

# General Rules 2023

## Budgerigar Society Mission Statement

To encourage, educate, publicise, support and regulate the hobby of keeping, breeding and exhibiting budgerigars world-wide, while at the same time ensuring the health and wellbeing of the birds.

### 1. NAME

The Society will be called The Budgerigar Society ('The Society').

### 2. OBJECTS

The objects of The Society are:

- (a) To promote the breeding and development of the Budgerigar in all parts of the world.
- (b) To protect the interest of breeders and exhibitors.
- (c) To assist the progress of scientific knowledge.
- (d) To facilitate the exchange of ideas covering The Society's field of work.
- (e) To support the exhibition of Budgerigars by granting patronage to shows.
- (f) To reward work of outstanding merit with prizes or other marks of recognition.
- (g) To interest the public in the objects and activities of The Society.
- (h) To assist and liaise with the Area Societies and all clubs at home or abroad catering for the Budgerigar.
- (i) To be an integral part of an International organisation in promoting the Budgerigar to all parts of the World.
- (j) To encourage members of The Society to keep their Budgerigars in conditions which are conducive to the health and well being of the birds.
- (k) To encourage individuals who keep, breed and exhibit budgerigars to become a member of the Budgerigar Society. Whereby each member shall have access to education, support and to a network of fellow budgerigar enthusiasts around the world.

### 3. INCORPORATION OF RULES

- (a) Save where the contrary otherwise appears, all references to the rules or conditions of The Society in these General Rules shall include the Show Rules of The Society, the Judges' Panel Conditions, Open Show Patronage Conditions and Procedure for Judging Budgerigar Society Patronage Shows which form part of the rules and conditions of The Society.
- (b) Any reference to Secretary of the Society throughout these Rules shall be deemed to also refer to Society Administrator.

### 4. MEMBERSHIP

Membership of The Society shall consist of:

- (a) Those persons who shall have completed an application for membership and paid the joining fee and annual subscription of The Society applicable to them in accordance with rule 7.
- (b) Life members admitted before 1990.
- (c) Honorary Life members elected prior to 1994.
- (d) Members automatically confirmed as Honorary Life members at an Annual General Meeting of The Society (A.G.M.) in recognition of forty years continuous subscribing membership.
- (e) Those persons elected to Honorary Life Membership by a majority at an A.G.M.
  - (i) On the recommendation of the General Council (GC) of The Society for meritorious service.
  - (ii) Having been nominated by one member of The Society and seconded by another member of The Society and communicated to the Society Administrator of The Society prior to 31st December in any year.

### 5. CONDITIONS, RIGHTS AND OBLIGATIONS OF MEMBERSHIP

- (a) All members accept to be contractually bound by the rules and conditions of The Society.
  - (b)(i) On becoming a member of The Society such member shall be allocated an exclusive official code number.
  - (b)(ii) A member may upon written application to the Society Administrator request a specified alternative code number to be allocated to him, which, subject to availability, may be allocated to him upon payment of such fee as may be prescribed from time to time by the General Council, and upon surrender of his previously allocated code number.

(c) Membership in each year shall commence on 1st January or the date of application if later and shall terminate on 31st December.

(d) Any new member not being a previous member applying to join The Society after 30th September in any year shall immediately upon joining pay the joining fee and the relevant annual subscription at the rate set for the next ensuing year, which shall be deemed to be the subscription for the remainder of the year of joining and the next ensuing year, save that for the purpose of calculating the length of service as a member he shall be deemed to have been a member from the 1st January in the year following of joining.

(e) The Society Administrator will, at any time of their choosing, be entitled to request photographic identification and a utility bill dated within the previous 3 months to check a member's identity.

(f) Members who do not renew their subscription by 1st February in any subsequent year after joining will lose their right of continuous membership and be required to pay a further joining fee.

(g) A member must within seven days of vacating any address previously notified to The Society give written details of his change of address to the Society Administrator. All correspondence to any member from The Society will be sent to the address last notified by the member.

(h) The Society will post closed coded rings to members on the last working day prior to 1st December in each year, provided that the subscription for the following year, and the ring order form with payment, has been received at the Society's office by 15th October of that year.

(i) Save as otherwise provided in these rules, the exhibition status of any member shall be as laid down in rule 2 of The Society's Show Rules.

(j) Any member rejoining The Society shall be entitled to request the reissue of his original official code number subject to availability. The reissue of the code number shall not entitle the person to qualify for unbroken membership of The Society.

(k) A close family relative, of a deceased member, not being a member of the Society themselves may, on applying for membership, request their deceased relation's code number, at the discretion of the General Council. They shall exhibit in their deceased relation's status but their year of joining will be amended to indicate their personal date of joining.

(l) All code numbers issued to members will remain exclusive and not be reused for a period of ten years from the date of retirement, or death or the last payment of a subscription save where reissued under clause 5i.

(m) No person who has been convicted in a Court of Law of the neglect of, or cruelty to, or causing suffering to, or the theft of birds or animals shall be admitted to membership of The Society during the period of five years from the date of conviction. Any member of The Society convicted in a Court of Law or found guilty under The Society's misconduct procedure of the neglect of, or cruelty to, or causing suffering to, or the theft of birds or animals shall be suspended from The Society for a period of five years and may be expelled from The Society.

(n) Any member suspended from the privileges of membership shall not be entitled to show or judge Budgerigars, to obtain The Society's closed coded rings, to take part in the management or affairs of The Society or any show held under B.S. rules and conditions. A member's unbroken period of membership shall be held in abeyance during the period of suspension.

(o) A member expelled from The Society under the misconduct procedure of The Society shall not be entitled to reapply for membership for a period of ten years from the date of expulsion. On being re-admitted to membership the member shall show at such exhibition status as the General Council Board shall in its absolute discretion determine not being a status higher than the status at which the member showed prior to expulsion. The member shall have no right to request the reissue of his original code number and his period of membership shall commence from the date of rejoining.

(p) The Society, in the conduct of its affairs shall at all times prohibit discrimination or harassment on the grounds of Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and Maternity,

# General Rules 2023



Race, Religion or belief, Sex, Sexual Orientation. The Society shall maintain a non-political stance in the conduct of its affairs. The Society will adopt into its Rules any subsequent changes made to the Equalities Act 2010 in the future.

## 6. PARTNERSHIPS

- (a) A member may only enter into or remain in partnership with another member or members of The Society. The formation, dissolution or retirement from a partnership and the partnership name must be confirmed in writing within seven days to the Society Administrator by all members of the partnership.
- (b) Each partner shall adopt the exhibition status of the highest ranking partner and shall so remain upon any dissolution of the partnership subject to progression as required by show rule 2.
- (c) All show entries must be in the name of the partnership.
- (d) Budgerigars shown in the young bird or barhead classes shall wear the official closed coded ring of a member of the partnership.
- (e) In the event of a partnership being dissolved each member of the partnership may obtain a notification from the Society Administrator enabling him to show partnership birds in young bird and barhead classes.
- (f) Code numbers issued to partnerships prior to 8th May 1994 shall be deemed to have been validly issued and may upon the death or retirement of a partner be transferred to another member of that partnership who was a member of that partnership as at 8th May 1994.

## 7. SUBSCRIPTIONS

The joining fee and annual subscription for all grades of paid up membership shall be proposed by the General Council and determined by the AGM.

- (a) An adult member shall be a person over the age of sixteen and below the age of sixty-five on 1st January and shall pay the full subscription.
- (b) A senior member shall be a person over the age of sixty-five on 1st January and shall pay 80% of the full subscription.
- (c) A junior member shall be a person aged between eight and sixteen years on 1st January and shall pay 65% of the full subscription. A junior electing to surrender his junior status shall pay a full subscription.
- (d) A disabled member shall be a person who, as at 1st January, is in receipt of a State Benefit payable only to disabled persons and shall pay 80% of the full subscription.
- (e) Members living at the same address shall each pay 75% of the subscription relative to their status under sub-paragraphs (a) (b) (c) and (d) of this Rule. N.B. Only one copy of each publication will be issued but each member will receive a Ballot Form.
- (f) An overseas member shall be any person living outside the United Kingdom and shall pay the equivalent to the appropriate subscription in £ sterling after allowing for the exchange rate at the date of payment.
- (g) At the discretion of the General Council the above rates of subscription may be varied for the express purpose of recruiting new members.

## 8. AREA SOCIETIES

- (a) The ten Area Societies acknowledged prior to 1994 together with any new Area Society recognised under rule 19 shall be affiliated societies of The Society subject to complying with the following conditions.
  - (i) Payment of the annual affiliation fee prior to 1st August in each year in respect of the affiliation fee for the year ensuing commencing on 1st January. The affiliation fee to be equivalent to twice the full subscription.
  - (ii) Accepting to be contractually bound by the rules of The Society. At its sole discretion the G.C. may, by a two thirds majority, terminate the affiliation of an Area Society.
- (b) Each of the said ten Area Societies shall be subject to complying with the foregoing conditions.
- (i) Alterations to Area Society boundaries and recognition of new Area Societies will only be permitted in accordance with rule 19.

## 9. ASSOCIATED SOCIETIES

- (a) There are presently three Societies deemed Associated Societies of the Society, namely the Association of Specialist Budgerigar Societies, the Clearwing Budgerigar Breeders Association and the Lutino and Albino Breeders Society.
- (b) Associated Society association shall be at the discretion of the General Council and shall only be offered to Specialist Societies formed within the United Kingdom or National Societies outside the United Kingdom formed with objects similar to those of The Society.
- (c) Associated Society association is subject to complying with the following conditions.
  - (i) Payment of an annual association fee prior to the 1st January in each year. The fee to be equivalent to the full rate of subscription.
  - (ii) Accepting to be contractually bound by the rules of the Society. At its sole discretion the General Council may, by a two thirds majority, terminate the association of an Associated Society at any time. There shall be no appeal against such a decision. A rebate of subscription pro rata shall be made in the event of termination.

## 10. MANAGEMENT

- (a) The management of the Society will be vested in the General Council which shall be entitled to delegate management to the General Council Board, committees, sub committees and individuals.
- (b) The General Council Board will consist of 5 members who have been elected by the General Council at their first meeting following the ballot. The General Council Board will comprise of the Chairman, Vice Chairman and 3 other General Council members. The General Council Board will meet to deal with all disciplinary procedures referred to it by the Society Administrator. The General Council Board will also meet in any extreme emergency situation and make recommendations to the General Council. The General Council Board shall conduct its business in accordance with the rules, conditions and policies of the Society as set out in General Rules 3 and 15.
- (c) The General Council will have the power to purchase, lease or otherwise acquire land or property as it may deem likely to advance or benefit either directly or indirectly the interests of The Society, and to borrow or raise or give security for money by the issue of or upon bonds, debentures, debenture stock, bills of exchange, promissory notes or other obligations or securities given on behalf of the Society or by mortgage or charge upon all or any part of the property of The Society and in order to perform such powers The Society shall act through trustees. The General Council will appoint four Trustees for this purpose. The Trustees shall be members of the Society.
- (d) The General Council will have the power to either remove or suspend a Rule or part of a Rule, which in their opinion contravenes statute or common law. This will then be placed before the next AGM when members will be asked to ratify any rules that have been removed or changed.
- (e) The General Council shall appoint a paid administrator to administer the affairs of the Society. The administrator shall be known as The Society Administrator. Any complaints about the conduct of the Society Administrator should be made in writing to the Chairman and will be dealt with under the Disciplinary Procedure set out in the Society Administrator's contract of engagement.

## 11. THE GENERAL COUNCIL

- (a) The General Council will consist of not more than fourteen members elected by a postal ballot of The Society's membership.
- (b) No person will be allowed to serve or remain as a member of the General Council if he has ceased to be a member of The Society.
- (c) The General Council will meet not less than twice a year.
- (d) A quorum will be a minimum of eight members present.
- (e) The General Council will elect from its elected members the Chairman

# General Rules 2023



and Vice Chairman of the Society and the General Council Board for a three year period.

- (f) The General Council will elect other officers and members for committees.
- (g) The General Council will ensure that minutes of all its meetings are fully recorded.
- (h) The General Council will publish an abridged report of its decisions in The Society's magazine.
- (i) The Chairman of the General Council will be entitled to vote and will have a casting vote.

## 12. ELECTION OF THE GENERAL COUNCIL

- (a) The election for General Council members will take place every third year as from the ballot for 2003.
- (b) All candidates must be fully paid up members for the year of election or Life Members or Honorary Life Members and must be over the age of sixteen at the date of nomination.
- (c) All new candidates not being existing elected members of the General Council must submit their nomination form to the Society Administrator prior to 31st October of the year preceding the election. The nomination form to be signed by a proposer and a seconder who are members of The Society over the age of sixteen years.
- (d) No member may propose or second more than one candidate for the Ballot.
- (e) Existing elected members of the General Council submitting themselves for re-election must notify the Society Administrator of their intention in writing by 31st October in the year preceding the election.
- (f) All candidates will be entitled to submit with their nomination the following information for inclusion on the ballot notifications.
  - (i) Name and address.
  - (ii) Year of commencement of membership of The Society.
  - (iii) Previous service on the General Council.
  - (iv) Positions held on the General Council or with an area or associated society.
  - (v) Attendance record at General Meetings of The Society and meetings of the General Council. A member absent from a General Meeting or General Council meeting for a valid reason shall have a note to this effect marked on the attendance record.
  - (g) The publication of election addresses up to 150 words will be permitted to be published within "The Budgerigar" in the issue to coincide with the ballot form.
  - (h) Ballot papers will be posted to all members of The Society who have paid their subscriptions prior to 28th February in the year of the election.
  - (i) Ballot papers will be posted at least eighteen days prior to the date of closure of the election and must be returned in accordance with the directions contained on the ballot paper.
  - (j) The first candidate with the highest number of votes from within the boundaries of each of the ten area societies will duly be elected to determine the first ten elected. The remaining four highest votes will also be duly elected. In the event of a tie for the fourteenth place those involved with the tie will toss a coin to decide who is elected. (In the event that there are no candidates from within the boundary of an area society then the next highest placed candidate on the whole ballot will be elected). If a candidate is unopposed in their geographic area then he will be deemed to be elected and his name not included on the ballot paper. The number of votes made available to the membership will be reduced accordingly.
  - (k) In the event of any of the first ten elected General Council members dying or resigning from The Society, or resigning, in writing from the General Council on health or personal grounds then the next highest placed member in the previous ballot from the boundary of the area

society the councillor resided in will replace him. In the event that there were or are no further candidates in that area then the next placed member in the whole ballot will replace him. In the event that any of the other four elected members die or resign as detailed above then the next placed member in the whole ballot will replace him.

- (l) In the event that there are no other candidates the General Council will remain reduced for the remainder of that term.

## 13. VOTING FOR THE GENERAL COUNCIL

- (a) All members of The Society shall be entitled to vote. As follows.
  - (i) A member may vote for a minimum of one to a maximum of fourteen candidates in the Ballot.
  - (b) A member must validate the ballot paper with his official code number and signature for his votes to be valid.
  - (c) The Society will engage an independent scrutineer to count the votes and report the result of the election.

## 14. OFFICERS

The officers of The Society will be:

- (a) The President who will serve for a term of one year from the A.G.M. and will be entitled to attend all General Council and sub committee meetings without the power to vote unless he is an elected member thereof. The President shall be granted an allowance by the General Council towards the cost of the performance of his duties.
- (b) The President Elect who will automatically become President at the next A.G.M.
- (c) The Vice President elected at the A.G.M. who will automatically become President Elect at the next A.G.M.
- (d) The Chairman of the General Council elected in accordance with rule 11e who will be an ex officio member with voting powers of all committees and General Council Board and be granted an allowance by the General Council towards the cost of the performance of his duties.
- (e) The Vice Chairman of the General Council elected in accordance with rule 11e who will be an ex officio member with voting powers of all committees and the General Council Board. In the absence of the Chairman the Vice Chairman will be Chairman.
- (f) In the event of the death or resignation of either the President, President Elect or Vice President during office, his successor shall assume the post for the remainder of the term. Such term shall not count towards his ensuing period of office in that post.

## 15. COMMITTEES AND DISCIPLINARY PANEL

- (a) The General Council shall elect individuals, committees and members of the General Council Board to manage the society.
- (b) The Administrator will write to the 10 Area Societies after the closure of names for the BS ballot for the new Council, and ask for 2 paid up, BS members from each Area Society, who has been approached and consented to, (but not to be either the Chairman or the Secretary of the Area) to form the Disciplinary Pool, from which 3 members will be selected in the event of a Disciplinary. These 20 members must not have appeared on the BS Council ballot (even if unsuccessful, as they may join the Council in the future, if someone resigns or dies). Also, they should not be members of the BS Show Committee or President. The 3 members selected for any Panel, must not be from the Area(s) that the person(s) against whom the Disciplinary is against, nor must be the instigator of the Disciplinary, or potential witness to the Disciplinary. Also, they should not have been Judging, Stewarding or Officiating at the Show where the Disciplinary matter occurred. These members will serve the length of the General Council, after which the Administrator will write again to the Area Societies for names, which may be the same person, or someone new. The Administrator will be present in any disciplinary hearing to take

# General Rules 2023



minutes and give advice, if asked for, but not take any further part. All members of the Disciplinary Panel shall have been continuous members of the Society for not less than ten years.

(c) A quorum at any committee meeting shall be a majority of members elected to serve on that committee.

(d) The General Council Board, committees and sub committees shall keep minutes of all meetings and submit them to the General Council.

## 16. PROFESSIONAL STAFF

The General Council shall have the power to employ and pay professional or other staff to administer the affairs of The Society.

## 17. LEGAL ACTIONS

The Society shall not initiate or defend litigation until it has taken all reasonable steps to resolve the matter and obtained legal opinion on the chances of success.

## 18. FINANCIAL YEAR

The financial year of The Society shall be from 1st January to 31st December in each year. The profit and loss accounts and balance sheets shall be prepared and audited by a firm of Chartered Accountants. If the auditors resign during the year, the General Council shall have the power to appoint auditors in their place until the next A.G.M.

## 19. THE ANNUAL GENERAL MEETING

The A.G.M. shall be held before 31st May in each year. The agenda for the meeting shall be published in The Society's magazine at least 28 days before the meeting and shall include the following items.

### A General Business

(a) To receive and approve the balance sheet and the profit and loss accounts for the previous year. Copies of the accounts may be obtained from The Society's office for a period of 18 days prior to the A.G.M. The accounts of The Society shall be distributed with the Society's magazine at the first available opportunity after the A.G.M.

(b) To receive a written report of The Society's year (including reports of all of the sub-committees) from the Chairman of The Society.

(c) To receive a report on the postal ballot for election of members to the General Council every third year from 2003.

(d) To announce the election of officers and the members of the sub-committees.

(e) To elect the Vice President.

(f) To determine the rate of joining fee and subscription.

(g) To elect the auditors.

### B Special Business

(a) To consider any resolution which shall have been either:

(i) Submitted to the Society Administrator prior to 30th September of the previous year. Any such resolution must be proposed and seconded by a paid up member of The Society at both the time of submission and consideration.

(ii) Submitted by the General Council to the Society Administrator.

(iii) The complete text of all resolutions shall be published as an addendum to the A.G.M. agenda.

(b) Notwithstanding the provisions of (a) above resolutions to amend the rules of The Society or concerning the boundaries or recognition of Area Societies may only be proposed as follows:

(i) Resolutions proposed and seconded by paid up members of The Society in accordance with (a) (i) may only be put forward in every third year from 1994. Members will be given assistance where required to ensure the wording of any proposal meets all legal requirements.

(ii) Resolutions proposed by the General Council in accordance with (a) (ii) may be put forward in any year.

C. To consider any other relevant business notified to the Society Administrator at least 14 days before the meeting.

## 20. EXTRAORDINARY GENERAL MEETING

(a) An Extraordinary General Meeting of The Society.

(i) May be called by the General Council for any special purpose.

(ii) Shall be called by General Council Board upon receipt of a written requisition from at least 100 members. Such requisition to commence with a proposer and seconder, state the purpose of the meeting and be individually signed by a minimum of 100 members who must be fully paid up at the time of making the requisition and on the day of the meeting save that where it is apparent from the face of the requisition that the business to be transacted is business which under the Rules of the Society cannot validly be transacted at an Extraordinary General Meeting the General Council Board shall so inform the proposer and seconder of such requisition and shall not be required to call an Extraordinary General Meeting of the Society.

(b) The date, time, place and resolutions placed before any E.G.M. shall be advertised in the next published edition of the Society's magazine (or the following edition if the closing date for receipt of information has passed). The date, time and place of the E.G.M. shall be determined by the General Council if called by them and the General Council Board if called by them. The date shall not be less than two weeks or more than six weeks following the publication of the advertisement.

(c) A quorum shall be a minimum of fifty members present.

## 21. VOTING AT GENERAL MEETINGS

(a) A quorum at General Meetings of the Society shall be a minimum of 25 members present

(b) Resolutions relating to General Business must be passed by a simple majority of members present and voting at the meeting

(c) Resolutions relating to Special Business must be passed by a two-thirds majority of all votes cast in accordance with the following provisions:

(i) The votes of those members present and voting at the meeting who have registered their right to vote by producing a blank proxy form endorsed with their membership number when registering their attendance at the meeting.

(ii) The votes of the Chairman as appointed proxy holder for those members of the Society appointing him as their proxy by completing and sending a duly completed proxy form to the Society or its independent appointed scrutineer as directed on the proxy form so as to be received by the Society or its independent scrutineers no later than seven days before the date of the general meeting.

(d) Proxy forms shall be sent to each member of the Society with the issue of the Society's magazine giving notice of the general meeting of the Society.

(e) The proxy form shall provide for the Chairman of the Society to be appointed proxy and in respect of each resolution shall give to the member the opportunity to authorise the proxy to vote either for or against each such resolution or in respect of each such resolution to vote at the proxy's discretion.

(f) All proxy forms not bearing the completing member's membership number shall be invalid.

## 22. AVIAN FLU, NEWCASTLE DISEASE, PSITTACOSIS, REOVIRUS OR TRANSMITTABLE DISEASES

(a) A member or partnership whose birds have or are believed to have either Avian Flu, Newcastle Disease, Psittacosis, Reovirus or any other transmittable disease which results in the death of budgerigars, must notify the Society Administrator of the situation and must not exhibit or visit any bird show until given written permission by the Society Administrator. Such permission only to be given upon receipt of a written

# General Rules 2023



statement from a qualified veterinary surgeon indicating that the birds have been finally cleared of the illness.

(b) A member or partnership whose birds are affected under rule 22(a) above must assist the Society in establishing all relevant links and facts relating to the outbreak.

(c) In the event of any case being reported under 22(a) the General Council shall have the following powers:

(i) To impose such measures as they deem necessary to restrict the transfer and exhibition of birds within local, regional or national zones.

(ii) To withdraw patronage from any show promoting society falling within a zone established under rule 22(c)(i) above.

## 23. MISCONDUCT

A member will be guilty of an offence of misconduct in any of the following circumstances:

(a) Any breach by such members of the General Rules of The Society.

(b) Any breach of such members of the Show Rules of The Society.

(c) Any such member doing any of the following:

(i) Tampering in any manner with a closed coded ring.

(ii) Using a closed coded ring purchased from The Society at any establishment other than at a bona fide address of the member or in the case of a partnership at a bona fide address of any members of that partnership.

(iii) Using or permitting the use of a closed coded ring in respect of birds owned by them or by any partner of theirs pursuant to rule 6e with a number other than their own.

(iv) Using artificial insemination of Budgerigars in any circumstances whatsoever.

(v) Tendering a cheque to The Society which is not met on first presentation or have an outstanding debt to the Society.

(vi) Neglecting or being cruel to, or causing suffering to any Budgerigar or any other bird or animal.

(vii) Knowingly assisting a partner or any other member of The Society in the commission of an offence of misconduct or, where the member knew or ought to have known that a partner or any other member of The Society was committing or intending to commit an offence of misconduct, failing to report or prevent same.

(viii) Failing to observe any measures introduced by the General Council under Rule 22(c)(i) & (ii)

(d) Any member who is also a member of the Judges Panel committing any breach of the Judges' Panel Conditions.

(e) Any member who, in the reasonable opinion of the General Council Board (if the conduct is undisputed by the member) or the Disciplinary Panel, (if disputed), acts in such a manner as to bring the Society or the Budgerigar Fancy into disrepute or to undermine The Society's objectives. Examples include, but are not limited to:

(i) defamatory remarks regarding the Society or any of its practices or events, or its members.

(ii) activity on social media, to include, but not limited to, Facebook, LinkedIn and Twitter, which is damaging to the objectives of The Society, its practices or events or its members."

## 24. PENALTIES FOR MISCONDUCT

(a) Subject to rule 5l any member found guilty of any offence of misconduct in accordance with the procedure laid down in rule 25 shall be liable to receive a reprimand, a fine and or a suspension from all or some of the privileges of membership for a period not exceeding five years or to be expelled from membership.

(b) Previous offences of misconduct for which a penalty has been imposed under the rules of The Society governing misconduct within the period of 5

years may be taken into account in assessing the correct penalty.

(c) In addition to any penalty imposed under (a) above no member suspended from membership or from any of the privileges of membership shall continue to serve as a member of the General Council or any committee or as an Officer of The Society or as a member of the Disciplinary Panel or the Judges' Panel or be capable of being nominated to serve on the General Council or any committee or as an Officer of The Society or to become a member of the Disciplinary Panel or the Judges' Panel during the period of suspension and any member who is reprimanded or receives a fine may also be suspended from continuing to serve as a member of the General Council or any standing sub-committee or as an Officer of The Society or as a member of the Disciplinary Panel or the Judges' Panel or from being nominated to serve on the General Council or any standing sub-committee or as an officer of The Society or becoming a member of the Disciplinary Panel or Judges' Panel during the period not exceeding five years.

(d) the position of a member suspended from all privileges of membership is set out in rule 5(n) and that of a member expelled from The Society is set out in rule 5(o).

## 25. DISCIPLINARY PROCEDURE

(a) All allegations that an offence of misconduct has been committed shall be made to the Society Administrator in writing identifying the member alleged to have committed the offence and giving details of the alleged misconduct. Show Offences as detailed in Rule 7 of the Society Show Rules shall be recorded in accordance with Rule 8 of the Show Rules and thereafter communicated to the Society Administrator in writing.

(b) Upon receipt of any complaint, the Society Administrator shall make such further enquiries as appear to him to be necessary and, subject to such enquiries, shall notify the member against whom the complaint has been made of the nature of the complaint and shall invite the said member to make written submission to the Society Administrator within twenty eight days of receipt of such notification. In the event that no such submission is received it shall be assumed that the said member denies the complaint in full. If the Society Administrator personally has a complaint about a member he should refer it to the Chairman of the Society who shall communicate it to the member and invite the said member to make a written submission to him within 28 days of receipt of such notification. Thereafter the Chairman shall undertake all actions in relation to the said complaint which the Society Administrator would normally take under the rules in respect to the complaint.

(c) The Society Administrator shall refer the complaint to the first meeting of the General Council Board after the expiry of the period referred to in (b) above when the said board shall consider the complaint. If the complaint has been admitted the board shall proceed to deal with the complaint provided that if the board considers the nature of the misconduct warrants suspension from membership or some of the privileges of membership or expulsion it shall inform the said member who shall be given the opportunity to make written or oral representations to the committee as to the penalty to be imposed. Sub-rules g, h, j and m shall apply to the hearing of oral representations as if reference therein to the Disciplinary Panel were reference to the General Council Board.

(d) If the complaint is denied but the alleged misconduct is of a minor nature for which suspension or expulsion would not be an appropriate penalty the board may, if it thinks fit, proceed to a consideration of the complaint on the basis of the written evidence available. In any other case the board shall nominate three members of the disciplinary panel, not being members of the board present at the meeting at which the

# General Rules 2023



complaint is considered, to consider the complaint. The board shall also nominate a fully paid-up individual member of The Society of not less than fifteen years standing who may be another member of the Disciplinary Panel but who shall not be a member of the General Council Board to present the case.

(e) Within seven days of the meeting of the board the Society Administrator shall notify the member against whom the allegation has been made of the decision of that board. In a case where the board has decided the case and imposed a penalty the appeals procedure set out in (n) and (o) below shall apply. In any other case the following paragraphs shall apply.

(f) The Society Administrator shall notify the member against whom the complaint has been made of the names of the Disciplinary Panel nominated to hear the complaint and the member shall have seven days from receipt in which to enter an objection to any one or more of them on the ground that any of them has a conflict of interest. Any such objection shall be referred to a member of the General Council Board nominated for that purpose or in the absence of such member to the Chairman of the General Council who shall nominate a replacement member or members of the Disciplinary Panel if he thinks fit. The decision of the member or the Chairman as to whether to replace the Disciplinary Panel member objected to shall be final.

(g) Prior to the hearing of the complaint the members of the Disciplinary Panel nominated to hear the complaint, the complainant, the member nominated to present the complaint and the member against whom the complaint has been made shall be given copies of all documents which are intended to be relied on at the hearing and the Panel may make directions as to the obtaining of such further evidence or information as they think necessary.

(h) Both the complainant and the member against whom the complaint has been made shall be given not less than fourteen days' notice of the hearing, the date, time and place of which shall be set by the nominated members of the Disciplinary Panel, and shall be entitled to be present at the hearing of the complaint and to call witnesses at their own expense but subject to (s) below.

(i) The costs of attending the hearing incurred by the member nominated to present the complaint and of all witnesses asked to attend by the Panel or by that member shall be paid by The Society on the same basis as expenses of members of the General Council.

(j) The hearing by the Disciplinary Panel shall be governed by the rules of natural justice but subject thereto the Panel may admit any evidence it thinks relevant, whether oral or in writing and whether or not admissible in a Court of Law, but shall be entitled to refuse to hear evidence given by a person with no direct knowledge of the matters of which evidence is to be given if satisfied that no reasonable attempt has been made to obtain evidence from a person with direct knowledge.

(k) A tape recording shall be made of all oral evidence given at the hearing.

(l) If the panel finds the allegation proved to the satisfaction of all members or a majority of such members the panel shall impose a penalty in accordance with rule 23.

(m) Save where the member against whom the complaint was made was present when the panel gave their decision and imposed any penalty such member shall be given written notice of the decision and any penalty.

(n) Any member found guilty of an offence of misconduct for which a penalty of a fine exceeding £500.00 or suspension from some or all of the privileges of membership excluding any order made under rule 23(c) or expulsion has been imposed may within twenty eight days of being notified of the decision of the panel appeal against that decision or against the penalty imposed on any one or more of the following grounds.

- (i) that the panel failed to take into account relevant evidence or
- (ii) took irrelevant evidence into account or

(iii) that the decision was one which no reasonable tribunal could have come to on the evidence available or

(iv) that further relevant evidence has been discovered which could not with due diligence have been obtained prior to the hearing of the complaint or

(v) that the penalty was wholly unreasonable having regard to the gravity of the offence and any previous offences committed in the previous five years.

Notice of appeal shall be given to the Society Administrator in writing stating the grounds on which the appeal is being made.

(o) The appeal shall be heard by two from the President, the President Elect and the Vice President of The Society, if for any reason two or more of them are unable to act, then a replacement or replacements shall be nominated by the President from the Disciplinary Panel not being elected members of the General Council Board or the members of the Disciplinary Panel nominated under rule 24(c) and any appeal shall be heard not later than fifty six days from receipt of the Notice of Appeal. Both the Appellant and the original Complainant shall be given not less than fourteen days notice of the date of the hearing and shall be entitled to attend the hearing at their own expense with or without a Solicitor and to address the appeals tribunal but no further evidence or information shall be placed before the appeals tribunal unless the tribunal is satisfied that such further evidence or information is relevant and could not have been obtained prior to the original hearing. The appeals tribunal may uphold the original decision or penalty or vary or overrule the same but the appeals tribunal shall give no reasons for their decision and that decision shall be final.

(p) After the time for making an appeal has passed without an appeal being made or any appeal made within time has been determined, The Society shall be entitled to publish the details of the complaint, the final decision and any penalty imposed.

(q) All notices required to be given under this rule shall be sent by recorded delivery to the address last notified to The Society in accordance with rule 5(f).

(r) Where any notice required to be given under this rule is not delivered because the recipient has vacated the address without notifying The Society of any new address, or the General Council Board, the Disciplinary Panel nominated to hear the complaints or Appeal Tribunal as the case may be considers that there is evidence that the proposed recipient is avoiding service of the notice, such further steps may be taken to bring the matter to the notice of the recipient as they may direct and subject to taking such steps the complaint or appeal shall be dealt with in accordance with the above rules as if the person against whom the complaint has been made has had proper notice and elected not to appear.

(s) Notwithstanding anything previously contained the Disciplinary Panel and the Appeals Tribunal shall have power to direct that the costs of any person appearing before them in any capacity shall be paid by The Society in whole or in part.

(t) If a complaint is made about any member of the General Council Board, they shall not participate in any meeting of the General Council Board considering the complaint nor discuss it informally with any member of the Disciplinary Panel or Appeal Panel.

## 26. WINDING UP

In the event of a resolution to wind up The Society being passed, its funds shall be divided between the paid up members of The Society at the date of the resolution in proportions equal to the applicable rates of subscription at that date. Membership shall be calculated on the date that the resolution is lodged. For the purposes of distribution only, Life members and Honorary Life members shall be considered adult members.