

Rules of the British Air Line Pilots Association 2019



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BRITISH AIR LINE PILOTS ASSOCIATION

SECTION 1: CONSTITUTION

Rule 1 NAME

- 1.1 The Association formed under these Rules shall be known by the title of "British Air Line Pilots Association" and will be hereinafter called "BALPA". It is a registered trade union.

Rule 2 REGISTERED OFFICE

- 2.1 The Registered Office and place of meeting for the business of BALPA shall be at BALPA House, 5 Heathrow Boulevard, 278 Bath Road, West Drayton, UB7 0DQ or at such other place as the National Executive Council (NEC) shall decide.

Rule 3 OBJECTS

- 3.1 The objects of BALPA shall be:
- 3.1.1 To promote the highest possible level of safety and security within civil aviation.
 - 3.1.2 To advise on all commercial, scientific, educational and technical matters relating to air transport.
 - 3.1.3 To work with other interested parties, including government and non-governmental bodies, individuals, and other organisations to maintain and improve standards within civil aviation.
 - 3.1.4 To advance the technical knowledge of members, potential members and the aviation industry and to provide training and learning opportunities.
 - 3.1.5 To uphold the interests of members, improve their terms and conditions, regulate relations with their employers and generally to assist them.
 - 3.1.6 To promote the rights of all members to be treated with dignity and respect regardless of any protected characteristic (including race, gender, gender identity, sexual orientation disability, age or religious belief).
 - 3.1.7 To engage in campaign activity as appropriate in relation to the above.

Rule 4 METHODS

- 4.1 In pursuit of its objects, BALPA may, at its discretion and so far as permitted by law:
- 4.1.1 Issue suitable literature, publications and technical papers including an official journal.
 - 4.1.2 Promote and assist in securing legislation and regulations in the interests of members and the travelling public.
 - 4.1.3 Co-operate with others in promoting the interests of employees in civil aviation including making contributions to charitable and benevolent institutions, supporting or participating in research studies, or incurring any other financial expenditure arising out of or in connection with the pursuit of any of BALPA's stated Objects.
 - 4.1.4 Represent members in any negotiation and, where appropriate, give them and their dependants support including the provision of legal and financial assistance in the UK and abroad.
 - 4.1.5 Require members to observe BALPA Rules and regulations.

Rule 5 INTERPRETATION OF RULES

- 5.1 In the event of any question arising as to the interpretation of these Rules, or where the Rules are silent or make no provision in respect of any issue or matter the question shall be referred to the National Executive Council ('NEC') whose decisions shall be conclusive and binding (and not subject to further right of appeal). Any determination by the NEC may be considered at the next Annual Delegates Conference or Special Delegates Conference in accordance with these Rules.

Rule 6 ALTERATION TO RULES

- 6.1 New Rules may be made, or any current Rule may be amended or rescinded, but only in accordance with a resolution passed at the ADC or EDC and subsequently confirmed by a ballot taken under Rule 32. All statutory requirements shall be complied with in respect of all new Rules, amendments and rescindments, none of which shall take effect unless and until such requirements have been complied with and the necessary steps have been initiated to seek approval, consent or registration.

SECTION 2: MEMBERSHIP

Rule 7 MEMBERSHIP

- 7.1 Membership shall be open to any person who satisfies the definition of 'Full Member' or 'Associate Member' as defined below. In these Rules, any references to 'member' apply only to Full or Associate Members unless otherwise provided.
- 7.2 The NEC may create temporary grades of membership at its discretion.
- 7.3 **Full Member:** Subject to the provisions in Rule 10 and Rule 34, the following shall be eligible for full membership of BALPA, namely every person who falls within one or more of the following categories:
- 7.3.1 holds a current professional Pilot Licence issued by the UK or recognised by the CAA or EASA and is actively engaged in commercial flying and is based in the UK or is employed by a UK Company abroad;
 - 7.3.2 holds a current Flight Engineers Licence issued by the UK or recognised by the CAA or EASA and is actively engaged in commercial flying and is based in the UK or is employed by a UK Company abroad;
 - 7.3.3 is employed by any British company or organisation as Service Training or Contract Pilot, or is a pilot who is not required as a condition of employment to hold a current professional Pilots Licence issued by the UK or recognised by the CAA or EASA;
 - 7.3.4 Helicopter Winchmen;
 - 7.3.5 Weapons System Officers (WSO's);
 - 7.3.6 Ground Instructors, where they are part of a bargaining group which includes members in the categories set out in Rule 7.3.1, 7.3.2 or 7.3.3.
- 7.4 In cases of doubt, eligibility for membership shall be at the absolute discretion of the NEC, subject to a right of appeal under Rules 9.3 and 9.4.

Rule 8 ASSOCIATE MEMBERS

- 8.1 Any person who fulfils the requirement of any part of this Rule shall be eligible for BALPA Associate Membership. Associate Members are not permitted to vote or stand for election for the purposes of these Rules.
- 8.2 **Class A Associates:** The following are eligible as Class A Associates, namely every person who falls within one or more of the following categories:
- 8.2.1 who is a pilot/flight engineer serving in H.M. Armed Forces; or
 - 8.2.2 who would otherwise be qualified for membership but for the fact that they are based abroad and is not employed by a UK Company; or
 - 8.2.3 who holds a professional RPAS qualification acceptable to the NEC
- 8.3 **Retired Associates:** A person who is no longer eligible for membership of BALPA, but who has been a member of BALPA is eligible to join s a Class A Associate. Such members may participate in elections to establish the Retired Flight Crew Committee (RFCC) in accordance with Rule 31.
- 8.4 **Trans-National Associates:** A full member of another pilot association who is employed by a UK company or associated company and where a reciprocal membership agreement exists with the Association concerned.

- 8.5 **Trainee Associates:** A trainee pilot/flight engineer shall be eligible as a trainee associate at the absolute discretion of the NEC.
- 8.6 **Honorary Associates:** The NEC may admit as an Honorary Associate any person who it may think fit so to admit, irrespective of such person's qualifications.
- 8.7 **Unemployed Members:** Members dismissed, made redundant, or having accepted a compromise agreement or otherwise having resigned who notify the NEC in writing within 2 months of their loss of employment may be eligible for unemployed membership for 1 year from the date of termination of employment. Unemployed members are not entitled to hold office or stand for election to any position unless otherwise decided by the NEC.

Rule 9 ADMISSION OF MEMBERS AND ASSOCIATES

- 9.1 All applications for admission as a member of BALPA shall be made in such form and such method as the NEC may determine from time to time. The NEC may require the application to be accompanied by an appropriate payment or authority for payment and may in its discretion accept or reject an application for membership or associate membership on the grounds set out in Section 174 of the Trade Union and Labour Relations (Consolidation) Act 1992. A member of a political party or organisation whose constitution, aims or objectives are expressly or impliedly contrary to the equality objectives of BALPA shall not be eligible for membership.
- 9.2 An applicant whose application is successful will be notified and will be supplied with a membership card, a receipt for any contribution that may have been paid, and information as to how to obtain a copy of the Rules.
- 9.3 An applicant whose application is refused will have the right to appeal. The General Secretary will notify the applicant in writing of the decision to refuse the application for membership and reasons, and will provide notification of their right of appeal. The General Secretary will also return any contributions that the applicant may have paid.
- 9.4 Any appeal against refusal of membership shall be made to the NEC. The applicant must provide full grounds of appeal and supporting evidence. The NEC may appoint a person to review the appeal and make recommendations as appropriate, although such recommendations shall not be binding on the NEC. The NEC shall determine in each case the procedure for determining the appeal, in particular whether it will be considered on the papers, or by a sub-committee at a hearing. The applicant for membership will have the right to appear before the NEC to state their case. The NEC may prescribe standing orders for any such hearing. The decision of the NEC giving the reasons for rejecting or upholding the appeal will be sent to the applicant by the General Secretary in writing and shall be final.
- 9.5 An applicant, by submitting their application and, if admitted, by their continued membership shall thereby be deemed to agree to and abide by all Rules of BALPA. All members are required to familiarise themselves and understand the Rules of BALPA. Ignorance of a Rule or failure to understand what a Rule means or when it applies will not be an excuse for a breach or failure to comply.

Rule 10 DISCIPLINE AND OBLIGATIONS OF MEMBERSHIP

- 10.1 It shall be the duty of each member to notify the General Secretary in writing:
- 10.1.1 of their postal address for written communications and any change of address, and
 - 10.1.2 of any circumstances affecting their eligibility for membership or associate membership or any category thereof, and
 - 10.1.3 of any circumstances affecting the rate or amount of their contributions due under Rule 34.
- 10.2 The ethics and standards expected of elected or appointed representatives, which mirrors those required of staff and consultants employed or engaged by BALPA, is at APPENDIX 2 of this rule book and as set out in the 'BALPA Ethics Guide'. The Guide may be amended from time to time, as recommended by the NEC and approved by the ADC.
- 10.3 Members and elected or appointed representatives are required to:
- 10.3.1 comply with these Rules;

- 10.3.2 comply with any instruction issued by the NEC;
 - 10.3.3 act in the best interests of BALPA and its members;
 - 10.3.4 avoid conflicts of interest;
 - 10.3.5 cooperate with BALPA;
 - 10.3.6 not engage in behaviour which does or could put BALPA into disrepute or otherwise damage its standing or reputation.
- 10.4 The NEC shall have the power to require an elected or appointed representative to cease to hold office pending investigation into any alleged breach of the rule book or Ethics Guide and, if it considers appropriate, until the conclusion of the disciplinary process.
- 10.5 The NEC may admonish or reprimand any member and/or impose a disciplinary penalty which may include:
- 10.5.1 such fine as it may deem fit, and/or
 - 10.5.2 suspension or expulsion from membership or associate membership, and/or
 - 10.5.3 debarment from holding office in BALPA for such period as the NEC shall think fit, and/or
 - 10.5.4 any other disciplinary penalty up to and including expulsion.
- 10.6 The NEC may admonish or reprimand any elected or appointed representative and/or impose a disciplinary penalty which may include:
- 10.6.1 such fine as it may deem fit, and/or
 - 10.6.2 suspension from holding office, and/or
 - 10.6.3 debarment from holding office in BALPA for such period as the NEC shall think fit, and/or
 - 10.6.4 any other disciplinary penalty as it considers appropriate, and/or
 - 10.6.5 any other disciplinary penalty up to and including expulsion.
- 10.7 Such disciplinary penalty shall be imposed by the NEC upon such terms and for such periods it may deem fit on any member who, in its opinion:
- 10.7.1 has broken, ignored or failed to abide by any Rule, regulation, instruction or directive of BALPA, or
 - 10.7.2 has acted to the prejudice of BALPA's objects or policy, or
 - 10.7.3 has brought BALPA into disrepute, or
 - 10.7.4 has acted in breach of Rule 10.3, or
 - 10.7.5 is a member of staff or an elected or appointed representative who has acted in breach of the Ethics Guide in Appendix 2.

Alternatively, the NEC may in exercising its authority under Rule 10 censure any such member without imposing a disciplinary penalty and, if it does so, the provisions in Appendix 3 shall not apply.

- 10.8 The applicable disciplinary process is set out in Appendix 3.

SECTION 3: GOVERNANCE OF BALPA AT NATIONAL LEVEL

Rule 11 STRUCTURES RESPONSIBLE FOR GOVERNANCE:

BALPA's system of governance comprises of the following structure:

- 11.1 The Annual Delegates Conferences (ADC);
- 11.2 Emergency Delegates Conferences (EDC);

- 11.3 The National Executive Council (NEC) is the principal executive committee of BALPA which is responsible for the general administration of BALPA business and government of BALPA in the periods between ADCs. It has exclusive authority to instruct the General Secretary to call for industrial action.

Rule 12 GENERAL POLICY

- 12.1 The general policy of BALPA will be as determined by the decisions of the Annual Delegates Conferences, Emergency Delegates Conferences and Special General Meetings. In the absence of any specific policy, the NEC is vested with authority to determine the appropriate policy which shall be submitted for approval at the next ADC.

Rule 13 CONFERENCES

- 13.1 The government of BALPA shall be vested in a conference of delegates representing the membership of BALPA. The conference shall be either the Annual Delegates Conference (which shall meet at such place and time as the NEC may decide appropriate but not before the last Monday of October or later than the third week in November or an Emergency Delegates Conference (EDC) called under Rule 17.

Rule 14 CONSTITUTION OF THE ANNUAL DELEGATES CONFERENCE (ADC)

The Annual Delegates Conference shall be constituted as follows:

14.1 NEC Delegates

- 14.1.1 The members of the NEC shall be delegates.

14.2 Company Council Delegates

- 14.2.1 Each Company Council shall be entitled to send a minimum of 2 delegates with additional delegates at the rate of 1 per 300 members for Company Councils whose membership exceeds 600. Each Company Council shall secure the appointment of such delegates, but delegates need not be members of the Company Council.

14.3 National Delegates

- 14.3.1 Members not represented by a Company Council may nominate themselves to be delegates and the NEC shall hold an election amongst their own number on the basis that there will never be less than 1 delegate opportunity and additional delegates at the rate of 1 delegates for every 300 members who are not represented by a Company Council.

- 14.4 The quorum for an ADC shall be 50% of the combined membership of BALPA and in addition 50% of the represented companies.

- 14.5 For a motion to be carried at least two thirds of those voting must support a motion.

- 14.6 Only delegates entitled to vote shall vote. On a show of hands each delegate shall have 1 vote, save that if a delegate is unable to attend then another delegate from within that same constituency may be nominated to hold and cast a proxy vote.

- 14.7 If a card vote is called each voting delegate shall have a voting strength determined by the total number of members covered by the constituency from which the delegate was appointed or elected, divided by the number of delegates to which that constituency is entitled, rounded up to the nearest whole number. Those delegates holding a proxy vote may also hold and cast the associated card vote provided that in each case Rules 14.4 and 14.5 are satisfied.

- 14.8 Membership figures for the purposes of card voting shall be determined as those full members in membership on the first working day of the month in which the ADC or EDC is held.

14.9 Right to attend and participation:

- 14.9.1 Where the Chairman of any NEC sub-committee (as determined by the NEC) is not eligible to attend as a delegate to the ADC in accordance with this Rule, they shall be entitled to receive notice of the ADC, and are allowed to attend and speak at such meetings of the ADC as is

relevant to their sub-committee, but shall not be entitled to vote, nor to propose or second nominations for elections, but may propose and second motions.

- 14.9.2 The General Secretary, Honorary President and Honorary Vice-President of BALPA shall be members of the ADC. They shall be entitled to receive notice of, attend and speak at all meetings of the ADC and EDC, but shall not be entitled to move and second motions, nor to vote, nor to propose or second nominations for elections.
- 14.9.3 The BALPA Custodian Trustees shall nominate one of their number who shall be a member of the ADC. The nominated Custodian Trustee shall be entitled to receive notice of, attend and speak at all meetings of the ADC and EDC, but shall not be entitled to move and second motions, nor to vote, nor to propose or second nominations for elections.
- 14.9.4 All members of BALPA (not being delegates) shall be entitled to attend the ADC as observers upon presentation of a membership card. They shall not be entitled to speak and shall not have a vote.
- 14.9.5 A proposer or seconder of a private member's motion will be permitted to speak once only in support of the motion before withdrawing to the observers' area and shall not take part in any further debate or discussion on their motion save where the Chairman expressly invites them to do so. The proposer (or in their absence, the seconder) shall have the right of reply but shall not have a vote.
- 14.9.6 The Retired Flight Crew Committee of BALPA as elected by the retired Class A Associate members shall be entitled to appoint two of its members to attend the ADC. These two Delegates shall be entitled to receive notice of, attend, speak and to move and second motions at all meetings of the ADC and EDC, but shall not be entitled to vote, nor propose or second nominations for elections.
- 14.10 Chair of ADC: The Executive President of BALPA shall chair the ADC. In their absence, these duties will be performed by the Executive Vice-President, or in their absence the ADC shall appoint a delegate to perform this function. The Executive President and the Executive Vice-President for the ensuing year shall be elected at Conference by the delegates from among the elected members of the NEC.

Rule 15 BUSINESS AT THE ANNUAL DELEGATES CONFERENCE

- 15.1 Notice of each ADC shall be circulated to each member of BALPA not less than 120 days before the ADC.
- 15.2 Motions for the agenda may be submitted and moved by the NEC, or any Company Council, or an individual member may submit a motion as a proposer if there is a seconder and it is supported by not less than 20 members. Motions must be received by the General Secretary not less than 60 days before the ADC. The General Secretary will invite amendments to be made to existing motions not less than 30 days before the ADC.
- 15.3 Emergency motions (supported by not less than 20 members) may also be moved by the NEC and delegates in accordance with Standing Orders.
- 15.4 Business at the ADC will be conducted in accordance with Standing Orders and will include the following items:
- Appointment of Appeals Panel
 - Appointment of BALPA Custodian Trustees
 - Report of the NEC to the end of the preceding year
 - Presentation of the annual accounts and balance sheet
 - Auditors report
 - Presentation of the budget
 - Motions
 - Election of Executive President and Executive Vice-President

Rule 16 POWERS OF THE ANNUAL DELEGATES CONFERENCE

- 16.1 Subject to the provisions of any Standing Orders of the ADC for the time being in force, and provided that such resolution is in accordance with these Rules the ADC shall have power to pass any resolution for any of the following purposes:

To determine the policy of BALPA on all matters relating to the objects of BALPA.
 To recommend alterations to or variation of these Rules, or to make new Rules.
 To elect the Executive President and Executive Vice-President of BALPA.
 To appoint members of the Appeal Panel.
 To appoint auditors and BALPA Custodian Trustees.
 To recommend to the NEC that the NEC should put into operation any of the powers and authorities vested in the NEC.
 To recommend to the NEC that a member of BALPA should be disciplined in accordance with Rule 10.
 To accept, reject or remit for further consideration any recommendation of the NEC and to give such directions as may be deemed appropriate.
 To approve the accounts.
 To approve the budget proposed by the NEC for the following year.
 To do all such other things, as may be necessary or desirable in the interests of BALPA or its members, or otherwise in pursuit of BALPA's objects.

Rule 17 EMERGENCY DELEGATES CONFERENCE (EDC)

17.1 An Emergency Delegates Conference (EDC) of the whole of the membership of BALPA can be convened in accordance with this Rule. Unless these Rules expressly or by implication provide otherwise, the supreme government of BALPA shall be vested in a Special General Meeting of the whole of the membership of BALPA convened in the manner provided in this Rule.

17.1.1 The NEC may call for an EDC, or

17.1.2 An EDC will be convened where not less than 10% of the BALPA membership submit a resolution to the General Secretary calling for an EDC to seek the cancellation, revision to, or amendment of any decision or direction of the NEC.

17.2 An EDC may not be convened if the NEC decides to cancel, revise, or amend its earlier decision or direction which forms the subject of the resolution in 17.1.2.

17.3 The NEC will convene an EDC at such place and date as it determines, no later than 40 days from the date of the receipt of the resolution by the General Secretary. An EDC called by members pursuant to this Rule shall have all the powers of an ADC.

17.4 The General Secretary shall forward a notice of the meeting and proposed agenda of the business to be transacted to every member of BALPA not less than 21 days before the date fixed for the meeting.

17.5 The quorum for any EDC shall be 50% of the combined membership of BALPA and 50% of the represented companies (calculated as at the date of the communication of the notice in Rule 17.4) who are physically present in person and entitled to vote. If within 30 minutes from the time appointed for the start of the meeting the EDC is inquorate the meeting shall be dissolved, and the proposed resolution shall be deemed not to have been passed.

17.6 A resolution can only be passed at an EDC provided that: -

17.6.1 The number of votes cast in favour of the resolution exceeds two-thirds of the number of members present at the meeting and voting, and

17.6.2 The resolution is confirmed by a ballot taken under Rule 32.

17.7 Every member attending the meeting shall produce their membership card. Failure to produce it may, at the discretion of the Chairman presiding, cause them to forfeit their right to vote.

17.8 Every member physically present at the EDC shall have one vote. Voting shall be by a show of hands and a count shall be taken if considered appropriate by the Chairman of the EDC. Proxy voting will not be allowed. All Resolutions submitted for the consideration of the EDC shall reach the General Secretary at least 35 days before the date fixed for the meeting.

17.9 The Executive President of BALPA (provided that they are a member) shall chair the EDC. In the President's absence (or lack of eligibility), these duties will be performed by the following in descending order: The Executive President, Executive Vice-President, Honorary President, Honorary Vice-President, or in their absence the EDC shall elect a member to perform this function. Provided that the chair is

eligible to vote they shall on an equality of votes on any question have a second or casting vote in addition to the vote to which they may otherwise be entitled.

Rule 18 NATIONAL EXECUTIVE COUNCIL (NEC)

- 18.1 The National Executive Council (NEC) is responsible for the general administration of BALPA business and the governance of BALPA in the periods between ADCs. The NEC consists of 14 elected members and the General Secretary.
- 18.2 The general policy of BALPA will be as determined by the decisions of Annual Delegates Conferences and Emergency Delegates Conferences. The NEC shall have sole responsibility for interpreting policy laid down by any ADC or EDC, and for determining policy if no such policy exists which it shall submit for approval at the next ADC. The NEC shall also be responsible for the interpretation of these Rules.

Rule 19 CONSTITUTION OF THE NEC

Part 1 Members and Elections

- 19.1 Voting Members:
- 19.1.1 The NEC shall consist of 14 voting members elected from across the membership. To achieve this, elections shall be held in 3 distinct constituencies, Constituency A, B and C respectively.
- 19.1.2 Constituency A shall be allocated 12 seats, Constituency B 1 seat and Constituency C 1 seat.
- 19.1.3 The electorate for a constituency is as follows:
- 19.1.4 Constituency C: Employed as a helicopter pilot or winchman only and a member of the Association.
- 19.1.5 Constituency B:
- 19.1.5.1 A non-helicopter member of the Association in either a recognised company whose total BALPA membership is equal or less than 1.75% of the total non-helicopter BALPA membership as at the working day in August each year; or,
- 19.1.5.2 A non-helicopter member of the Association in an unrecognised company.
- 19.1.6 Constituency A: A non-helicopter member of the Association in a recognised company whose total BALPA membership is greater than 1.75% of the total non-helicopter BALPA membership as at the working day in August each year.
- 19.1.7 To be eligible to stand for election within a constituency, a member must be a member of the constituency and employed in that role when the nomination period closes.
- 19.1.8 To be eligible to vote within a constituency, a member must be a member of the constituency and employed in that role when the ballot is issued.
- 19.1.9 Additional rules on election to the NEC are:
- 19.1.9.1 Constituency C:
- 19.1.9.1.1 If there is no candidate for Constituency C, the number of NEC members that may be elected from any one company within Constituency A, subject always to the maximum of five seats shall be increased by one and a second pass of the election results will take place to fill the vacant Constituency C seat. Any person elected under this provision shall retire from the NEC at the close of the ADC following election having served a one-year term.
- 19.1.9.1.2 If after the second pass there remain insufficient candidates to fill the Constituency C seat, the rule limiting companies to 5 seats shall be disregarded and the number of NEC members that may be elected from any one company increased by one. A third pass of the election results will take place to fill the vacant Constituency C seat. Any person elected under this provision shall retire from the NEC at the close of the ADC following their election having served a one-year term.

19.1.9.2 Constituency B:

19.1.9.2.1 If there is no candidate for Constituency B, the number of NEC members that may be elected from any one company within Constituency A, subject always to the maximum of five seats, shall be increased by one and a second pass of the election results will take place to fill the vacant Constituency B seat. Any person elected under this provision shall retire from the NEC at the close of the ADC following their election having served a one-year term.

19.1.9.2.2 If after the second pass there remain insufficient candidates to fill the Constituency B seat, the rule limiting companies to 5 seats shall be disregarded and the number of NEC members that may be elected from any one company increased by one. A third pass of the election results will take place to fill the vacant Constituency B seat. Any person elected under this provision shall retire from the NEC at the close of the ADC following their election having served a one-year term.

19.1.9.3 Constituency A:

19.1.9.3.1 The maximum number of NEC seats that may be filled from any one company shall be calculated by dividing the number of that company's Constituency A members by the product of the total number of BALPA Constituency A members divided by 12 and rounded up to the next whole number, calculated on the first working day in August each year.

19.1.9.3.2 The maximum number of NEC members from any one company shall not exceed 5. If a person's election results in any one company exceeding the maximum number of NEC seats, that result shall be deemed void and the next candidate by number of votes be deemed elected instead.

19.1.9.3.3 These two rules are subject to the following 2 caveats:

19.1.9.3.3.1 If there are insufficient candidates to fill all 12 seats, the number of NEC members that may be elected from any one company, subject always to the maximum of five seats, shall be increased by one and a second pass of the election results will take place to fill the vacant seat(s).

19.1.9.3.3.2 If after the second pass there remain insufficient candidates to fill all 12 seats, the rule limiting companies to 5 seats shall be disregarded and the number of NEC members that may be elected from any one company increased by one. A third pass of the election results will take place to fill the vacant seat(s). Any person(s) elected under this provision shall retire from the NEC at the close of the Annual Delegates Conference (ADC) following their election having served a one-year term.

19.1.10 The Returning Officer shall:

19.1.10.1 Assign recognised companies to a voting constituency in August of each year using the Association's membership data as at the first working day in August each year. Once assigned a constituency a company will retain that constituency until the following year regardless of changes in membership.

19.1.10.2 Calculate the maximum number of NEC seats for Constituency A companies for the next period of election, in August of each year, using the Association's membership data as at the first working day in August that year. Once assigned a maximum number of NEC seats a Constituency A company will retain that maximum number of NEC seats until the following year's calculation regardless of subsequent changes in membership; and shall publish this information every time an election ballot is held.

- 19.2 Candidates:
- 19.2.1 Unless barred from holding office under Rule 10, members shall be eligible to be candidates in the constituency in which they are employed as at the first working day in August.
- 19.3 Term of Office:
- 19.3.1 Subject to Rule 19.3.3 and 19.4.1.1 the term of office of a member of the NEC shall be two years, starting immediately following the ADC after their election.
- 19.3.2 Members elected under Rule 21.3 to fill a casual vacancy shall retire at the close of the ADC following their election.
- 19.3.3 A member of the NEC who ceases to be a member of the constituency for which they were elected on or before 1 August immediately following their election shall retire from the NEC at the close of the ADC following their election.
- 19.4 Elections:
- 19.4.1 Elections to the NEC shall take place annually as follows:
- 19.4.1.1 Constituency A – six seats shall be subject to election each year. If the number of members elected to casual vacancies plus the number of members whose term of office is due to expire at ADC in the election year does not total at least six, the member or members (sufficient to bring the total of vacancies to six) who achieved the lowest number of votes at the preceding election shall retire. If two or more such members received the same number of votes when (last) elected, the member or members having the shortest length of continuous membership of BALPA shall retire.
- 19.4.1.2 Constituencies B and C – elections shall take place in alternate years.
- 19.4.2 Ballots shall be conducted in each of the constituencies above in accordance with APPENDIX 1.
- 19.4.3 Members of BALPA at the date determined in accordance with Rule 32.2.1 shall be entitled to vote.
- 19.4.4 Dependent on the number of available seats in each constituency, candidates receiving the largest number of votes in the ballot shall be declared elected.
- 19.4.5 In the event of a contested election in any constituency, all members of that constituency shall be balloted to decide the outcome.
- 19.4.6 Electors in Constituency A shall be granted one vote for each seat that is being contested.
- 19.5 Non-voting members:
- 19.5.1 The General Secretary shall be a non-voting member of the NEC.

Part 2 General Provisions

- 19.6 The NEC will meet monthly for the dispatch of its business and will conduct such business in a manner it considers appropriate. A meeting may be called at any time by:
- 19.6.1 the Executive President, or
- 19.6.2 the General Secretary, or
- 19.6.3 any 2 members of the NEC
- 19.7 The General Secretary shall invite each member of the NEC to a meeting with not less than 3 days' notice, except where urgent business arises where the General Secretary will give as much notice as is practicable.
- 19.8 The Executive President and Executive Vice-President of BALPA shall be elected annually by the Annual Delegates Conference and shall be respectively the Executive President and Executive Vice President of the NEC. The Executive President shall preside at every meeting of the NEC. The Executive Vice President shall preside if the Executive President is not present. If neither are present, the members of the NEC shall choose one of their number to be the Chairman of the meeting.

- 19.9 No business shall be concluded at a meeting of the NEC unless a quorum of 7 members is present.
- 19.10 Only voting members of the NEC may vote any of its meetings. This provision shall also apply to casting votes.
- 19.11 The NEC at its absolute discretion may from time to time afford to chairmen (or their nominated representatives) of Company Councils, or any other person the opportunity to address it to provide factual information and/or technical or professional advice as appropriate.

Rule 20 GOVERNMENT AND POWERS OF THE NEC

- 20.1 The NEC shall be the principal executive committee of BALPA. Unless these Rules expressly or by implication provide otherwise, it shall have control and administration of the affairs and property of BALPA. The NEC shall have the power and authority to:
 - 20.1.1 Issue instructions to members of BALPA about the taking of any kind of industrial action including strike action when in the opinion of the NEC it is in the interests of members to take such action (subject to Rule 33). No officer or official of BALPA shall be authorised to call upon members to take industrial action save with the express authority of the NEC.
 - 20.1.2 Expend monies for any purpose which in its opinion is expedient in the interests of BALPA or its members.
 - 20.1.3 Summon any member(s) to attend any meeting at which any matter affecting such member(s) will be discussed.
 - 20.1.4 Issue instructions to member(s) for regulating the relations between member(s) or between member(s) and employer(s) or between member(s) and any competent authority.
 - 20.1.5 Designate those persons who shall have authority on behalf of BALPA to sign and execute all agreements or other legal documents.
 - 20.1.6 Determine the powers and duties of each of the officers and officials of BALPA which shall be communicated in writing to each officer and official by the General Secretary.
 - 20.1.7 Permit the attendance at its meetings of members and non-members of BALPA for financial, legal or other advice or assistance
 - 20.1.8 Direct the BALPA Custodian Trustees (Rule 28)
 - 20.1.9 Allocate any dividends and interest earned to the funds of BALPA in such a manner as the NEC shall determine.
 - 20.1.10 Raise or borrow money on any of the properties or securities of BALPA by way of mortgage or otherwise as it considers appropriate.
 - 20.1.11 Delegate any of its powers (other than the power to fine, suspend, bar from office or expel) to such committee(s), sub-committee(s) or groups as the NEC shall determine. Any such committee(s), sub-committee(s) or group(s) shall hold office and shall be dissolved at the will of the NEC. The Chairman of any such committee(s), sub-committee(s) or group(s) shall be appointed and removed by the NEC.
 - 20.1.12 Construe the Rules and to determine all questions on which the Rules are silent. Such determination shall be binding and in operation until the next ADC or EDC to which the issue will be referred.
 - 20.1.13 Formulate policy in the absence of any policy laid down by an ADC or a EDC, or otherwise to interpret such policy as laid down. Any such decision by the NEC shall have effect until the decision of the next ADC or EDC to which the issue will be referred.
 - 20.1.14 Subject to the overriding control of BALPA and its affairs by the ADC or EDC, the NEC shall have power generally to further the objects and to carry on the business of BALPA as it considers appropriate in respect of any matter, whether or not these powers, duties and responsibilities are expressly mentioned in these Rules.
 - 20.1.15 Call for an Emergency Delegates Conference.
 - 20.1.16 Convene Strategic Forum Meetings at its discretion (are require attendance of Company Council representatives as it considers appropriate).

- 20.1.17 Negotiate on any matters concerning the interests of any members, or of those engaged in aviation generally, and to conclude agreements with persons and associations not members of BALPA and to issue instructions accordingly.
- 20.1.18 Sanction the payment of monies.
- 20.1.19 Institute or defend proceedings or authorise the Executive President and/or General Secretary and/or BALPA Custodian Trustees to institute or defend legal proceedings.
- 20.1.20 Send delegates or deputations to represent BALPA for any purpose and may revoke the authority of any delegate or member of a deputation at any time.
- 20.1.21 Appoint or suspend any BALPA committee for such reasons and on such terms as it deems expedient, and its decision shall be final and conclusive unless reversed by the decision of an ADC or EDC.
- 20.1.22 Exercise any of its powers in respect of discipline under or pursuant to Rule 10.
- 20.1.23 All instructions of the NEC howsoever issued shall be binding upon every member and every Company Council and committee of BALPA (as the case may be). Failure to comply may result in disciplinary action under Rule 10.

Rule 21 CASUAL VACANCIES

- 21.1 In the event of a vacancy in the office of the Executive President of BALPA, the NEC may, in its discretion, either leave such office vacant until the next ADC; or convene a EDC to elect an Executive President in accordance with the provisions of Rule 17. At any time when the office of the Executive President is vacant, the Executive Vice President of BALPA shall have the powers of the Executive President.
- 21.2 A vacancy for Executive Vice President of BALPA shall be filled by an appointee of the NEC who must be a properly elected member of the NEC. The person appointed shall hold office until the next ADC provided that, if an Emergency Delegate Conference is held before the next ADC it shall, in accordance with Rule 17, elect an officer to replace the temporary appointee (who, if otherwise eligible and duly proposed and seconded may be re-elected). An officer so elected shall hold office until the next ADC.
- 21.3 In the event of a casual vacancy arising amongst the voting members of the NEC, the NEC may, in its discretion, either leave such post vacant or cause such vacancy to be filled by means of an election conducted pursuant to APPENDIX 1. For the purposes of this Rule and Rule 19.3.2 a vacancy shall be regarded as a casual vacancy if it arises due to death, resignation, barring from office, suspension or expulsion from membership of BALPA as a member of the NEC at a time between the holding of elections (other than an election held under this sub-Rule).
- 21.4 A vacant National Delegate seat occurring through death, resignation or expulsion as a member of BALPA shall be filled by the member who at the immediately preceding election received the next highest number of votes; provided that on a vacancy being created by the suspension of a Delegate from membership, the vacancy shall not be filled for the period of suspension. Any such casual appointment shall remain in force until the announcement of the result of the next election of National Delegates.

SECTION 4 FULL-TIME OFFICIALS AND OFFICE HOLDERS

Rule 22 THE HONORARY PRESIDENT

- 22.1 The Honorary President shall be responsible for discharging duties specified in these Rules. The main duties are:
 - 22.1.1 To provide an extra and different perspective to our policy debates and contribute to strategic planning and structured decision-making.
 - 22.1.2 To work with the NEC in general and the Executive President and General Secretary, to promote BALPA policy to the widest possible audience, but with an emphasis on the Civil Service and UK and European Parliaments.
 - 22.1.3 To provide insights on how the NEC may improve its operation.
 - 22.1.4 To contribute to the process of establishing and maintaining the values of BALPA.
 - 22.1.5 To offer constructive criticism and challenge to the BALPA Management Team.

- 22.1.6 To join and in some cases chair NEC sub-committees and panels.
 - 22.1.7 To fulfil a time commitment of at least 2 days per month.
 - 22.1.8 If they are a member of BALPA they are eligible to chair Emergency Delegates Conferences in accordance with Rule 17.
- 22.2 The Honorary President need not be a member of BALPA.
- 22.3 They shall be appointed by the NEC after a ballot of the membership undertaken in accordance with the provisions of this Rule and Rule 32. The Honorary President shall be appointed by the NEC for a period of 5 years from the date of the election.
- 22.4 Any person (whether they are a member of BALPA or not) may stand as a candidate in the election, provided that they are nominated in accordance with Rule 22.4.1 or 22.4.2. However, a member is not eligible to stand for election if they are suspended or barred from holding office under Rule 10, or otherwise in arrears with their contributions.
- 22.4.1 The NEC may nominate one candidate to stand for election for the post of Honorary President.
 - 22.4.2 Any one or more Company Councils whose total join numerical membership of BALPA exceeds 500 may jointly nominate one candidate to stand for election for the post of Honorary President.

Rule 23 THE HONORARY VICE-PRESIDENT

- 23.1 Where it assists BALPA, the NEC may appoint an Honorary Vice-President for a term of no more than 5 years.
- 23.2 The Honorary Vice-President's duties shall be as directed by the NEC.

Rule 24 THE EXECUTIVE PRESIDENT

- 24.1 The principal role of the Executive President of the NEC is to manage and to provide leadership to the NEC members of BALPA. The Executive President is accountable to the NEC and ADC and acts as a direct liaison between the NEC and the management of BALPA, through the General Secretary. The Executive President of BALPA shall chair the meetings of the NEC and shall be responsible for preparing the agenda of NEC meetings in consultation with the General Secretary.
- 24.2 The Executive President shall represent BALPA at international meetings.

Rule 25 THE EXECUTIVE VICE-PRESIDENT

- 25.1 The Executive Vice-President shall deputise for the Executive President as appropriate. The principal duty is to support the Executive President in managing and providing leadership to the NEC members of BALPA as well as assisting the General Secretary with the management of BALPA. The Executive Vice-President is accountable to the NEC and ADC.

Rule 26 THE GENERAL SECRETARY

- 26.1 The General Secretary shall be appointed by the NEC after a ballot of the membership undertaken in accordance with the provisions of this Rule, Rule 32 and APPENDIX 1. The General Secretary shall thereafter be appointed by the NEC for a period of 5 years commencing upon the date of the declaration of the result of the election. The General Secretary need not necessarily be a member of BALPA.
- 26.2 Any person (whether or not they are a member of BALPA) may stand as a candidate in the election, provided that they are nominated as a candidate in accordance with the Rule and APPENDIX 1 but not otherwise. However, a member is not eligible to stand for election if they are suspended or barred from holding office under Rule 10, or otherwise in arrears with their contributions.
 - 26.2.1 The NEC may nominate one candidate for the post of General Secretary to stand in an election under this Rule, and

- 26.2.2 Any one or more properly established Company Councils whose total joint numerical membership of BALPA exceeds 500 may together nominate one candidate for the post of General Secretary to stand in an election under this Rule.
 - 26.2.3 Should a standing member of the NEC be elected as General Secretary they will resign from their NEC position on taking up the appointment.
- 26.3 The election shall be conducted in accordance with Rule 32 save that the NEC shall appoint a Returning Officer who shall be a person or organisation qualified to act as independent scrutineer in accordance with the provisions of Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992. The NEC shall at the same time determine the timetable for the election including the date by which valid nominations shall be received at Head Office. Any nomination received later than noon on the date prescribed shall not be valid.
- 26.4 The duties of the General Secretary shall include the following powers and duties: to carry out the instructions of the NEC; to attend regularly at the office of BALPA; to keep records of all correspondence connected with the affairs of BALPA; to issue all notices as may be required to be given by statute or otherwise; to keep minutes of the proceedings of any conferences or NEC meetings, and to circulate the agenda for such conferences and meetings; and to bring up for the consideration of the NEC any matters that should be considered and dealt with by it, and as shall be prescribed by the NEC; and to discharge any other function as prescribed by these Rules. In conjunction with the Treasurer they will keep an accurate record and account of all monies received and disbursements made; and of any other fund from time to time authorised by the NEC; and they will be responsible for the books, documents, monies and such property of BALPA as may be in their charge.
- 26.5 The General Secretary shall be a member of the NEC but shall not be entitled to a vote.
- 26.6 The General Secretary shall maintain a register of the names and addresses of members and associates of BALPA and shall ensure, so far as is reasonably practicable, that the entries in such register are accurate and are kept up to date.
- 26.7 If the position of General Secretary is vacant at any time, the NEC may appoint an elected member to temporarily act as General Secretary. An elected NEC member temporarily holding the office of General Secretary will not be entitled to vote at any NEC meeting.

Rule 27 THE TREASURER

- 27.1 The NEC will appoint a Treasurer (who may or may not be a member of BALPA) who shall hold office for a period determined by the NEC. The duties of the Treasurer shall include:
- 27.1.1 To receive subscriptions.
 - 27.1.2 To keep a proper account of all monies received and to pay such monies to the bank as and when appropriate.
 - 27.1.3 To join in signing cheques and other documents as directed by the NEC.
 - 27.1.4 To keep current books, records and documents as directed by the NEC or the BALPA auditors.
 - 27.1.5 The Treasurer shall arrange for payment of sums authorised by the NEC out of BALPA funds.

Rule 28 BALPA CUSTODIAN TRUSTEES

- 28.1 There shall be 4 BALPA Custodian Trustees, who must be BALPA members as defined in Rules 7 and 8. Upon appointment each Trustee will become a Director of BALPA Custodian Trustees Ltd for the duration of their appointment as a Trustee. They shall be appointed by the ADC for a period of 3 years. They shall be eligible for re-election for a second term of office, but no Trustee shall remain in office for a consecutive period of more than 6 years and shall be eligible for re-election 3 years after the last 6 years in office. No paid employee of BALPA shall act as Trustee. No person can be both a member of the NEC and a Custodian Trustee at the same time. The ADC shall also have the power by resolution to appoint a Bank or other Trust Corporation as a Custodian Trustee.
- 28.2 If a BALPA Custodian Trustee relinquishes their office for any reason, a replacement will be elected at the next ADC.

- 28.3 Subject to Rule 20.1.8, deeds, documents of title and securities for money and other BALPA property may be held by the BALPA Custodian Trustees or by nominees under their joint control via BALPA Custodian Trustees Ltd. They will take such measures for the safe custody and preservation thereof at the expense of BALPA as they shall think fit. They shall be responsible for the safe custody of all such deeds, documents, and securities as are placed in their hands or under their custody. They shall produce them for inspection when required by the auditor or by the NEC.

SECTION 5 GOVERNANCE: COMPANY COUNCILS AND RFCC

Rule 29 ESTABLISHMENT AND CONSTITUTION OF COMPANY COUNCIL (CCs)

29.1 ESTABLISHMENT

- 29.1.1 The NEC may, at its discretion, establish or disestablish a Company Council (CC) wherever 10 or more members of BALPA are based or employed by a United Kingdom aviation company. The number of members of a CC shall in normal circumstances be not less than 3 or more than 10 (although in exceptional circumstances the NEC may increase the total established membership up to a maximum of 20).
- 29.1.2 For the purposes of these Rules and except where the contrary is expressed, the expression 'the total established membership' shall in relation to any CC refer to that number of persons as the NEC shall from time to time authorise to constitute that council.

29.2 ELECTION ARRANGEMENTS

- 29.2.1 Members of every CC established under Rule 29.1.1 shall be elected by the members of BALPA based or employed within the relevant area as determined by the NEC in accordance with the following rules.
- 29.2.2 Members shall be elected to the CC for a period of 2 years.
- 29.2.3 Where the number of persons eligible and willing to serve is equal to or is less than the number of positions to be filled, those persons shall be deemed to have been elected unopposed.
- 29.2.4 A person shall be eligible to be elected to any CC if they are entitled to vote in the election of members to that CC as determined by Rule 29.2.1 and if they have returned a nomination form to the General Secretary by the closing date for nominations which is then circulated to all members entitled to vote. However, a member is not eligible to stand for election if they are suspended or barred from holding office under rule 10, or otherwise in arrears with their contributions.
- 29.2.5 A member of any CC moving from the area appropriate to the council on which they serve, or retiring from their company, shall immediately stand down and the vacancy created may, if the NEC so decides, be filled as a casual vacancy.
- 29.2.6 Ballots shall be conducted in accordance with APPENDIX 1, subject to the following overriding conditions:
- 29.2.6.1 At least one month before the election, the General Secretary shall issue to all members entitled to vote, a ballot paper which states the number of persons to be elected, the latest date for the return of the ballot paper, and the position held by the persons named, their employers and aircraft types(s) currently flown.
- 29.2.6.2 The members elected shall be those members (up to the total number of persons to be elected) who receive the highest number of votes in any election. In cases where 2 or more members receive an equal number of votes for the last vacancy, the member who is the senior (in terms of length of continuous membership of BALPA) shall be deemed to be elected; and in cases of equal seniority, the matter shall be determined by lot.
- 29.2.6.3 Any votes cast for a candidate who, after the issue of the ballot but before the declaration of result, notifies the General Secretary in writing that they are unable or unwilling to accept election shall be disregarded.
- 29.2.6.4 Ballots may be conducted using e-voting where requested by a CC and where such a ballot together with the terms of it is agreed by the NEC.

29.3 ANNUAL ELECTIONS AND CASUAL VACANCIES

- 29.3.1 There shall be an election of members to fill vacancies on each CC in every year. In the case of Company Councils, the date of the annual election shall be 1st August, or other such frequency as the NEC may determine, or as soon thereafter as shall be reasonably practicable. The date at which successful candidates take up office shall be at the September meeting of the appropriate CC.
- 29.3.2 In exceptional circumstances, a candidate for election to a CC, or a member represented by a CC, may request a postponement of the date of their CC's annual election for a period no greater than 6 months. The candidate or member making such request is required to set out the case for postponement for consideration by the NEC, or a sub-committee appointed by it. The NEC, or a sub-committee appointed by it, may agree to postpone, subject to it communicating the reasons for its decision and the date when the election is to take place to the membership concerned. The date at which successful candidates take up office shall be the day following the date of the declaration of the election result and the next annual election of the CC shall be the 1st August following.
- 29.3.3 The following Rules shall apply regarding the retirement of members from Company Councils immediately before each Annual Election:
- 29.3.3.1 All members filling casual vacancies shall retire, and
- 29.3.3.2 Each member shall retire from office at the end of the second year following election; and may (if they are eligible) stand for re-election; and
- 29.3.3.3 If the application of Rules 29.3.3.1 and 29.3.3.2 leaves the number of elected members in excess of half the total established membership of the council, then those who achieved the lowest number of votes at the preceding election (or in cases of automatic election under Rule 29.2.3, the most junior in terms of length of continuous membership of BALPA), shall retire in order to reduce the number of elected members continuing in office to not more than half the total established membership.
- 29.3.4 All members retiring from any council shall be eligible for re-election.
- 29.3.5 If any casual vacancy or vacancies arise in the membership of a CC, the member may be appointed who at the last election failed to be elected but secured the greatest number of votes. In the case of equality of votes the personal shall be the senior in terms of length of continuous membership as a member, and in the case of equality of seniority, the matter shall be determined by lot. Where a vacancy cannot be filled in this way, a CC may co-opt any member of BALPA willing to act who is based or employed within the relevant area or areas) as a member of that council. Such co-optee shall be counted for the purposes of calculating the quorum of a meeting but shall hold no voting rights and shall hold office only until the next election.
- 29.3.6 Should a casual vacancy or vacancies arise where the representative/s occasioning such vacancy or vacancies has 8 months or more to serve before re-election, a CC may determine, by a simple majority of those eligible to vote, to hold a by-election. A member elected to a CC, as a result of such a by-election, shall be counted for the purposes of calculating the quorum of a meeting, shall hold voting rights and shall hold office for the remaining period of office of the representative/s being replaced.

29.4 ELECTION TO REPLACE A CC

- 29.4.1 The NEC shall have the power to conduct an election to replace a CC on one occasion between normal elections, where:
- 29.4.1.1 A petition has been received from a minimum of 15% of the membership represented by a CC that a recall ballot should be conducted, and:
- 29.4.1.2 A minimum of 50% + 1 of the membership represented votes in favour of such an election.
- 29.4.2 The results of a recall ballot shall not be published, the motion being declared 'carried' or 'not carried', as is appropriate.

- 29.4.3 Where, subject to the provisions of 29.4.1, the NEC determines to conduct an election to replace a CC, the arrangements for the election and the date of the next annual election under Rule 29.3, will be as determined by the NEC.

29.5 PROCEDURE AT COUNCIL MEETINGS

- 29.5.1 Company Councils will be governed by such regulations as are issued from time to time by the NEC. No business shall be concluded at any meeting of any council in the absence of a quorum of members which shall be half the total established membership of the council rounded up to the next whole number.
- 29.5.2 The first item of business, immediately after each annual election, shall be to appoint from amongst those elected a Chairman and Vice-Chairman. While this item of business is conducted the meeting will be chaired by the most senior BALPA member, by reference to length of continuous membership, present. Any member of a council unable to attend the meeting at which the appointments of Chairman and Vice-Chairman are to be made may submit to the Chairman of that meeting a written and signed nomination or seconding and a written and signed vote.
- 29.5.3 In the absence of the Chairman at a properly convened meeting of a council, the Vice-Chairman shall act as Chairman for that meeting. In the absence of both the Chairman and the Vice-Chairman at a properly convened meeting, the members of the council present shall, from amongst themselves, appoint a Chairman for the meeting.
- 29.5.4 It shall be the duty of the Chairman of each Council to cause proper minutes of all meetings to be kept, and, with the prior approval of the NEC, to be made available to any member of BALPA who requests them; and to notify the General Secretary of BALPA of any change which may be made in the membership of that Council. The members of every Council shall comply with Rules and regulations issued by the NEC and the acceptance of office on a Council shall be deemed to constitute an undertaking by each member to abide by such Rules and regulations.
- 29.5.5 The Chairman or Vice-Chairman of any Council may be removed from such office at any time either with or without cause by a majority vote of the members of the Council.
- 29.5.6 Every Council shall meet not less than once in every 3 months.

Rule 30 DUTIES OF COMPANY COUNCILS

- 30.1 Every CC shall meet for discussions and for the information of the members it represents on all matters relating to BALPA and the interests of members and associate members of BALPA within its area.
- 30.2 It shall further be the duty of each CC to endeavour to establish and maintain contact with the management of any organisation which employs any member of BALPA represented by the Council. However, no CC nor any member of BALPA may take any executive action whatsoever relating to or connected with the objects of BALPA without the express authority of the NEC.
- 30.3 To work effectively each CC shall be under a duty to work in collaboration with the NEC and fully cooperate with any directions or advice given by the NEC.
- 30.4 Company Councils may carry out consultative ballots of their members to assist in determining issues under discussion or to be discussed with their employer. In carrying out the ballot the CC may ask such questions in such form as appropriate and in keeping with NEC policy.

Rule 31 ESTABLISHMENT AND CONSTITUTION OF RETIRED FLIGHT CREW COMMITTEE (RFCC)

- 31.1 ESTABLISHMENT
- 31.1.1 The RFCC is a committee established by accountable to the NEC.
- 31.1.2 The RFCC shall consist of 8 voting members, who shall be elected from the following constituencies:
British Airways – 3 members

All other companies combined – 4 members (to include one helicopter pilot, but in the absence of such a nominee the position may be filled by a candidate from all other companies combined); and,

Flight Engineers – 1 member

- 31.1.3 A nominated member of the NEC may attend meetings of the RFCC as an observer but shall not be counted for the purposes of calculating the quorum of a meeting or have a vote.
- 31.1.4 The quorum for committee meetings shall be 4 members of the RFCC.

31.2 ELECTION ARRANGEMENTS

- 31.2.1 Members of the RFCC shall be elected by the Associate Class 'A' Retired members and Honorary members of BALPA. All Associate Class 'A' Retired members and Honorary members shall be eligible to be elected if they have returned a nomination form to the General Secretary by the closing date for nominations which is then circulated to all members entitled to vote.
- 31.2.2 Elections shall be held every 2 years. The date of the election shall be the 1st July. The date at which successful candidates take up office shall be at the August meeting of the RFCC.
- 31.2.3 All committee members shall retire at the end of their 2-year term and be eligible for re-election.
- 31.2.4 A member of the RFCC who ceases to be an Association Class 'A' Retired member shall immediately stand down and the vacancy thus created may be filled as a casual vacancy using the same arrangements which apply to CC's under these Rules.
- 31.2.5 Ballots shall be conducted in accordance with APPENDIX 1 and be subject to the same rules which apply to the Election Arrangements of Company Councils.
- 31.2.6 The first item of business, immediately after each annual election, shall be to appoint from amongst those elected a Chairman and Vice-Chairman. While this item of business is conducted the meeting will be chaired by the most senior BALPA member, by reference to length of continuous membership, present. Any member of a Council unable to attend the meeting at which the appointments of Chairman and Vice-Chairman are to be made may submit to the Chairman of that meeting a written and signed nomination or seconding and a written and signed vote.
- 31.2.7 In the absence of the Chairman at a properly convened meeting of the RFCC, the Vice-Chairman of the RFCC shall act as Chairman for that meeting. In the absence of both the Chairman and the Vice-Chairman at a properly convened meeting of the RFCC, those members of the RFCC present shall appoint a Chairman for the meeting from among those present.
- 31.2.8 It shall be the duty of the Chairman of the RFCC to cause proper minutes of all meetings to be kept, and, with the prior approval of the NEC, to be made available to any member of BALPA who requests them; and to notify the General Secretary of BALPA of any change which may be made in the membership of the RFCC. The members of the RFCC shall comply with Rules and regulations issued by the NEC and the acceptance of office on the RFCC shall be deemed to constitute an undertaking by each member to abide by such Rules and regulations.
- 31.2.9 The Chairman or Vice-Chairman of the RFCC may be removed from such office at any time either with or without cause by a majority vote of the members of the RFCC.
- 31.2.10 The RFCC shall meet not less than once in every 2 months.

31.3 DUTIES OF THE RFCC

- 31.3.1 The RFCC shall meet for discussions and for the information of the Associate members it represents on all matters relating to BALPA and the interests of members of BALPA within its area. It shall further be the duty of the RFCC to:
 - 31.3.1.1 Monitor information and activities within the Association that may affect the members represented by the RFCC.
 - 31.3.1.2 Monitor information and activities both nationally and within the wider union movement, which may affect members represented by the RFCC.

- 31.3.1.3 Consider any problems raised by individual members represented by the RFCC and either deal with them directly or refer them to the appropriate BALPA department.
- 31.3.1.4 Where necessary consider policy and make recommendations to the NEC or ADC.
- 31.3.1.5 Refer any problems affecting members represented by the RFCC, requiring action beyond the remit of the RFCC, to the NEC or ADC.

SECTION 6 BALLOTING

Rule 32 THE DETERMINATION OF QUESTIONS BY BALLOT OF BALPA MEMBERS

- 32.1 The NEC shall have power to submit any matter or question, including any election or ballot required under these Rules, to a ballot vote of members of BALPA in accordance with this Rule. The provisions of APPENDIX 1 to these Rules shall have effect for the purposes of any ballot conducted under this Rule and shall be construed as if they formed part of this Rule. Nothing in these Rules shall be taken to require a ballot to be held at an uncontested election.
- 32.2 All balloting will be conducted by e-balloting unless legislation requires a postal ballot, or the NEC decides otherwise.
- 32.3 Before the ballot papers are issued for a ballot under this Rule, the NEC shall determine:
 - 32.3.1 The date by which ballot papers shall be sent to members, and
 - 32.3.2 The place to which and the date and time by which the ballot paper must be returned (the 'closing date'), and
 - 32.3.3 If different, the place, date and time at which the counting of the ballot papers will take place
 - 32.3.4 In the absence of any other determination by the NEC, the place to which ballot papers are to be returned and where the counting of the ballot papers is to take place shall be BALPA's registered office.
- 32.4 Entitlement to vote in any ballot conducted under this Rule shall depend upon the nature of the ballot. Generally, entitlement to vote shall be accorded equally to all persons who, at the date determined under Rule 32.3.1 are:
 - 32.4.1 members of BALPA, or
 - 32.4.2 members of BALPA falling within an identifiable section of membership defined for the purposes of that ballot.
- 32.5 Entitlement to vote in any ballot concerning pay or conditions of employment are accorded equally to all relevant members who, at the date determined under Rule 32.3.1 have 12 weeks' continuous membership of BALPA. No qualifying period of membership is required to participate in industrial action ballots.
- 32.6 A member who at the date of the issue of the ballot paper in question has been suspended from membership (under Rule 10) or otherwise who is in arrears of contributions shall not be entitled to vote in that ballot; and nothing in these Rules shall entitle an associate member of BALPA to vote in any ballot.
- 32.7 If, before or after the result of a ballot conducted under this Rule has been announced, it appears to the NEC that any irregularity may have occurred which could materially affect the result or validity of that ballot, the NEC shall have power:
 - 32.7.1 To suspend the conduct of the ballot for such period not exceeding one month as it may determine, and /or
 - 32.7.2 To declare such ballot void.

If the NEC declares a ballot void it may, and, if so required by these Rules, shall, cause a further ballot to be conducted as soon as possible, in accordance with this Rule.

32.8 In determining whether any irregularity would have altered the ballot result the NEC may take into account any factors that it considers appropriate. It may also disregard the following irregularities for any ballot conducted under this Rule:

32.8.1 The fact that any member who is outside Great Britain throughout the period during which votes may be cast has not had a reasonable opportunity to vote in the ballot, and

32.8.2 Any inaccuracy in counting the votes cast in the ballot, if such inaccuracy is accidental and on a scale which is unlikely to affect the result of the ballot.

SECTION 7 INDUSTRIAL ACTION

Rule 33 INDUSTRIAL ACTION

33.1 Subject to the provisions of Rules 33.2 and 33.3, when a CC so recommends, or when it appears to the NEC that a strike or other industrial action is or may be necessary, the NEC shall determine the nature of such industrial action to be applied (if any). It shall give directions for the action and such directions shall be communicated to the affected members by the General Secretary.

33.2 The NEC shall not give any such directions as are mentioned in Rule 33.1 unless the industrial action determined upon has previously been authorised by a ballot conducted in accordance with Rule 32 and Part V of the trade Union and Labour Relations (Consolidation) Act 1992. The members of BALPA who shall be entitled to vote in any ballot for the purpose of this Rule shall be all those members (and those members alone) whom it is reasonable, at the time of that ballot for the NEC to believe will be called upon in the strike or other industrial action to act in breach of, or to interfere with the performance of, their contracts of employment.

33.3 For the purposes of Rule 33.2, industrial action shall only be regarded as having been authorised by a ballot if:

33.3.1 The direction for putting the NEC's determination into effect was issued within 4 weeks from the date of the ballot. 'The date of the ballot' means the last day upon which, if a vote were posted on that day, it would in the ordinary course of first-class post arrive at the place and by the closing date determined by the NEC under Rule 32.3.

33.3.2 The first action required by such direction was required to have taken place within that period.

33.4 If, in accordance with Rule 33.1 the NEC directs that any member or members should take strike action (including action short of a strike), it may:

33.4.1 Impose a levy upon members of BALPA or upon such group or groups of members of BALPA as it may determine to enable benefit to be paid during the industrial action,

33.4.2 Pay benefit to those members rendered idle by the strike (for the avoidance of doubt, this includes circumstances where the members are prevented from accessing their place of work by their employer (a "lockout"),

33.4.3 End or suspend the strike when it thinks fit for a period of up to 6 months from the date of the ballot (or up to 9 months with the agreement of the employer) in accordance with statute.

33.5 Notwithstanding any other provision of these Rules, no industrial action may be authorised or endorsed otherwise than by the NEC in accordance with this Rule.

33.6 No member shall be disciplined for refusing to participate in any industrial action. However, in the event of any member disregarding any direction or order made in accordance with Rule 33.1, they shall be liable to disciplinary action under Rule 10.

SECTION 8 CONTRIBUTIONS AND BENEFITS OF MEMBERSHIP

Rule 34 CONTRIBUTIONS

Part 1 Rates of Contribution

- 34.1 Every member falling within Rules 7.3.1 or 7.3.2 shall pay an annual subscription. Subject to Rule 34.6 the subscription shall be 1% of salary. The minimum subscription shall not be less than that paid by Class A Associate Members in accordance with Rule 34.4.
- 34.2 Every member falling within Rules 7.3.3, 7.3.4, 7.3.5 or 7.3.6 shall pay an annual subscription of 0.5% of salary. The minimum subscription shall not be less than that paid by Class A Associate Members, as specified in Rule 34.4.
- 34.3 The NEC may at its discretion determine that the subscriptions payable by newly joined members who have not previously been members shall be reduced by 50% in the first year of membership, and by 25% in the second year of membership.
- 34.4 Every Class A Associate Member shall, subject to the discretion of the NEC, pay an annual subscription as determined by the NEC from time to time.
- 34.5 Trainee Associate and Honorary Associate Members shall not be required to pay any subscription.
- 34.6 For the purposes of this Rule, a member's 'salary' means the total annual pensionable emoluments payable to the member, at the rate applicable at 1st January in each year.

Part 2 Methods of Payment

- 34.7 Contributions shall be payable as the NEC may determine.
- 34.8 Except in the case of deduction from salary, all subscriptions shall be payable in advance.
- 34.9 The Member or Associate Member shall be responsible for the correct payment and is required to notify BALPA of any change to the amount of their subscription payable as soon as is practicable (for example any event occasioning any increase or reduction in salary).
- 34.10 In cases of salary increases, BALPA is entitled to seek payment of arrears.
- 34.11 In cases of salary decreases howsoever occasioned, BALPA at its discretion may provide a refund of any excess subscription paid backdated to a maximum of twelve months.

Part 3 Arrears

- 34.12 Any member whose contributions are in arrears shall (subject to Rule 34.15) be automatically suspended from membership or associate membership of BALPA. Any such person who is suspended from membership shall not be entitled to receive any benefit of membership, vote in any election or otherwise stand as a candidate in any election under these Rules.
- 34.13 Any member who has been suspended under Rule 34.12 shall have their membership automatically restored upon payment of all arrears, including those incurred during the suspension.
- 34.14 Any member who has been suspended under Rule 34.12 shall have their membership automatically terminated without further action on the part of the NEC if full payment of their subscription arrears is not received within 3 months of their suspension.
- 34.15 The NEC shall have discretion to waive the application of Rule 34.12.

Part 4 General Provisions

- 34.16 The NEC may, at its discretion, refund to the member or their administrators or executors the number of complete months' subscription as are unexpired at the date of resignation, transfer or death.
- 34.17 Each member in good standing shall be entitled to free copies of 'The Log'.

Rule 35 INDUSTRIAL ADVICE, REPRESENTATION, AND LEGAL ASSISTANCE

- 35.1 Industrial Advice and Representation:
 - 35.1.1 A member may apply for industrial advice and/or representation in respect of matters arising from the member's employment, including matters relating to their professional duties which

- qualified them as a member under Rule 7 and/or matters arising from an authorised trade dispute, by writing to a National Officer.
- 35.1.2 For the purposes of this Rule industrial advice and representation (as distinct from Legal Assistance as defined by Rule 35.3) shall be sought from, and provided by, BALPA's officers.
- 35.2 All members are eligible to seek industrial advice and representation, although the extent of the same is at the discretion of the BALPA officer. In the event of disagreement, a member may escalate the matter to the General Secretary in writing.
- 35.3 Legal Assistance:
- 35.3.1 The provision of any form of Legal Assistance is determined by the Legal Services Sub Committee (LSSC) acting under delegated authority of the NEC.
- 35.3.2 A member can apply to the LSSC for Legal Assistance via a National Officer.
- 35.3.3 The LSSC may at its absolute discretion grant Legal Assistance and decide to appoint a legal adviser (either a solicitor or barrister) to provide initial legal advice, ongoing legal advice and representation in both contentious and non-contentious matters and proceedings.
- 35.3.4 The extent of any Legal Assistance granted, and how it is provided, shall be at the absolute discretion of the LSSC acting under delegated authority, but no Legal Assistance will be provided in respect of matters or events arising or known to the member prior to their membership of BALPA.
- 35.4 To be eligible to receive Legal Assistance a member must normally have 3 months' continuous full membership of BALPA at the time of application. Members or other applicants who do not meet this criterion may, exceptionally, have their application considered at the discretion of the LSSC.
- 35.5 Where a member has died or is incapable of making an application personally for the purposes of this Rule such application may also be made to the LSSC by the following agents acting on their behalf: Personal Representatives, Dependants, Receiver, Litigation Friend or Legal Representative.
- 35.6 Legal Assistance in criminal matters and all legal advice and assistance in all other matters shall be granted at the absolute discretion of the LSSC.
- 35.7 Where an external solicitor or barrister is instructed by BALPA, any Legal Assistance or advice provided by them is provided to the LSSC for its benefit. It shall be at the LSSC's sole discretion whether and to what extent it shares any advice received with the member.
- 35.8 The member will be protected from any resulting financial liability to pay costs by such means provided or approved by BALPA as the LSSC may determine provided that the member cooperates, acts reasonably, and in accordance with legal advice received. Such means may be varied or amended by BALPA during the case. This liability also includes legal disbursements, the premium for any policy of legal expenses insurance, and opponents' costs where applicable. For the avoidance of doubt Legal Assistance granted is subject to any general conditions agreed with the solicitor or barrister instructed (and the LSSC reserves the right to set specific additional conditions in any case).
- 35.9 The grant of Legal Assistance shall be subject to the member abiding by the following conditions and any such other conditions as may be prescribed by the NEC:
- 35.9.1 The member shall permit BALPA and its legal advisors to have sole conduct of the matter and agrees to instruct solicitors or barristers nominated by BALPA and cooperate fully and honestly with BALPA and BALPA's legal advisors and solicitors, which includes complying with a duty of good faith, and providing full and frank disclosure of all relevant facts and matters which is or may be in their knowledge, or in respect of which they may be aware. The member further agrees not to refuse unreasonably or act against the advice of the solicitor or barrister appointed by BALPA to advise them or to act on their behalf.
- 35.9.2 The member shall abide by an ongoing duty of confidentiality and shall not disclose to any third party any fact or matter arising out of or in connection with the Legal Assistance sought.
- 35.9.3 The member shall consent to the sharing and processing of information (including personal or sensitive information) by and between BALPA and any solicitor or barrister for the purpose of providing the Legal Assistance.

- 35.9.4 The member shall accept the obligation that, if successful in pursuing their claim or part of their claim, they shall take all necessary and sufficient steps to recover the legal costs incurred on their behalf whilst in receipt of Legal Assistance wherever, and to the full extent possible and, where indemnified by BALPA in pursuing the claim, shall repay any costs so recovered to BALPA forthwith.
- 35.9.5 The member shall maintain their membership of BALPA throughout the duration of the Legal Assistance, save where Legal Assistance is provided to a personal representative or other non-member as outlined in Rule 35.5 above.
- 35.10 Should the member fail to abide by any of the conditions referred to in Rules 35.3 to 35.9:
- 35.10.1 BALPA may withdraw the Legal Assistance forthwith and with effect from the date of the application for Legal Assistance or such other date as BALPA may specify. With effect from the same date the member will also have no BALPA indemnity in respect of the costs incurred by any other party to a case in which BALPA had agreed to provide such indemnity.
- 35.10.2 The member shall, in any event, be obliged, upon the written request of BALPA, to repay to BALPA all legal costs expended in indemnifying them in respect of both their own costs and disbursements and in respect of any liability to pay the costs and disbursements of any other party in proceedings in which the member is a party whether such costs arose before or after the withdrawal of the Legal Assistance or the breach of the conditions referred to in Rules 35.3 to 35.9 above.
- 35.11 In all cases the LSSC and/or NEC has absolute discretion not to provide Legal Assistance regardless of the underlying merits of the case (for example including but not limited to situations where the provision of the same may carry significant adverse political, legal, or other risks to BALPA, its members, or the airline industry, or whether this may conflict with any industrial objectives pursued by BALPA. Nothing in this Rule prevents the LSSC/NEC from providing Legal Assistance where it considers appropriate to do so.

Rule 36 VICTIMISATION PAY

- 36.1 Where a member of BALPA acting under the advice or instruction of the NEC to further the interests of BALPA by reason thereof sustains financial loss, they may apply to the NEC for compensation. The NEC in its absolute discretion may decide to pay such sums as it considers appropriate according to the circumstances of the case.

SECTION 9 FINANCE

Rule 37 BALPA FUNDS

- 37.1 The NEC shall cause to be opened an account or accounts at such bank or banks as it may determine, into which BALPA funds will be paid. All withdrawals from the bank shall be made as directed by the NEC.
- 37.2 BALPA funds which are not required for immediate use or to meet accruing liabilities may, with the sanction of the NEC, be invested in the purchase of funds, shares or like securities, or such other property (including freehold or leasehold land or property) as the NEC shall think fit.
- 37.3 The income and property of BALPA shall be applied solely towards the promotion of the objects of, and in the administration of BALPA. No portion thereof shall be paid directly or indirectly by way of profit to the members, provided that nothing shall prevent the payment in good faith of remuneration or reimbursement of reasonable expenses incurred on BALPA's behalf to any officer, official or member of BALPA in accordance with expenses claim guidelines which are issued for time to time by the NEC.

Rule 38 ACCOUNTS

- 38.1 The NEC shall ensure that true accounts are kept of all monies received and expenditure incurred by BALPA, the matters in respect of which such receipts and expenditure take place, and of the assets, credits and liabilities of BALPA. The accounts shall be kept at the registered office of BALPA or at such other place or places as the NEC may deem fit.

Rule 39 AUDITORS

39.1 The accounts of BALPA shall be made up to December 31st and audited each year by a qualified auditor or auditors who shall be members of the Institute of Chartered Accountants of England and Wales. The General Secretary and Treasurer shall produce all books and papers necessary for the complete examination of BALPA's accounts. Such auditors shall be appointed at the ADC.

Rule 40 INSPECTION OF BOOKS

40.1 Every member shall be entitled to a copy of the annual balance sheet of BALPA and any member may inspect at the Registered Office, at any reasonable time and with the prior approval of the NEC, the accounting records of BALPA.

SECTION 10 NOTICES AND DISSOLUTION

Rule 41 GENERAL PROVISIONS AS TO NOTICES, VOTING, RESOLUTIONS AND MINUTES

41.1 Except as expressly provided in these Rules, any notice required to be given under these Rules shall be deemed to have been properly given if notice is set out in the official journal of BALPA (The Log), or by email, or in such other manner as the NEC may decide.

41.2 Any Rule which requires a ballot list, ballot paper, circular or notice to be sent to a member shall be deemed to have been complied with if that is sent either by pre-paid letter in the ordinary post, addressed to the latest postal address registered with BALPA, or otherwise by email to the last known email address provided by the member.

41.3 Except for postal ballots required by statute, the NEC may use e-voting to determine any matter or question, including an election or ballot required under these Rules. Where the NEC determines to undertake e-voting, this Rule overrides the requirements for the conduct of ballots set out elsewhere in the Rules and under APPENDIX 1. The arrangements for e-voting will be as determined by the NEC from time to time.

41.4 In the event of accidental omission, the NEC shall decide if any ballot, proceedings or resolutions are thereby invalidated.

41.5 The declaration made by the Chairman of any conference as to the result of any ballot, vote or resolution shall be conclusive.

41.6 Minutes shall be kept for all BALPA meetings in such form as may be decided by the NEC, but for the avoidance of doubt this Rule does not confer any right upon a member to inspect any minutes.

Rule 42 DISSOLUTION

42.1 BALPA may at any time be dissolved by the consent of three-quarters of its members. Such consent shall be obtained by ballot taken in accordance with Rule 32. Its assets shall thereupon be realised, and all the debts and liabilities satisfied. The remaining assets shall then be divided among the members existing at the date of the resolution for dissolution in proportion to the amount of the subscriptions paid by them respectively during their respective periods of membership.

APPENDIX 1: REGULATIONS FOR THE CONDUCT OF BALLOTS UNDER RULE 32

1 Issue of Ballot Papers

- 1.1 The NEC shall appoint an independent scrutineer to act as Returning Officer for the ballot in elections for the office of General Secretary, Honorary President, or positions on the NEC. The Returning Officer shall conduct the election within the terms of this Appendix and shall carry out the following functions in relation to the election:
 - 1.1.1 To supervise the production and distribution of all the voting papers and to receive the voting papers which are returned, and
 - 1.1.2 To take such steps as appear to be appropriate for the purpose of enabling them to make any report as required by legislation, and
 - 1.1.3 As soon as reasonably practicable after the last date for the return of voting papers to make the report required under paragraph 1.1.2 to the NEC, and
 - 1.1.4 To retain custody of all voting papers returned for the purposes of the election until the period on one year beginning with the announcement by the NEC of the election result.
- 1.2 The independent scrutineer will be qualified in accordance with the requirements laid down by the Secretary of State under Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- 1.3 In the case of any election or ballot not falling within Regulation 1.1 the NEC shall appoint an officer of BALPA to act as Returning Officer for the ballot who shall conduct the election or ballot in accordance with the provisions of this Appendix.
- 1.4 In the case of an election the Returning Officer shall supervise the nomination process in accordance with the timetable prescribed by the NEC. The Returning Officer shall have power to determine any question concerning the validity of any nomination and the decision of the Returning Officer on any such question shall be final. The Returning officer shall issue to each member entitled to vote in the ballot and post to each such member, at their postal address, (unless Regulation 1.7 applies) by the date determined under Rule 32.3.1:
 - 1.4.1 A ballot paper validated in accordance with Regulation 7.1; and
 - 1.4.2 An envelope (hereinafter called a "ballot envelope"), as referred to in Regulation 5.2, provided that where more than one ballot is conducted at the same time, the member need only be sent one ballot envelope.
- 1.5 A list of those members to whom the ballot is sent shall be prepared and retained by the Returning Officer.
- 1.6 The period between the dates fixed by the NEC under Rules 32.3.1 and 32.3.2 shall be long enough to afford members entitled to vote in the ballot a reasonable opportunity of doing so. In the case of a ballot conducted for the purposes of Rule 19.1, such period shall not be less than three weeks.
- 1.7 When (in the circumstances relating to any member entitled to vote in the ballot) it is not or it is no longer reasonably practicable for them to be sent a ballot paper and ballot envelope by the date determined under Rule 32.3.1, then a ballot paper and ballot envelope shall be sent to them as soon as is reasonably practicable after that date, to give them a convenient opportunity to vote by post.
- 1.8 For the issue of ballot papers, a member's postal address shall be the address registered under Rule 26.6 or such other address as the member may have notified to the General Secretary in writing.

2 Contents of Ballot Papers

- 2.1 In the case of a ballot conducted for the purposes of Rule 19 or any other election, the ballot paper shall contain where appropriate:
 - 2.1.1 A list of the candidates in alphabetical order of surname and, against each candidate's name, a box in which a voting mark may be written, and

- 2.1.2 A clear statement as to the Constituency in which each candidate is standing and a clear statement of the number of candidates to be elected to each Constituency, or a statement of the number of candidates to be elected, and
- 2.1.3 Next to or immediately above the list of candidates' names and voting boxes, there shall appear the words:
 'Mark "X" against each of the candidates of your choice, up to a maximum of [the number of vacancies to be filled in the election] candidates. Do not vote more than once for the same candidate'.
 Members entitled to vote in the ballot shall cast their votes by writing "X" in the voting box next to the name of each candidate for which they wish to vote, up to a maximum of the number of vacancies to be filled in the election.
- 2.2 In the case of a ballot conducted for the purposes of Rule 32 and where industrial action (whether a strike or industrial action falling short of a strike) is under consideration:
- 2.2.1 The ballot shall include a question to which the answer is 'Yes' or 'No'. There shall appear after each of the words 'Yes' or 'No' a box in which a voting mark may be written and next to the two such boxes there shall appear the words: 'Mark your preferred answer with a cross'.
- 2.2.2 Two or more questions may be included in a single ballot paper, provided that every member who is entitled to vote in the ballot is entitled to vote in answer to all the questions included in the ballot paper. In any such case, each question shall be treated as a separate ballot for the purposes of voting in the ballot, counting the votes cast and declaring the result thereof.
- 2.3 The ballot paper shall contain in clear type and in a prominent position the following wording: "In answering the following question(s), remember that any industrial action directed by the NEC and authorised by this ballot may involve you in a breach of your contract of employment".
- 2.4 In the case of a ballot conducted for the purposes of Rule 32 and where the industrial action in question is or includes industrial action falling short of a strike, the ballot paper shall contain a question however framed which requires, the member to say, by answering 'Yes' or 'No' whether the member is prepared to take part or (as the case may be) to continue to take part, in industrial action falling short of a strike, but involving them in a breach of their contract of employment.
- 2.5 In the case of any other ballot paper, the ballot paper shall contain such question or questions as may be appropriate.
- 2.6 The ballot paper shall contain a mark or stamp, in accordance with Regulation 7.1 together with the instructions for voting referred to in Regulation 2.1 as are appropriate in any given case and the following instructions (or instructions to like effect):
 'Do not make any mark on the ballot paper or envelope by which you can be identified. When you have voted, place the ballot paper (and nothing else) in the envelope provided, seal it and post it to [the place determined under Rule 32.3.2] to arrive not later than [the date and time determined under Rule 32.3.2]. The ballot papers will be counted at [the place, date and time determined under Rule 32.3.3]. Any failure to comply with these instructions may result in your ballot paper not being counted.

3 Statements circulated with ballot papers

- 3.1 In the case of a ballot conducted for the purposes of Rule 19, or any other election, the NEC will make provision to permit each candidate in the election to submit a statement in support of their candidacy. In the case of elections for the Honorary President and the General Secretary a statement shall be no longer than 1000 words. In the case of all other elections such a statement shall be no longer than 400 words. Statements submitted in writing will only be accepted on the understanding that BALPA will not be responsible for any errors of interpretation when they are reproduced for circulation. Statements shall be sent to each member entitled to vote in the ballot together with the ballot paper.
- 3.2 In the case of an election for the position of Honorary President, General Secretary or member of the NEC, the NEC will ensure that none of the candidates is required to bear any of the expense of producing copies of the election statement. The NEC will also ensure that no modification is made to the content of any election statement unless at the request or with the consent of the candidate, or where the modification is necessarily incidental to the method adopted for producing that copy.

- 3.3 The NEC will ensure so far as is reasonably practicable, that the same facilities and restrictions with respect to the preparation, submission, length of modification of an election statement and with respect of the incorporation of any such statement, photograph, or of any other matter not in words, are provided or applied equally to each of the candidates.
- 3.4 In the case of a ballot conducted for the purposes of Rule 32, or any other ballot, the NEC may make such provision (if any) as it may determine for an explanatory statement of the issues touched upon by the ballot and of its recommendations (if any) to be sent to each member entitled to vote in the ballot, together with the ballot paper.

4 Method of Voting

- 4.1 The method of voting in any ballot shall be by the marking of the ballot paper by the member voting in person.
- 4.2 Each member entitled to vote in the ballot shall be allowed to vote without interference from or constraint imposed by, BALPA or any of its members, officials or employees; and for this purpose, the NEC may issue directions as it considers appropriate.
- 4.3 Every member who is entitled to vote in the ballot and wishes to do so must return their ballot paper by post, duly marked and in the ballot envelope provided under Regulation (3)(ii) above, to arrive at the place determined under Rule 32.3.2 by the closing date.

5 Ballot Envelopes and Return of Ballot Papers

- 5.1 The NEC may, and in the case of any ballot conducted for the purposes of Rule 19, Rule 21, Rule 22, Rule 26 or Rule 33, shall make such arrangements as necessary to ensure that each member entitled to vote in the ballot can do so far as is reasonably practicable without incurring any personal cost (including costs of postage).
- 5.2 The ballot envelope referred to in Regulation 1.4.1 shall be capable of being sealed and shall be addressed to the Returning Officer at the place determined under Rule 32.3.2. It shall bear, in bold letters, such words as may be necessary to identify the ballot or ballots in respect of which it has been issued.
- 5.3 In any case where the NEC is required by Regulation 5.1 (or so determines) to make arrangements for the costs of postage to be met in the first instance by BALPA, the ballot envelope shall bear a postage stamp or other stamp or mark showing that the envelope may be returned by post without direct cost to the voter.
- 5.4 The Returning Officer shall secure that the ballot envelopes returned under Regulation 4.3 are placed unopened in a secure place when received and so retained (save only for the purpose of scrutiny under Regulation 8.2) until the time fixed for the counting of votes.

6 Tellers

- 6.1 In the case of any election or ballot not covered by the provisions of Regulation 1.1, the NEC may appoint two or more persons who are not members of the NEC to act as Tellers for scrutinising and counting the votes cast in any ballot. The Tellers and such persons as they may appoint under Regulation 9.1 shall keep secret any information which they may acquire as to the way any given member or group of members has voted.

7 Validation of Ballot Papers

- 7.1 Each ballot paper shall be stamped with the stamp or seal of BALPA or with some other mark capable of authenticating that ballot paper. No ballot paper shall be used for voting which is not so stamped or marked.
- 7.2 If in relation to any ballot and subject to Regulation 7.3, the Returning Officer so determines, each ballot envelope shall bear a mark or number unique to the member to who such an envelope is sent. Such mark or number shall be recorded against such member's name on the list or other record of members referred to in Regulation 1.5.

- 7.3 In addition to any other conditions of validity under these Regulations, a ballot paper shall only be regarded as valid if:
- 7.3.1 It is contained in the ballot envelope provided under Regulation 1.4.1 and such envelope is sealed, and
 - 7.3.2 The ballot envelope and the ballot paper have been returned by post to the General Secretary at the address on the envelope, by the date and time specified on the ballot paper for that purpose, and
 - 7.3.3 The ballot paper bears the stamp or mark required by Regulation 7.1, and
 - 7.3.4 No mark is made on any part of the ballot paper or the envelope, or anywhere else which might in any way identify the voter, provided this condition shall not apply to any mark or number placed on the ballot envelope pursuant to a determination by the Returning Officer under Regulation 7.2.

8 Conduct of the Count

- 8.1 In any ballot, where pursuant to Regulation 7.2, the ballot envelopes have been uniquely marked or numbered, the Returning Officer shall scrutinise the marks or numbers on the ballot envelopes returned under Regulation 4.3, and check them off against the list or other record of members handed to them under Regulation 1.5 above.
- 8.2 At the place, date and time determined for the counting of ballot papers, and after completion of any scrutiny required by Regulation 8.1, the Returning Officer shall, in the following order:
- 8.2.1 Open the ballot envelopes which have been returned under Regulation 4.3, and
 - 8.2.2 Clear away such ballot envelopes, and
 - 8.2.3 Count the votes.
- 8.3 Any member shall be entitled to attend the counting of the ballot papers, but shall comply with such directions as the Returning Officer may give for securing that:
- 8.3.1 The count is conducted in an orderly manner, and
 - 8.3.2 No person (other than any Tellers and persons appointed by them under Regulation 8.6) can discover how any given member or group of members has voted.
- 8.4 The Returning Officer shall decide whether any ballot paper is to be ruled invalid under the Rules and shall forthwith separate any such paper and mark it 'Invalid'. The Returning Officer shall rule as invalid any ballot paper which:
- 8.4.1 Does not indicate any vote, or
 - 8.4.2 Indicates in a given voting box more than one vote, or
 - 8.4.3 Contains more votes than the number of vacancies to be filled in the election, or
 - 8.4.4 Does not comply with the conditions of validity set out in Regulation 7.3.
- 8.5 At the conclusion of the count, the Returning Officer shall place the ballot papers which have been counted and those which have been ruled invalid in separate sealed parcels and shall then retain them and the list referred to in Regulation 1.5 in a secure place for at least 90 days after the closing date for the ballot and shall then hand them to the General Secretary who shall destroy them. In the case of an election under the provisions of Rule 19, Rule 22 or Rule 26 the Returning Officer shall retain the ballot papers in a secure place for a period of 12 months.
- 8.6 Any Tellers appointed under Regulation 6.1 may wholly or partly delegate the performance of their duties under Regulations 8.1 and 8.2 to such persons as they may determine (not being persons who, by reason of Regulations 6.1 and/or 7.3 would not be eligible to be Tellers), provided that the performance of such duties is always supervised by the Tellers.

9 The Result

- 9.1 The Returning Officer shall record the result of the ballot, including:

- 9.1.1 In the case of an election, the number of ballot papers declared invalid and the number of votes cast for each candidate. Subject to any other provision of these Rules whereby a candidate's eligibility for election is defined or limited, the candidates (up to the number of vacancies to be filled in the election) receiving the largest number of votes shall be declared elected.
- 9.1.2 In the case of any other ballot, the number of votes cast in the ballot, the number of members voting 'Yes', the number of members voting 'No', and the number of individual ballot papers. They shall declare the result of the ballot to be whichever of the answers receives the largest number of votes.
- 9.2 The Returning Officer shall declare such results in a written return signed by them and deliver the same to the General Secretary for transmission to the NEC. Where required by statute the return shall incorporate the information required by S52 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- 9.3 Without prejudice to any powers in relation to any other ballot, the General Secretary shall:
 - 9.3.1 In the case of a ballot conducted for the purposes of Rule 32, take, as soon as is reasonably practicable such steps as are reasonably necessary after the holding of the ballot, to ensure that all members who were entitled to vote in the ballot (other than those who were outside Great Britain throughout the period during which votes might be cast), are informed of the result of the ballot, as specified in Regulation 9.1.2, and
 - 9.3.2 In the case of an election inform the candidates in the election of the result thereof, as specified in Regulation 9.1.1.

APPENDIX 2: CODE OF CONDUCT FOR ELECTED AND APPOINTED REPRESENTATIVES, STAFF AND CONSULTANTS

1 Purpose of the Code

- 1.1 The purpose of this Code of Conduct is to assist Representatives, staff and consultants in the discharge of their obligations to BALPA and their constituents by:
- 1.1.1 Providing guidance on the standards of conduct expected in discharging their BALPA duties, and in so doing
 - 1.1.2 Providing the openness and accountability necessary to reinforce member's confidence in the way in which they perform those duties.

2 Scope of the Code

- 2.1 The Code applies to elected or appointed representatives, staff and consultants in all aspects of their Association life. It does not seek to regulate what representatives, staff and consultants do in their purely private and personal lives.

3 Public Duties of Elected or Appointed Representatives, staff and consultants

- 3.1 Representatives, staff and consultants have a duty to uphold the law, including the general law against discrimination, and to act on all occasions in accordance with the trust placed in them.
- 3.2 Representatives, staff and consultants have a general duty to act in the interests of the membership as a whole and a special duty to their constituents.

4 General Principles of Conduct

- 4.1 In carrying out their BALPA duties, representatives, staff and consultants will be expected to observe the following general principles. These principles will be taken into consideration when any complaint is received of breaches of the provisions in other sections of the Code.

Selflessness

Representatives, staff and consultants should take decisions solely in terms of the members' interest. They should not do so to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Representatives, staff and consultants should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official BALPA duties.

Objectivity

In carrying out BALPA business, including making appointments, awarding contracts, or recommending individuals for rewards and benefits, representatives, staff and consultants should make choices on merit.

Accountability

Representatives, staff and consultants are accountable for their decisions and actions to the membership and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Representatives, staff and consultants should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider members' interest clearly demands.

Honesty

Representatives, staff and consultants have a duty to declare any private interests relating to their BALPA duties and to take steps to resolve any conflicts arising in a way that protects the members' interest.

Leadership

Representatives, staff and consultants should promote and support these principles by leadership and example.

5 Rules of Conduct

- 5.1 Representatives, staff and consultants are expected to observe the following:
- 5.2 At all times they shall base their conduct on a consideration of the members' interest, avoid conflict between personal interest and the members' interest and immediately resolve any conflict between the two in a transparent manner, and in favour of the members' interest.
- 5.3 No member shall act as a paid advocate for an outside agency in any of the proceedings or business within BALPA.
- 5.4 Acceptance of any bribe or other benefit which may be offered or given to influence their conduct (including any fee, compensation or reward) in connection with the promotion of, or opposition to, any Motion contract or other matter submitted, or intended to be submitted to BALPA, or to any Committee, group or council of BALPA, will be subject to the deliberation of the NEC under Rule 10 and for staff and consultants disciplinary or breach of contract proceedings may result.
- 5.5 In any activities with, or on behalf of, an organisation with which a representative, member of staff or consultant has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, they must always bear in mind the need to be open and frank with the NEC, other Representatives and staff in providing disclosure of such relationship without prompting.
- 5.6 Information which they receive in confidence in the course of their BALPA duties should be used only in connection with those duties, and that such information must never be used for financial or other personal gain.
- 5.7 They shall always ensure that their use of expenses, allowances, facilities and services provided by BALPA is strictly in accordance with the Rule and Policy laid down on these matters, and that they observe any limits placed by BALPA on the use of such expenses, allowances, facilities and services.
- 5.8 They shall always conduct themselves in a manner which will tend to maintain and strengthen the members' trust and confidence in the integrity of BALPA and never undertake any action which would or could bring BALPA, or its Representatives, staff and consultants generally into disrepute.

6 Registration and Declaration of Interests

- 6.1 Representatives, staff and consultants shall fulfil conscientiously the requirements of BALPA in respect of the registration of interests in the Register of Representatives, staff and consultants' interests and shall always draw attention to any relevant interest in any proceeding of BALPA or its Committees groups or councils, or in any internal or external communications.

7 Duties when the National Executive Council (NEC) is acting in accordance with Rule 10

- 7.1 Representatives, staff and consultants shall cooperate, at all stages, with any investigation into their conduct by or under the authority of the NEC.
- 7.2 No Rep or member of staff shall lobby a member of the NEC in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code.

8 Duties in respect of the NEC & Company Councils

- 8.1 The success of the NEC and Company Councils in delivering for their members rests on trust between individual NEC/CC members, the encouragement of differences combined with a high degree of team

working. At all times NEC/CC members will maintain high professional and ethical standards towards each other.

- 8.2 Much information received by the NEC/Company Councils is of a sensitive or confidential nature and should be treated in confidence unless otherwise agreed.
- 8.3 The NEC/Company Councils should welcome debate and discussion and the expression of all points of view, whether they are a majority view or a minority. But once a decision has been made collective cabinet responsibility will apply with decisions accepted and supported by all. Minority views may be explained but not advocated.
- 8.4 No sub-committee appointed by the NEC or a Company Council should include a majority of the total NEC or Company Council membership, nor will collective responsibility apply to any report to the parent committee.
- 8.5 Attendance at NEC/Company Council meetings and on the business of BALPA members within the respective business is important and needs to be treated with the honour it deserves. NEC/Company Council members are expected to attend all meetings and, where this is not possible, absences should be explained to the relevant Chairman in advance. Absences should be rare and for unavoidable reasons.
- 8.6 In recognition of the importance of these principles any member who fails to live up to these standards would be expected to resign their post.

9 Leaving Office

- 9.1 Elected and appointed representatives will normally be expected to leave a 'decency' gap between serving as a representative and taking any remunerated office in an aviation relation or other business or organisation or setting up business on their own or with others.

APPENDIX 3 DISCIPLINE AND OBLIGATIONS OF MEMBERSHIP: DISCIPLINARY PROCEDURE AND REMISSIONS

General

- 1 Matters of discipline in respect of any member, associate member, or office holder will be considered in accordance with this procedure. For the avoidance of doubt, any timescales are indicative and may be unilaterally varied by the NEC or any person acting on its behalf.
- 2 Where there appear to be reasonable grounds to consider that a member might be guilty of a disciplinary offence, the NEC at its discretion may decide to appoint one or more person(s) (who need not be a member of BALPA) to investigate whether there is a case to answer. It shall be open to the NEC to delegate all or part of the investigation to such person(s) as it decides appropriate.
- 3 If the NEC receives a complaint signed by a member about the conduct of any member or associate member, it shall inform the complainant(s) accordingly and make enquiries as appropriate. If it does not find reason to proceed, it shall direct the General Secretary to notify the complainant(s) accordingly. If the NEC does consider that there may be a case to answer at a disciplinary hearing, it shall direct the General Secretary to write to the member or associate member who is subject of the complaint giving notice of the complaint and details of the grounds.
- 4 The Executive President of the NEC shall have the power to suspend a member from office if the member faces disciplinary investigation under these Regulations where this is considered appropriate in the interests of the member, CC, or BALPA generally, or to enable the matter to be investigated expeditiously. Unless determined otherwise, suspension will continue until the conclusion of both the investigation process and any resulting disciplinary process.
- 5 The NEC may require the member concerned not to meet specified person(s) while the investigation is proceeding, and until any consequent Disciplinary Hearing or Appeal Hearing is concluded; or otherwise impose any other condition or restriction on the member concerned as it considers appropriate having regard to the interests of BALPA, the complainant, the need to maintain confidentiality, or otherwise.
- 6 Depending upon the nature and complexity of the complaint, the investigation will normally be expected to be completed within 60 days of the appointment of the investigation officer(s). In the event that the investigation officer(s) believe(s) that more time is needed to conclude the investigation, it shall inform the NEC of this fact, the reasons why the investigation has not finished, and the expected timescale within which it is expected to be concluded.
- 7 Where there appear to be reasonable grounds to believe that a member or any other person can give relevant evidence, the investigation officer shall request an interview with that member or person. The member or person will be invited to produce any evidence including but not limited to any document, printed material, recording or photographic image that they or the investigating officer considers might be relevant with a view to assisting the investigation.
- 8 A request to a member to give evidence to the investigating officer may, if the NEC so determines, be treated as an instruction issued on powers delegated to the investigating officer by the NEC in accordance with this regulation. In the event of a member unreasonably refusing to cooperate, it shall be open to the NEC to commence action under Rule 10.
- 9 All aspects of the investigation will be treated as confidential. The member subject of the investigation and all persons invited to attend interview are to maintain confidentiality. In the most exceptional of circumstances it may be necessary for the NEC or investigator appointed to disclose evidence to another person(s).
- 10 The Investigating Officer shall prepare a report for the NEC, setting out each allegation, summarising the evidence, and their conclusion that either that there is a case to answer before a disciplinary hearing, or that there are no reasonable grounds to believe that the member is guilty of the conduct complained of. However, where the evidence is inconclusive, the investigating officer may nevertheless recommend that the matter should proceed to a disciplinary hearing where the evidence can be scrutinised and tested.
- 11 For the avoidance of doubt, the NEC is not required to accept the conclusions of the Investigating Officer and may direct that the matter should proceed to a disciplinary hearing, or where the Investigating Officer has concluded that there is a case to answer before a disciplinary hearing the NEC may decide to take no action or deal with the matter informally. The NEC shall retain authority to require the investigating officer

to re-investigate any issue. The NEC has the power to appoint a different investigating officer to consider the matter afresh.

Disciplinary hearing

- 12 In the event that it is decided that the matter should proceed to a disciplinary hearing, a member or associate member shall be given not less than 10 days' notice in writing of the grounds of complaint against them. For the avoidance of doubt the grounds of complaint may not be limited to the terms of reference given to the investigation officer. The NEC reserves the right to reformulate the grounds of complaint or otherwise add new matters at its discretion. The member shall be given an opportunity to be heard either by the NEC or by a disciplinary tribunal appointed by the NEC, which shall report its findings and recommendations to the NEC. The NEC shall prescribe standing orders for the conduct of hearings before the disciplinary tribunal.
- 13 At the same time as being issued with notice of the grounds of complaint, the member shall be sent copies of any material to be considered in relation to the disciplinary allegations, together with the report of the investigation officer, and shall be told the date, time, and place at which the allegations against them is to be heard. The date for the hearing shall be set by the NEC who shall have the power to postpone the hearing if appropriate, or otherwise proceed in the member's absence.
- 14 The member must submit, not later than 3 days prior to the hearing, any material in support of their defence, including any witness statement of any witness that the member wishes to call to give evidence at the hearing. If they intend to be accompanied by a member, they are also required to specify the identity of the member concerned.
- 15 The member shall be entitled to be accompanied at the hearing by another member who is not involved in any way in the investigation or otherwise a witness. The disciplinary tribunal shall have the power to refuse to permit a person to accompany the member at its absolute discretion. The member accompanying may address the tribunal, question witnesses, and sum up the defence or mitigation, but may not answer questions of their behalf.
- 16 The Disciplinary Tribunal will have absolute discretion to adjourn the hearing to allow for further evidence to be produced or for any other reason.
- 17 The Disciplinary Tribunal shall consider in private whether any charge is proved to its satisfaction, or not.
- 18 The NEC shall give the member or associate member a written statement of its findings and any penalty imposed. A decision to impose a disciplinary penalty will be effective immediately regardless of whether the member intends to appeal the decision or penalty.
- 19 A member or associate member who is suspended or expelled will cease to be entitled to any of the rights and privileges of membership and shall not be entitled to any refund of their subscription.
- 20 Where a member has custody, possession or control of information, property or any other material (including electronic images, files or data) owned or partly owned by BALPA, then they shall surrender such material forthwith at the direction of the NEC. Where a member has custody, possession or control of other property or information under the ownership of BALPA but relevant to a legitimate enquiry of the NEC, then the member shall co-operate with any reasonable request of the NEC for disclosure, inspection or publication of the said property or information.

Appeals

- 21 A member disciplined under these Rules shall have a right of appeal which shall be heard by an Appeals Tribunal drawn from an Appeals Panel constituted under these Rules. Normally appeals are determined by way of a review as opposed to a rehearing.
- 22 The number of the members of Appeals Panel shall be 6. No person who holds an office in BALPA may be appointed to the Appeals Panel. No person may be appointed to the Appeals Panel unless they have at some time 10 years continuous membership of BALPA.
- 23 The Appeals Panel will be elected by the Annual Delegates Conference (ADC) for a period of 3 years. Panel members shall be eligible for re-election for a second term of office, but no member shall remain on the Panel for a period of more than 6 years. If a Panel member relinquishes their office for any reason, a replacement shall be elected at the following ADC. Until then the position will remain vacant.

- 24 An Appeals Tribunal shall consist of 3 members appointed by the NEC from the current members of the Appeals Panel.
- 25 A member must give notice in writing to the General Secretary within 14 days of the date upon which the disputed decision was communicated. Such notice shall state the grounds and all matters on which the proposed appeal is based. Normally new evidence is not permitted but this is at the discretion of the Appeals Tribunal. Upon receipt of such notice, the General Secretary shall convene an Appeals Tribunal for a date not later than 45 days after the date they received the notice of appeal and shall give the appellant not less than 20 days' notice in writing. The Appeals Tribunal shall appoint a Chairman from amongst its number.
- 26 The NEC shall appoint a member of the Secretariat of BALPA as the clerk to the Appeals Tribunal.
- 27 The Appeals Tribunal shall determine its on procedure with a view to ensuring a fair, honest and unbiased determination of the appeal, provided always that the appellant shall be given a fair opportunity to present their case in person and to answer any case against them.
- 28 The member may be accompanied by a BALPA member. The same rules as to being accompanied at a disciplinary tribunal hearing apply to appeal hearings.
- 29 The determination of the Appeals Tribunal shall be announced within 28 days of the hearing being concluded and shall be final. The Appeals Tribunal shall be entitled to vary, quash or uphold the decision against which the appeal is made and substitute any lesser penalty.

REMISSION OF PENALTIES

- 30 Notwithstanding any decision of the Appeals Tribunal under 29 above, the NEC shall have power to lift any disciplinary penalty (including power to remit or refund any fine). Any penalty imposed will last for a minimum of one year from the date the penalty took effect.
- 31 An application under this Rule must be made in writing. The applicant may make a statement to the NEC in support of their application, either orally or in writing. The NEC will not hear appeals and no cross-examination shall be permitted, although the NEC may ask questions of the applicant.
- 32 In the case of an applicant who has been expelled from membership or associate membership of BALPA, the NEC may, as a condition of the applicant's re-admission, require that the applicant pay all or part of any subscription arrears.
- 33 The decision of the NEC on any application under this Rule shall be final and binding and shall not be subject to a right of appeal.