

Educational Institute of Scotland

RULES FOR POLITICAL FUND

1. The objects of the Educational Institute of Scotland (the EIS) shall include the furtherance of the political objects to which section 72 of the amended Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies. These objects are:-

1.1. 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 candidature of any person, the selection of any candidate 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.

1.2. 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 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.

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

1.4. 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 **1 March 2018** and to political funds set up before **1 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 or after **1 March 2018** and to political funds set up after on or 1 March 2018 are set out in Schedule 2 to these rules.
5. For the purpose of enabling each member of the union who may pay a political contribution to know in respect of any such contribution, what portion, if any, of the sum payable by him is a contribution to the political fund of the union, it is hereby provided that £1.80 of annual 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 £1.80 and shall pay the remainder of such contribution only.
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 being so exempt.
7. If any member alleges that he is aggrieved by a breach of any of these rules for the political fund, being a rule or rules made pursuant to section 82 of the 1992 Act, he may complain to the Certification Officer, and the Certification Officer, after making such enquiries as he thinks fit and after giving the complainant and the union an opportunity of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as 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 1992 Act, be enforced in the manner provided for in section 82(4) of the 1992 Act.

8. Contribution to the political fund of the union shall not be made a condition for admission to the union.
9. 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 the 1992 Act.
10. The union shall ensure that a copy of the political fund rules is available, free of charge, to any member of the union who requests a copy.

Schedule 1

Rules that apply to members that joined the Union before 1 March 2018 and political funds set up before **1 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.

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| <p style="text-align: center;"><u>Notice to Members</u></p> <p style="text-align: center;">Trade Union and Labour Relations (Consolidation) Act 1992 (as amended)</p> <p>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.</p> <p>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 or any branch 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.</p> <p>This form, when filled in, or a written request to the like effect, should be handed or sent to the General Secretary or the Membership Dept, EIS, 46 Moray Place, Edinburgh EH3 6BH.</p> |
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2. This notice shall be published to members by such methods as are used by the union to publish notices of importance to members. It is the union's current practice to publish such notices by: the union magazine (the SEJ) and on its website.

Request for exemption

3. Any member of the union may at any time give notice a) on the form of exemption notice specified in rule 5, 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 or any branch 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:-

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| Name of Trade Union |
| POLITICAL FUND EXEMPTION NOTICE |
| I give notice that I object to contributing to the political fund of the union 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. |
| 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. 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 an exemption notice, a member shall become exempt from contributing to the union's political fund, where the notice is given:-
- (a) Within one month of the giving of Notice to Members in rule 1 following the passing of a political resolution on a ballot held at a time when no such resolution is in force, as from the date on which the exemption notice is given; or
 - (b) In any other case, as from 1st January next after the exemption notice is given [or any earlier date as decided by the union].
7. The union shall give effect to the exemption of members from contributing to the political fund of the union by relieving members who are exempt from the payment of the whole or part of any periodical contributions required from members towards the expenses of the union.

Schedule 2

Rules that apply to people that joined the Union on or after 1 March 2018 and to political funds set up on or after **1 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 a trade 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 a trade 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 or a branch office of the union;
 - (b) by sending it by e-mail to the following email address: membership@eis.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 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 may be given:-
 - (a) by sending individual copies of it to members; or
 - (b) by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.
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. A trade 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 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, 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 Officer may make such order for remedying the failure as 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 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 members who are not contributors from the payment of the appropriate portion of any periodical contribution required from members towards the expenses of the union.
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).