge(s) not later than one week preceding the date finally fixed for the hearing;
    - (v) That he/she may give notice not later than one week preceding the date finally fixed for the hearing, that he/she wishes the hearing to take place in his/her absence, or that he/she will attend.

- (vi) That he/she may call witnesses to the hearing.
  - (vii) That a friend who may speak for him/her may accompany him. That friend may be a member of the Association, a legal representative appointed only at the expense of the member, a serving or retired police officer, an individual friend or relative; and requiring him/her to state the name and status of any friend he/she wishes to be present.
  - (viii) A notice that in the event that he/she is found 'Blameworthy' of the misconduct charge(s) no expenses incurred by him/her shall be recoverable from funds held by the Branch or the N.E.C.
  - (ix) If the Misconduct Sub-Committee find the member "not blameworthy" on all charges the lodging, meal expenses and travel expenses incurred by the member and his/her friend in attending the appeal hearing shall be paid from funds of the Association held by the National Executive Committee, in accordance with the rates set under the provisions of Rule 16. In all other cases the member will not be reimbursed any of his/her costs or expenses from the Association funds.
  - (x) A stamped and addressed envelope to facilitate a reply to the notification.
- 4.4 The Chief Executive shall be responsible for completing the administrative arrangements for the date, time and venue of the Misconduct Hearing and the attendance of the Misconduct Sub-Committee and all persons having anything to do with the hearing.
- 4.5 A member found 'Blameworthy' by the Misconduct Sub-Committee shall have a right of appeal against the finding and/or the penalty imposed.

### **ANNEX 3 RULE 18 PART 3**

#### **MISCONDUCT SUB-COMMITTEE MEETINGS TO DETERMINE CASES OF MISCONDUCT**

##### **THE HEARING**

1. **General**
  - 1.1 Findings of Blameworthiness shall be made on the balance of probabilities, and decided by a simple majority.
  - 1.2 The Misconduct Sub-Committee shall appoint one of their number as Chairman.
  - 1.3 A 'Record of Evidence' at the hearing will be made.
  - 1.4 Any hearing before the committee shall be in private.
2. **Paper Hearing**
  - 2.1 Chief Executive will certify to the Misconduct Sub-Committee that service has been executed in the prescribed manner, of all documents required to be served on the member subject of the misconduct charges(s) and that the member has;

- (a) Consented for the hearing to take place in his absence.
  - Or**
  - (b) Has not replied to the notification.
- 2.2 If 2.1. (a) is certified the paper hearing will proceed forthwith.
  - 2.3 If 2.1. (b) is certified the Chairman may decide that a paper hearing will take place forthwith, or he/she may adjourn the case for not more than two weeks for notification to be attempted again, or for any other reason. In all cases it will be for the Chairman of the Misconduct Sub-Committee to decide if a paper hearing will take place
  - 2.4 In the event that the Chairman decides a paper hearing will take place the committee will deliberate on all documentary and physical evidence submitted to the committee after which the Chairman will announce the decision of the committee.
  - 2.5 If the decision of the committee is that the member is ‘Blameworthy’ of the misconduct charge(s) the Chairman will, after consideration by the committee of any mitigating facts that may have been submitted, announce the penalty and that there is a right of appeal by the member.
  - 2.6 The Chief Executive will inform the Branch Committee of the decision, and send by Recorded Signed For Post to the contact address of the offending member, particulars of the decision of the Misconduct Sub-Committee together with the time limit and what has to be done if the offending member wishes to appeal against the decision and/or penalty imposed.
- 3. **Oral Hearings**
  - 3.1 The Chairman of the Misconduct Sub-Committee will ensure that the hearing is conducted in a fair and open manner, allowing both sides to present their evidence, and question witnesses and other parties to the proceedings.
  - 3.2 On conclusion of the hearing and following a decision by the Misconduct Sub-Committee the decision shall be notified to the member concerned at the time, together with the time limit and what has to be done if the offending member wishes to appeal against the decision and/or penalty imposed.
  - 3.3 Any decision of the committee will be confirmed in writing to the Member and the Branch Committee, as will the member’s right of appeal, and the decision reported to the next meeting of the National Executive Committee.

#### **ANNEX 3 RULE 18 PART 4**

#### **APPEAL PROCEDURES AND HEARINGS**

#### **PROCEDURES**

- 1. **General**
- 1.1 Findings of blameworthiness shall be made on the balance of probabilities, and decided by a simple majority.

- 1.2 If a member appeals against the decision of the Misconduct Sub-Committee the matter is thereby removed to the jurisdiction of the Misconduct Appeal Committee.
- 1.3 The Misconduct Appeal Committee will appoint one of their number as Chairman.
- 1.4 A record of the hearing will be made.
- 1.5 Any hearing before the committee shall be in private.

## 2. **Appeal Procedure**

- 2.1 The member may within two weeks of the date of the written confirmation of the decision and penalty imposed by the Misconduct Sub-Committee, give notice in writing to the Chief Executive of his/her intention to appeal to the Misconduct Appeal Committee.
- 2.2 As soon as possible and not later than two weeks after giving notice of his intention to appeal, the member shall give to the Chief Executive a statement in writing of the grounds of the appeal.
- 2.3 The statement shall indicate whether the member is appealing against the finding of 'Blameworthiness' or whether he/she admits such finding but is appealing against the penalty imposed. The statement must also set out the findings of fact with which he/she is dissatisfied and on which he/she wishes to call evidence.
- 2.4 The Chief Executive Officer will arrange a meeting of the Misconduct Appeal Committee as soon as practicable after receipt of the statement of grounds of appeal and the member will be given at least three weeks notice in writing of the time, date and venue of the meeting at which the appeal is to be heard.

## 3. **Appeal Hearing**

- 3.1 At the appeal hearing the member may be accompanied by a friend, (defined in paragraph 4.3 (vii) Part 2 of Annex 3), who may speak for him/her.
- 3.2 At the commencement of the appeal proceedings the Chief Executive shall submit the following documents to the Misconduct Appeal Committee and the member concerned :-
  - (a) The 'Record of Evidence' taken at the oral hearing.
  - (b) The list of misconduct offences and penalties against which the member has given notice of appeal.
  - (c) A statement in writing of the grounds of the appeal (provided by the member).
- 3.3 During the hearing of the appeal, the facts disclosed in the 'Record of Evidence' shall not be re-investigated, except those that the member or his/her friend has indicated dissatisfaction therewith, but if any new facts beyond those disclosed in such record of the misconduct proceedings are alleged, such facts may be proved in addition.
- 3.4 In order that none of the parties concerned shall be taken by surprise as a result of any new facts alleged, the Misconduct Appeal Committee may adjourn the case for such period, as they deem reasonable.

- 3.5 The Chairman of the Misconduct Appeal Committee will ensure that the hearing is conducted in a fair and open manner, allowing both sides to present their evidence, and question witnesses and other parties to the proceedings. On conclusion of the hearing and following a decision by the Misconduct Appeal Committee the decision shall be notified to the member concerned at the time.
- 3.6 At the end of the appeal proceedings the Chairman will announce the decision of the Misconduct Appeal Committee and inform the member and his/her friend that the decision is final and binding on all parties to the proceedings.
- 3.7 The Misconduct Appeal Committee may confirm or reverse the finding(s) and may vary the penalty administered by the Misconduct Sub-Committee.
- 3.8 If the Misconduct Appeal Committee reverse the finding of 'Blameworthiness' on all charges and/or substitute a lesser penalty on all charges, the lodging, meal expenses and travel expenses incurred by the member and his/her friend in attending the appeal hearing shall be paid from funds of the Association held by the National Executive Committee, in accordance with the rates set under the provisions of Rule 16. In all other cases the member will not be reimbursed any of his/her costs or expenses from Association funds.
- 3.9 Written confirmation of the decision of the Misconduct Appeal Committee should be sent to the member, the National Executive Committee and the Branch Secretary within one week of the announcement of the decision.

4. **Supplementary**

The administration costs of the Misconduct Appeal Committee and the expenses of the members of that committee shall be borne out of the funds of the Association held by the National Executive Committee.