



RULES FOR THE NASUWT POLITICAL FUND

Hereby the NASUWT Political Fund Rules as adopted by the NASUWT National Executive on 12 January 2018

- (1) The objects of the Union shall include the furtherance of the political objects to which Section 72 of the Trade Union and Labour Relations (Consolidation) Act, 1992, (the Act) applies, that is to say:

The expenditure of money:

- (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
- (b) on the provision of any service or property for use by or on behalf of any political party;
- (c) in connection with the registration of electors, the candidates of any person, the selection of any candidature or the holding of any ballot by the Union in connection with any election to a political office;
- (d) on the maintenance of any holder of a political office;
- (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
- (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his/her attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

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

In these objects:

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

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

'electors' means electors at any election to a political office;

'film' includes any record, however made, of a sequence of visual images,

which is capable of being used as a means of showing that sequence as a moving picture;

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

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

- (2) Any payments in the furtherance of such political objects shall be made out of a separate fund of the Union (hereinafter called the Political Fund).
- (3) The particular rules which apply to those people that joined the Union before 1st March 2018 are set out in Schedule 1 to these rules.
- (4) The particular rules which apply to those people that joined the Union on and after 1st March 2018 are set out in Schedule 2 to these rules.
- (5) For the purpose of enabling each member of the Union to know as respects any such periodical contribution what portion, if any, of the sum payable by him/her is a contribution to the Political Fund of the Union, it is hereby provided that £1.20 of each yearly contribution is a contribution to the Political Fund, and that any member who is exempt shall be relieved from the payment of the sum of £1.20 and shall pay the remainder of such contributions only. The level of contribution may be varied with effect from 1 January in any year by the National Executive.
- (6) A member who is exempt from the obligation to contribute to the Political Fund of the Union shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the Union (except in relation to the control or management of the Political Fund) by reason of his/her being so exempt.
- (7) Contribution to the Political Fund of the Union shall not be made a condition for admission to the Union.
- (8) If any member alleges that s/he is aggrieved by a breach of any of the Rules for the Political Fund, being a Rule or Rules made pursuant to Section 82 of the Act, s/he may complain to the Certification Officer and the Certification Officer, after giving the complainant and any representative of the Union an opportunity of being heard, may if s/he considers that such a breach has been committed, make such order for remedying the breach as s/he thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by Section 95 of the Act, be enforced, in the manner provided for in Section 82 (4) of the Act
- (9) The National Executive shall ensure that a copy of these Rules is available, free of charge, to any member of the Union who requests a copy.

- (10) The union shall include in the annual return that is submitted to the Certification Officer details of political expenditure as required by section 32ZB of 1992 Act.

Schedule 1

Rules that apply to members that joined the Union before 1st March 2018

Notice to members

1. As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the Union, it shall ensure that a notice in the following form is given to all members of the Union.

Notice to Members

Trade Union and Labour Relations (Consolidation) Act 1992 (as amended)

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the union.

Every member of the union has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from, the head office of the union or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

This form, when filled in, or a written request to the like effect, should be handed or sent to the General Secretary.

2. This notice shall be published to members by such methods as are used by the union to publish notices of importance to members and shall include the following minimum requirement; that the notice be published in the Union's main journal which is circulated to members.

Request for exemption

3. A member of the Union may at any time give notice a) on the form of exemption notice specified in Rule 4 of this Schedule, or b) written request in a form to the like effect, that he objects to contribute to the political fund. A form of Exemption Notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the head office of the Union, or from

the Certification Office for Trade Unions and Employers' Associations, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

4. The form of an exemption notice shall be as follows:-

NASUWT - The Teachers' Union Political Fund Exemption Notice	
<p>I give notice that I object to contributing to the political fund of the NASUWT and am in consequence exempt, in the manner provided by Chapter VI of the Trade Union and Labour Relations (Consolidation) Act 1992, from contributing to that fund.</p>	
Print Name.....	Signature:
Address:	
Date:	

5. Any member may obtain exemption from contributing to the political fund by sending a Notice of Exemption to the General Secretary or such other person as is identified in the Notice to Members in Rule 1 of this Schedule. On receiving the Notice of Exemption the Union shall send an acknowledgement of its receipt to the member at the address in the notice, and shall process the exemption as soon as reasonably practicable.

Manner of giving effect to exemption

6. On giving such notice, a member shall be exempt, so long as his/her notice is not withdrawn, from contributing to the Political Fund of the Union as from either: (a) the first day of January next after the notice is given, or, (b), in the case of a notice given within one month after the notice given to members under Rule 1 of this Schedule, or after the date on which a new member admitted to the Union is supplied with a copy of these Rules under Rule 9, as from the date on which the member's notice is given.
7. The Union shall give effect to the exemption of members to contribute to the Political Fund of the Union by relieving any members who are exempt from the payment of part of any periodical contribution required from the members of the Union towards the expenses of the organisation as hereinafter provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment.

Schedule 2

Rules that apply to people that joined the Union on or after 1ST March 2018

Opting in by union members to contribute to political funds

1. A member cannot be required to make a contribution to the political fund of the Union unless they have given notice of their willingness to contribute to that fund (an “opt-in notice”).
2. A member of the Union who has given an opt-in notice may withdraw that notice by giving notice to the union (a “withdrawal notice”).
3. A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.
4. A member of the Union may give an opt-in notice or a withdrawal notice:-
 - (a) by delivering the notice (either personally or by an authorised agent or by post) at the head office of the union;
 - (b) by sending it by e-mail to the following email address: nasuwt@mail.nasuwt.org.uk;
 - (c) by completing an electronic form provided by the Union which sets out the notice and sending it to the Union by electronic means in accordance with instructions by the union;
 - (d) by any other electronic means prescribed under the 1992 Act (as inserted by the 2016 Act).

Information to members about opting in to the political fund

5. The Union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the Union is sent to the Certification Officer, all the members of the Union are notified of their right to give a withdrawal notice.
6. Such notification shall be published to members by such methods as are used by the Union to publish notices of importance to members and shall include the following minimum requirement:- that the notice shall be published in the Union’s main journal which is circulated to members.
7. The notification may be included with the statement required to be given by section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992.

8. The Union shall send to the Certification Officer a copy of the notification which is provided to its members in pursuance of this section as soon as is reasonably practicable after it is so provided.
9. Where the same form of notification is not provided to all the members of the Union, the union shall send to the Certification Officer a copy of each form of notification provided to any of them.
10. If any member alleges that s/he is aggrieved by a breach of any of these rules for giving information to members about opting into the political fund, being a rule or rules made pursuant to section 84A of the 1992 Act, s/he may complain to the Certification Officer. Where the Certification Officer is satisfied that the Union has failed to comply with a requirement of section 84A of the 1992 Act the Certification Officer may make such order for remedying the failure as s/he thinks just under the circumstances. Before deciding the matter the Certification Officer:-
 - (a) may make such enquiries as the Officer thinks fit;
 - (b) must give the Union, and any member of the Union who made a complaint to the Certification Officer regarding the matter, an opportunity to make written representations; and
 - (c) may give the Union, and any such member as is mentioned in clause (b), an opportunity to make oral representations.

Manner of giving effect to decision not to contribute to political fund

11. The Union shall give effect to the members decision not to contribute to the political fund of the Union by relieving any members who are not contributors from the payment of part of any periodical contribution required from the members of the Union towards the expenses of the organisation as hereinafter provided and such relief shall be given as far as possible to all members who are not contributors exempt on the occasion of the same periodical payment-
12. Any form (including an electronic form) that a person has to complete in order to become a member of the Union shall include:-
 - (a) a statement to the effect that the person may opt to be a contributor to the fund; and
 - (b) a statement setting to the effect that a person who chooses not to contribute to the political fund shall not, by reason of not contributing, be excluded from any benefits of the union or be placed in any respect either directly or indirectly under a disability or at a disadvantage as compared with other members of the union (except in relation to control of the political fund).

POLITICAL FUND (NORTHERN IRELAND)

The Rules for the Political Fund of the Union above shall have effect in Northern Ireland subject to the following modifications, namely, rules 2, 3, 8 shall be omitted therefrom and the following shall be substituted for Schedules 1 and 2:

Schedule: Northern Ireland

- (1) No member of the Union in Northern Ireland shall be required to make any contribution to the Political Fund of the Union unless s/he has delivered, as provided in Rule 5, at the Head Office of the Union, notice in writing in the form set out in Rule 3, of his/her willingness to contribute to that Fund, and has not withdrawn the notice in manner provided in Rule 5.
- (2) Every member of the Union who has not delivered such a notice, or who, having delivered such a notice, has withdrawn it in manner provided in Rule 4, is to be deemed for the purpose of these Rules to be a member who is exempt from the obligation to contribute to the Political Fund of the Union.
- (3) The form of notice of willingness to contribute to the Political Fund of the Union is as follows:

FORM OF POLITICAL FUND CONTRIBUTION NOTICE

NASUWT – The Teachers' Union

Name of Member's Local Association (if any).....

POLITICAL FUND (CONTRIBUTION NOTICE)

I HEREBY give notice that I am willing, and agree, to contribute to the Political Fund of the NASUWT, and I understand that I shall, in consequence, be liable to contribute to that Fund and shall continue to be so liable unless I deliver at the Head Office of the Union a written notice of withdrawal; I also understand that after delivering such notice of withdrawal I shall still continue to be liable to contribute to the Political Fund until the next following first day of January.

Signature

Address

.....Postcode

Membership Number (if any)

Date day of 20

- (4) If at any time a member of the Union who has delivered such a notice as is provided for in Rules 1 and 3 gives notice of withdrawal thereof, delivered as provided in Rule 5, at the Head Office of the Union, s/he shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.
- (5) The notices referred to in Rules 1, 3 and 4 may be delivered personally by the member or by an authorised agent of the member, and any notice shall be deemed to have been delivered at the Head Office of the Union if it has been sent by post properly addressed to that office.
- (6) The Executive shall give effect to the exemption of members to contribute to the Political Fund of the Union by making a separate levy of contributions to that Fund from the members of the Union who are not exempt. No monies of the Union other than the amount raised by such separate levy shall be carried to the Political Fund of the Union.
- (7) If any Northern Ireland member alleges that s/he is aggrieved by a breach of any of the Rules of the Political Fund, being a Rule made pursuant to Section 72 of the Trade Union and Labour Relations (Consolidation) Act, 1992, s/he may complain to the Registrar of Friendly Societies of Northern Ireland, and the Registrar, after giving the complainant and any representative of the organisation an opportunity of being heard, may, if s/he considers that such a breach has been committed, make such order for remedying the breach as s/he thinks just in the circumstances. Any such order of the Registrar shall be binding and conclusive on all parties without appeal and shall not be removable into any Court of law or restrainable by injunction, and, on being recorded in the County Court, may be enforced as if it had been an order of the County Court.
- (8) A return in respect of the Political Fund of the Union shall be transmitted by the Union to the Registrar of Friendly Societies for Northern Ireland before the first day of June in every year, prepared and made up to such a date in such form and comprising such particulars as the Registrar may from time to time require, and every member of the Union shall be entitled to receive a copy of such return, on application to the Treasurer or Secretary of the Union, without making any payment for the same.