



European Shuai Jiao Union

Constitution and Rules

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1 Name

- 1.1 The name of the organisation shall be the 'European Shuai Jiao Union' (hereinafter referred to as 'ESJU').

2 Objects

2.1 The Objects of the ESJU

- a) To promote and develop Shuai Jiao (Chinese Wrestling) in Europe. b) To co-operate with Shuai Jiao organisations worldwide in order to further promote and develop Shuai Jiao.
- c) To represent the interests of its members in relations with Chinese martial arts international governing bodies, in general; and Shuai Jiao international governing bodies, in particular.
- d) To regulate and improve the conditions of Shuai Jiao practice in Europe. e) To ensure that prospective participants of Shuai Jiao are not excluded on the grounds of race, creed, religion, sex, sexual orientation, age or disability.

2.2 Without prejudice to any other provisions of these rules, the ESJU may, in furtherance of these objects or any one or more of them:

- a) Provide funds by way of membership or otherwise as may from time-to-time be determined and accept gifts of money or in kind and carry out any trusts in relation to any such gifts which are in conformity with the objects of the ESJU or any of them.
- b) Acquire, purchase, lease, hold, charge, exchange, sell, or otherwise deal with land and buildings of any tenure and property of all kinds which it is lawful for the ESJU to hold.
- c) Contribute to the funds of, or guarantee money for, or otherwise aid, or combine with, or affiliate to, or enter into agreement or arrangements with any other organisation, whether corporate or incorporate, having all or any objects similar to those of the ESJU.
- d) Carry out educational work in the interests of its members, publish articles and reports, produce video tape or DVD recordings, and other suitable material to the furtherance, promotion and development of Shuai Jiao.

- 2.3 For all or any of the above objects, the ESJU may do all such things not hereinbefore specified as are identical, or conducive to, or which will further the objects of the ESJU.

3 Membership

3.1 European Continent

- a) Membership is restricted to those countries belonging to the European continent. The European continent is defined as being bounded to the north by the Arctic Ocean to the west by the Atlantic Ocean to the South by the Mediterranean sea and to the east by the Black Sea and the Ural Mountains. The only current exceptions to this definition are Iceland and Cyprus. Applications for membership of the ESJU from countries outside of the defined European continent must be considered by the full Council of the ESJU.

3.2 Council Membership

- a) Each duly elected national Shuai Jiao union President, or his/her representative, authorised to act and vote on behalf of their union with respect to their nations interests, is appointed as a member of the Council. The President or his/her representative should be a resident and national of the country whose interests they seek to represent.
- b) The Council is: chaired by the President of the Council (in his/her absence, the Vice President of the Council will act as the chair); administered by the Secretary General; communications and public relations (specifically media) matters are managed by the Vice President; and finance matters are managed by the Treasurer. The President, Vice President, Secretary General and Treasurer are neutral, and may not represent the interests of their nation's Shuai Jiao union whilst serving in this capacity. Where appropriate, a representative of their nation's Shuai Jiao union (normally the Vice President) will take their nation's seat and represent their interests at Council meetings.
- c) The President of the Council, the Vice President, the Secretary General and the Treasurer are elected from the membership of the Council for a term of three years; and may not serve more than two terms in succession.
- d) In the event that a member of the Council is elected as President of the Council, Vice President, Secretary General, or Treasurer, a representative of their nation's Shuai Jiao union (normally the Vice

President) will take their seat and represent their nation's interests.

3.3 Admission

- a) Application for membership of the ESJU shall be approved by the President of the Council and administered by the Secretary General.
- b) Where there is no duly constituted national Shuai Jiao union in the applicant's country, the applicant shall form such a union. The applicant will then apply to the Secretary General for membership of the ESJU, in writing. The application shall be made in such form, and with such particulars (including first year's membership) as the Council shall from time-to-time prescribe.
- c) Where there is a duly constituted national Shuai Jiao union established, no further application can be considered.
- d) If the application is rejected, the Secretary General shall notify the applicant in writing. The applicant shall then be notified and informed that an appeal can be made against that decision to the Council, and that notice of appeal must be given in writing to the Secretary General within fourteen days of the date when the applicant received notice of the said decision.
- e) The applicant shall be entitled to make representations in writing to the Council and the Secretary General shall inform the Council of the reasons for the rejection. The Council shall consider the appeal on the basis only of the said written representations. The decision of the Council shall be final.
- f) On acceptance of an application, membership shall commence on the date the applicant receives their membership documentation.

3.4 Associate Membership

- a) A member of any other Chinese martial arts organisation, whose objects are in line with those of the ESJU, may apply for associate membership to the Secretary General. Their application shall be considered by the Secretary General and approved by the President of the Council. The usual rules of Admission will then apply.

3.5 General

- a) Where any doubt arises as to the eligibility of an applicant, the application shall be referred to the Council whose decision on eligibility shall be final.

- b) In the case of an applicant who has previously belonged to the ESJU has ceased, for any reason, to be a member (whether by exclusion for non-payment of membership, or by expulsion or otherwise), the application or impose conditions as to payment of any monies or membership fees previously unpaid or other conditions as it may, in its discretion, think fit.
- c) Notwithstanding anything in these rules, the Council may, by giving 28 days notice in writing, terminate the membership of any member, if necessary, in order to comply with a decision based on appropriateness of conduct.
- d) A member may, by not less than 28 days notice in writing to the Secretary General, resign from the ESJU.

4 Rights and Duties of Members

- 4.1 National Shuai Jiao Unions: The President of each national Shuai Jiao union or their representative shall be entitled to take part in all the activities of the ESJU to which he/she belongs and to vote on any matter requiring decision by vote. He/she shall be qualified, subject to any restrictions imposed by these rules, and provided that he/she is not a member of any 'subversive' organisations, to hold any office in the ESJU and be entitled to such benefits and privileges as are provided by these rules or may from time-to-time be determined in accordance with these rules.
- 4.2 Associate Members: An associate member shall only be entitled to attend and speak (but not to propose or second any motion or amendment) at an ESJU meetings, with prior approval of the President of the Council. He/she shall have no voting rights, nor shall he/she be eligible to be nominated for, or to be elected to, any office of the ESJU.
- 4.5 Duties: Every member shall belong to a national Shuai Jiao union and be resident in the country of the union to which they belong.
- 4.6 Every member shall pay: membership and other sums required to be paid under these rules, as and when the same may be payable.
- 4.7 Members shall, at all times, observe the rules of the ESJU and any regulations made thereunder, and abide by any decisions properly made under the rules, and shall carry out any duty or obligation imposed and any orders or directions given by, or under the rules.
- 4.8 A person ceasing to be a member of the ESJU for any reason, shall cease to have any interest or right whatsoever in, or over the funds and

property of the ESJU.

- 4.9 On an ordinary member ceasing for any reason to be an ordinary member, he/she shall thereupon cease to hold any office in the ESJU to which he/she was elected or appointed as an ordinary member, or to represent the ESJU on any other body. Save that if an ordinary member, who has been elected as a trustee or member of the Council becomes an associate member, he/she shall not be required to relinquish that office until the conclusion of the next Annual Conference.

5 Membership Fees

- 5.1 National Shuai Jiao Unions: Each national Shuai Jiao union shall pay an annual membership fee determined by the Annual Conference and published by the Council. This membership fee will cover membership of the ESJU.
- 5.2 Associate Members: Associate members shall pay a membership fee of an amount determined by the Annual Conference.
- 5.3 Payment: When membership fees are paid in cash to the Treasurer, such membership fees shall be due and payable not later than the 5 days after expiry of membership.
- 5.4 Arrears:
- a) A member in arrears with membership fee at any time, amounting to not less than one year's membership fee, shall be given notice by the Treasurer that, if the same is not paid or some explanations given in writing within one month of the service of such notice which, in the opinion of the Council is considered satisfactory and the arrears due are not paid or arrangements satisfactory to the Treasurer for such payment are not made within that period then, on the expiration of that period, the member will be excluded from the ESJU.
 - b) If a member gives an explanation which the Treasurer considers unsatisfactory, it shall so-inform the member in writing who may then, within seven days thereafter, appeal in writing to the Council which, after considering the written representations of the member shall decide whether to exclude the member or not. A member so appealing, shall not be excluded under this rule, unless and until the Council so determines. The decision of the Council shall be final.
 - c) If a member is indebted to the ESJU for any reason, in a sum exceeding one year's membership fee (except for a loan made to the member by the

ESJU and not then due for repayment), he/she shall be deemed, for the purposes of this rule, to be in arrears with the membership fee to the extent of his/her indebtedness.

6 Structure

- 6.1 The governing body of the ESJU shall be the Annual Conference hereinafter provided.
- 6.2 The general management and control of the ESJU, and the handling of its affairs, shall be vested in the Council. The Council is to conduct its affairs in accordance with the principles and policies of the ESJU as determined by the Annual Conference.
- 6.3 The membership of the ESJU shall be organised into branches represented by national Shuai Jiao unions.

7 Annual Conference

7.1 Annual Conference Date and Location:

- a) The Annual Conference shall be held in either April, May or June, at such time and place as the Council may decide.
- b) Annual Conference shall receive a report and statement of accounts for the year from the retiring Council. This should be in the hands of the membership at least 4 weeks before the date of the Annual Conference.
- c) Annual Conference shall determine the principles and policy of the ESJU and elect to all positions falling due to be filled.

7.2 General:

- a) Voting at Annual Conference shall be by show of hands except when a card vote is demanded by at least two thirds of the Council. The basis of the card vote shall be one vote per national Shuai Jiao union. A card vote shall only be operative in connection with motions and recommendations which were capable of being discussed by national Shuai Jiao unions.
- b) The President of the Council or, in his/her absence the Vice President, shall preside at Annual Conferences. The officer presiding at the time shall be entitled only to a casting vote in the event of an equal number of votes being cast on either side of the motion.
- c) The Council shall attend any conferences held under this rule.

8 Conference Representation

8.1 Qualifications:

- a) Representation at the Annual Conference shall be from national Shuai Jiao unions which are not one year or more in arrears with membership, license and insurance fees as at 31 March preceding the Annual Conference. The membership of the national Shuai Jiao unions shall be calculated on the basis of the number of members who are not one year or more in arrears with membership, license and insurance fees at that date. The President of each national Shuai Jiao Union will be required to render to the Office of the Secretary General of the ESJU a membership return, on the basis of membership at 31 March, by 15 April, of the year in which the Annual Conference is to be held.
- b) In the event of any national Shuai Jiao union failing to submit such a return by 15 April, the number of members in the branch, as at 31 March preceding, shall be decided by a headquarters' audit of the membership database which shall establish the average number of members in the year ending 31 March and shall declare that to be the membership as at 31 March.
- c) Exceptionally, the Council shall have power to allow representation to a national Shuai Jiao union one year or more in arrears where it can be shown that the arrears derive from factors other than ineffective branch organisation.

8.2 Number of Branch Delegates

- a) National Shuai Jiao union, branches shall be represented at Annual Conference by appointed members of their respective branches (as a maximum) as follows:

membership up to 100 - 1 delegate
membership between 101 and 200 - 2 delegates
membership between 201 and 300 - 3 delegates
membership between 301 and 400 - 4 delegates
membership between 401 and 500 - 5 delegates

with one additional delegate for each complete 100 members thereafter.

8.3 General:

- a) The Council may invite any member serving as an officer of the ESJU in a

programme delivery capacity, who is not appointed as a delegate, to attend as an official visitor to Annual Conference, the expenses being paid by the said officer.

- b) The Council shall have power at its discretion to allow Shuai Jiao organisations, including those outside of Europe for which direct Annual Conference representation is not otherwise provided, to be directly represented at Annual Conference, if circumstances justify this course.
- c) Branches may, at their own expenses, send observers to Annual or Special conferences of the ESJU. Notification of observers should be sent to the Office of the Secretary General by 31 March of the year in which the Conference is taking place. The allocation of seats shall be determined by the Secretary General according to the accommodation available, and will not exceed the maximum number of delegates under rule 8.2. Such observers shall be provided with all official conference documents as issued to branch delegates.
- d) The Council Executive shall have power to invite visitors to attend the Annual Conference at the expense of the ESJU.
- e) Any delegate elected under these rules must be a member of the branch he/she represents.

9 Motions

9.1 Ordinary motions:

- a) Motions for the Annual Conference shall be received by the Secretary General not later than eight weeks before the date of such Annual Conference. The Secretary General shall then circulate the document, containing the motions, to the branches at least three weeks before the date of the Annual Conference.
- b) Motions for discussion at the Annual Conference must proceed either from branches or the Council. Motions must have been previously passed at a properly constituted meeting of the members of the branch submitting such motion or of the Council and shall, when being forwarded to the Secretary General, be signed by the President of the national Shuai Jiao union.
- c) Motions from branches shall only be submitted on specially prepared motion forms. One form will be for motions which only relate to subject matter in a particular section and shall be sent to the appropriate section officer. The form for motions will only relate to subject matter concerning the practice and promotion and development of Shuai Jiao by members

of the ESJU as a whole, or any other organisation with which the ESJU is affiliated. The President, in consultation with the Annual Conference Event Organiser, shall exercise his/her authority to transfer motions wrongly submitted to section conferences, to the Annual Conference, or to invalidate any motion which would result in two separate debates on one subject at two different conferences.

9.2 Emergency motions:

- a) Emergency motions for discussion at the Annual Conference must proceed either from national Shuai Jiao unions or the Council. Emergency motions must have been previously passed at a properly constituted meeting of the members of the branch submitting such motions, or of the Council, when being forwarded to the Office of the Secretary General, and be signed by the President of the national Shuai Jiao Union.
- b) Branches wishing to submit emergency motions for the Annual Conference, shall notify the Annual Conference Committee in writing by 5.30pm on the Wednesday preceding conference of their intention to convene a Special General Meeting of their branch together with the terms of the proposed emergency motion.
- c) A decision of a Special General Meeting, or of the Council Executive, to submit an emergency motion to conference, must be notified to the Annual Conference Committee by 7.00pm on the Friday evening preceding conference together with confirmation of the actual wording of the motion.
- d) The Annual Conference Committee shall circulate the document containing the emergency motions on the day preceding conference.

10 Annual Conference Committee

10.1 Composition:

- a) There shall be Annual Conference Committee consisting of four members of the ESJU who shall be ordinary members. Each Annual Conference shall elect at least one member of the Annual Conference Committee to serve until the conclusion of the Annual Conference in the third year after his/her election.
- b) The Chairperson of the Annual Conference Committee shall be the member, or one of the members, with the highest rank or such other member of the Annual Conference Committee as the Annual Conference

Committee shall select.

- c) In the event of any casual vacancy, a member of the Council Executive may fill the vacancy until the conclusion of the next Annual Conference. In the event of the Chairperson ceasing to be a member of the Annual Conference Committee, the member with the longest continuous service on the Annual Conference Committee shall become Chairperson for the unexpired period of office of the former Chairperson and shall, if so qualified, remain Chairperson for the next succeeding period or, in the event of two or more members being equally qualified, the Chairpersonship shall be decided by lot.
- d) A member of the Annual Conference Committee shall be eligible for re-election on the expiry of the term for which he/she was last elected or appointed.
- e) The quorum for the Annual Conference Committee shall be three.

10.2 Functions: The Annual Conference Committee shall operate for all Annual Conferences of the ESJU and shall:

- a) Upon receipt from the Secretary General of all motions submitted by branches and the Council Executives for consideration by delegate conference, accept such motions as are in compliance with these rules and are received in due time. All other motions shall be rejected. The Annual Conference Committee shall ensure that the Chairperson is supplied with copies of all motions as received from branches. Before rejecting any motion, the Annual Conference Committee shall consult with the Chairperson thereon.
- b) Arrange approved motions into a convenient agenda and construct composite or comprehensive motion therefrom.
- c) After consultation with the Chairperson, or the presiding officer of the conference, draws up a timetable for the conference, and submit agenda timetable and any other recommendations it may think desirable to facilitate the business of the conference, for consideration and decision.
- d) The Chairperson or the presiding officer of the conference, will manage all matters relating to conference agenda, timetable, procedure (including admission of emergency motions) and report and recommend thereon as necessary.
- e) At all stages, supply the Secretary General with all necessary material within the authority of the Annual Conference Committee to enable the

agenda to be issued according to rule.

- 10.3 Publication of motions: Withdraw from conference or from the agenda for, or from any report to conference, any matter which the President and the Secretary General may consider (after taking legal advice - such legal advice shall be in writing) may provide grounds for any civil or criminal process against the ESJU or its officers, or agents or printers, The decision of the Chairperson and Secretary General on such a matter shall be final and shall not be open to discussion or challenge in any form by, or at conference, or at all.

11 The Council Executive

- 11.1 Composition: The Council Executive shall consist of the President, the Vice President; the Secretary General, and the Treasurer.
- 11.2 The Council Executive shall be elected every three years in accordance with constitutionally established procedures.
- 11.3 Limitations:
- a) The election of the Council Executive shall be subject to the limitation provided in the sub-rule.
 - b) One person from any one branch or within one section may initially be elected to fill any vacancy for such position. If more than one person from any such branch or section, should receive the highest votes and, but for this sub-rule, would be elected to fill other vacancies for these positions, the total number to be elected from that branch or section shall be restricted to not more in proportion to the aggregate number of vacancies for Vice President and ordinary members of that branch or within that section to the total of the ordinary members of the ESJU.
 - c) In the event of a casual vacancy for the office of ordinary member, the member receiving the next highest vote at the last election of a member ceasing to hold office, and whose election would not transpose the limitation imposed by the preceding sub-rule, shall be appointed by the Council Executive or, in its discretion, an election shall be held to fill the vacancy for the unexpired term of the member ceasing to hold office.
 - d) If a candidate receives the highest number of votes in more than one of the ballots for President, Vice President and ordinary members of the Council Executive, he/she must only accept one of those positions, and the runner-up in each of the ballots for the position or positions which have been declined by that candidate, shall be deemed to have been elected to that position.

- e) A successful candidate for President, must accept that position and decline any other position to which he/she may have been elected. A successful candidate for Vice President, must accept that position and, and if he/she has also been elected an ordinary member of the Council Executive, decline that position.

11.4 Powers:

- a) The Council Executive shall, in particular, but without limiting its general powers under rule 6 or any other power vested in the Council Executive under these rules, have power:
 - i) to organise, open, amalgamate, subdivide or close branches and other units or organs of the ESJU;
 - ii) to organise a head office branch for members of the ESJU who are not members of any other branch constituted under these rules, and to appoint an official at the head office of the ESJU to administer the affairs of that branch;
 - iii) except as provided in the next succeeding sub-clause, to make, vary or rescind regulations and bye-laws for the conduct of the business of the ESJU and all committees, units or organs of the ESJU;
 - iv) upon the recommendation, or with the agreement of a branch or assembly of branches, to vary, rescind, replace the regulations in the appendices to these rules in accordance with local circumstances but not otherwise generally to vary or replace such regulations except with the approval of an Annual Conference. Where however any branch or other organ of the ESJU, by reason of the geographical distribution of its members or for any other cause, is unable or fails to convene an annual general meeting, or to carry out the regulations set out in the relevant appendix, the Council Executive may, in its discretion, suspend the operation of such regulations as may be proper;
 - v) to appoint such sub-committees as it may deem necessary and to delegate to any such sub committee any powers of the Council Executive with all decisions of sub-committees to be ratified by the Council Executive.
 - vi) to appoint advisory committees which may include members of the ESJU who are not member of the Council Executive, as the Council Executive may from time-to-time think fit;
 - vii) to fill any casual vacancies on the Council Executive, or in any other office

filled by election for which no other provision is made in these rules;

- viii) to defray out of the central funds of the ESJU, the travel and subsistence expenses of delegates to Annual Conferences;
- ix) to take levels in addition to membership, license and insurance fees if it considers this to be necessary;
- x) to require the attendance of any member of the ESJU at any meeting of the Council Executive or sub-committee and to invite any other person to such a meeting.

11.6 Procedure:

- a) The Council shall meet regularly on a six-monthly basis.
- b) The Council Executive shall meet at such other times as the President or Secretary General deem necessary, or at the request in writing of a majority of the ordinary members (in the last event for the purpose of dealing only with the matter for which such members request the meeting).
- c) Any member absent from a Council meeting shall furnish a reason for such absence. Any member absent for two consecutive regular meetings without a reason which is, in the opinion of the Council Executive, satisfactory, shall be deemed to have resigned from office.
- d) The quorum of any meeting of the Council shall be five.
- e) The President or, in his/her absence, a Vice President or, in their absence an ordinary member of the Council appointed by the meeting, shall preside at meetings of the Council.
- f) All questions arising at a meeting, except any question which, by these rules, or by any agreement or contract made by the Council are to be decided in a special manner, shall be decided by a majority of the votes cast; provided that, in the event of an equality of votes, the presiding officer shall have a second or casting vote. Save on the exercise of a casting vote, the President shall have no vote at any meeting of the Council Executive or any sub-committee over which he/she presides.
- g) The Council shall, in all matters where this procedure is not expressly laid down by, or under these rules, determine its own procedure.
- h) Any sub-committee of the Council shall conduct its business in

accordance with such procedures as these rules provide, or as the Council may direct or, failing such provision or directions, as the sub-committee itself may decide.

12 Officers

- 12.1 The ESJU shall have the following officers: the President; the Vice President; the Secretary General; and the Treasurer.
- 12.2 In the event of a vacancy for an officer of the ESJU, the Council Executive shall make the necessary arrangements for the election. The vacancy shall be advertised and open to applicants from within the ESJU with the approval of the national Shuai Jiao union. The procedure for the election shall be that currently in use for the election of the Council Executive with the exception of the timetable which shall be appropriate to the vacancy, and that an election address of not more than 1,000 words will be permitted for each candidate. The successful candidate in the election shall serve a term in line with the remainder of the Council Executive and not more than three years in office (maximum) whereupon a fresh election shall be held. The Council Executive shall make no recommendation as to the suitability of the candidates, their references etc in any form whatsoever either prior to, or during the election.
- 12.3
- a) The ESJU shall have such number of Assistant Secretaries as Annual Conferences may from time-to-time authorise.
 - b) The Council Executive shall appoint initially for a probationary period of twelve months. On the expiration of that period, the Council Executive may either confirm the appointment or recommend to the next succeeding Annual Conference that the appointment be not confirmed. The Annual Conference shall, in that event, determine or confirm the appointment. Between the end of the probationary period and conference decision, the officer will remain in post.
- 12.4 The Council Executive shall decide the date on which any decision under this rule shall become operative, and shall determine the appointment.
- 12.5 The Secretary General, under the direction of the Council Executive, shall be empowered to deal with all matters affecting staff of the ESJU including the number required, appointment, dismissal, and discipline.
- 12.6 It shall be the policy of the ESJU to deal with recognised Chinese martial arts matters for the purpose of collective discussions on behalf of all members.

12.7 The ESJU shall maintain a fund for the provision of benefits to associates of the ESJU as Annual Conference may, from time-to-time, approve. The Council Executive shall be responsible for the administration of such fund and shall appoint and remove trustees or a corporate trustee therefore, and such officers and other staff therefore, and shall apply such sums out of the general funds of the ESJU as may be requisite, and may arrange such policies of insurance or other matters as may be deemed proper in connection therewith.

13 Ballots

13.1 Ballots: Elections, except for those under rule 11, shall be by ballot at the Annual Conference called for that purpose, voting in the ballot being on the same basis as for card vote.

13.2 Returning Officers:

- a) The Council Executive shall appoint at least three Branch Secretaries to act as Returning Officers over all ballots of the ESJU authorised by the Annual Conference or the Council Executive whenever taken. The appointed Branch Secretaries will decide on the Chief Returning Officer from their number.
- b) The Returning Officers shall issue such regulations as they consider necessary after consultation with the Council Executive for the procedure and conduct of any national ballot, and such regulations shall be published with the annual report.
- c) Provide to the Chairperson duly certified results of any ballot.
- d) Provide to ordinary members, a copy of any ballot paper completed for this branch on receipt of a request in writing at any time after the ballot but not later than 28 days after the publication of the official record of decisions booklet.

13.3 Eligibility: Members who become associate members, shall immediately cease to be eligible for the election to any office. They shall, forthwith, relinquish any offices they may hold except that, members elected by national committees who become associate members between these conferences, shall be eligible to function until the next Annual Conference.

13.4 Vacancies: The Council Executive shall have power to fill vacancies that occur between Annual Conferences.

14 Council Executive Elections

14.1 This rule applies to all posts due for election under rule 11.

14.2 The Secretary General shall:

- a) After consultation with the President, and subject to these rules and any decision made thereunder promulgate such regulation as they may consider necessary for the conduct of an election which shall be published to branches and be binding on all members.
- b) Satisfy himself/herself that the rules relating to any nominations, have been complied with, and that the consent of the nominees had been procured.
- c) In the event of doubt as to the validity of a nomination, consult with the President and thereafter, decide whether the nomination is valid.
- d) Supply the returning officers with a list of valid nominations giving, in respect of each nominee, the name, and nominating branches, in time for issue with the election addresses and branch ballot papers.
- e) Make all arrangements for the conduct of such elections.
- f) The returning officers shall conduct the elections and supply the President with a certified statement of the results of the election to be declared.

14.3 Nominations:

- a) The Nominee must be either the President, or President-elect of the national Shuai Jiao union.
- b) Nominations may be made only at branch meetings duly held of which due notice, including notice of the business to be transacted, has been given to all members.
- c) The consent of the nominee must first be obtained.
- d) Official nomination papers shall be issued to all branches by the Secretary General not later than ten weeks before the date of the relevant Annual Conference, and shall be returned to the Secretary General, and be received by him/her duly completed, not later than 3pm on the Friday last preceding eight weeks before the date of such conference. All nominations papers received shall, forthwith, be delivered to the returning

officers.

- e) A nomination shall only be valid if made on an official nomination paper with a certificate duly made by the Branch Secretary that the provisions of paragraph (b) of this sub-rule have been complied with.
- f) Each nominee shall be invited to prepare an election address, not exceeding 1,000 words in length. Such election addresses shall be received by the Secretary General not later than 3pm on the Friday last preceding seven weeks before Annual Conference.

14.4 Voting:

- a) Votes shall be cast by members of the Council present at the Annual Conference.
- b) Each member attending the aforementioned conference, shall have an equal number of votes to the number of vacancies to be filled by elections to the posts referred to in rule 11.
- c) The Secretary General shall cause to be printed, branch ballot papers containing all nominations made under this rule. These will be distributed to the Branch Secretaries, not later than four weeks before the first day of the Annual Conference, with election addresses.
- d) Votes cast by members for each candidate shall be aggregated at branch level. These votes are to be registered on the branch ballot paper which will be signed by the Branch Secretary as the Branch Scrutineer. The branch ballot paper will then be forwarded to the Chief Returning Officer and received by 3pm on the Friday before the commencement of the Annual Conference.

14.5 The Returning Officer will notify the Chairperson of the election results, who will announce them as early possible during the Annual Conference.

14.6 General: Where any member is a candidate for election to a position within the ESJU to which geographical or other limitations apply, the authenticity of the candidate's Chinese martial arts on the final date for receipt of nominations, shall be the governing consideration.

14.7 Once elected, no member shall be required to resign his/her post by reason of any change of location provided he/she remains eligible to be an ordinary member of the ESJU.

14.8

- a) In the event of any complaint of a breach of these rules arising regarding the validity of any nomination for election to be conducted under this rule, such complaint shall be made to the returning officer not less than one week prior to the date when the branch ballot papers must be issued. In the event of a complaint being upheld which may affect the conduct of the election, the returning officer shall, after consultation with the President, decide whether the election shall proceed, or whether any candidates shall be disqualified, and take such decisions as may seem proper to them.
- b) If a complaint as to an alleged breach of rules concerning a nomination shall be made less than one week prior to the date by when the branch ballot papers must be issued, the election shall proceed but the complaint shall be submitted to the returning officer who shall investigate the same and report thereon to the President if the report reveals a breach of these rules, the President may declare an election void, or the election of any particular person void, or a particular nominee disqualified.

14.9 The decision of the returning officer on any matter under this rule shall be final and binding on all members.

15 Elections at the Annual Conference

15.1 This rule applies to the election required to be made by ballot at Annual Conference.

15.2 The Secretary General shall:

- a) After consultation with the President, and subject to these rules and any decision made thereunder, promulgate such regulations as they may consider necessary for the conduct of an election which shall be published to the branches and be binding on all members.
- b) Satisfy himself/herself that the rules relating to any nominations have been complied with and that the consent of the nominee to stand has been procured.
- c) In the event of doubt as to the validity of a nomination, consult with the President and thereafter decide whether the nomination is valid.
- d) Supply the returning officers with a list of valid nominations giving, in respect of each nominee, the name, grade, branch and nominating branches in time for issue with the agenda of the delegate conference.
- e) Make all arrangements for the conduct of the ballot for such elections.

- i) The Returning Officer shall: conduct the ballot, ensuring the ballot boxes remain sealed until the completion of the ballot, and supply the President with a certified statement of the results of the election to be declared.

15.3 Nominations:

- a) Nominations may be made only by branches.
- b) Nominations may be made only at branch meetings duly held of which due notice, including notice of the business to be transacted, has been given to all members as provided in rule 34.
- c) The consent of the nominee must first be obtained.
- d) Official nomination papers shall be issued to all branches by the Secretary General not later than ten weeks before the date of the relevant Annual Conference and shall be returned to the Secretary General and be received by him duly completed not later than 3pm on the Friday last preceding eight weeks before the date of such conference. All nomination papers received shall, forthwith, be delivered to the returning officers. A nomination of a candidate is considered to be a promise of the nominating branch's vote. The only way this vote can be changed is by a specially convened branch meeting; the result of any change to be notified to the President of planning before the commencement of Annual Conference.
- e) A nomination shall only be valid if made on an official nomination paper with a certificate duly made by the branch President and secretary that the provisions of paragraph (b) of this sub-rule have been complied with.

15.4 Voting: Voting shall be on the same basis as for card votes.

15.5 Delegations elected by Annual Conference:

- a) Subject to the rules as to eligibility of the organisations referred to in this rule, there shall be elected by ballot, at each Annual Conference, ordinary members of the ESJU who may be members of the Council Executive, to serve in a representative capacity to represent the ESJU on others Chinese martial arts or sports promotion bodies.
- b) A member elected to a position under this sub-rule, shall hold office from the conclusion of the conference at which he/she is elected, to the conclusion of the next succeeding Annual Conference or until he/she ceases to be eligible for such office, whichever period be the shorter.

- c) A member elected to a position under this sub-rule, shall not be eligible for re-election to that position after he/she has held the same position for two consecutive periods, until after the lapse of one year thereafter.

15.6 General: Where any member is a candidate for election to a position within the ESJU to which geographical or other limitations apply, the authenticity of the candidate's Chinese martial arts on the final date for receipt of nominations shall be the governing consideration.

15.7 Once elected, no member shall be required to resign his/her post by reason of any change of location provided he/she remains eligible to be an ordinary member of the ESJU.

15.8

- a) In the event of any complaint of a breach of these rules arising regarding the validity of any nomination for election to be conducted at a delegate conference, such complaint shall be made to the returning officers not less than two weeks prior to the date of such conference. The returning officers shall decide whether to uphold or reject such complaint. In the event of a complaint being upheld which may affect the conduct of an election, the returning officers shall, after consultation with the President, decide whether the election shall proceed or whether any candidate shall be disqualified and take such other decisions as may seem proper to them.

- b) If a complaint as to an alleged breach of rules concerning a nomination shall be made less than two weeks prior to the date of the relevant conference, the election shall proceed but the complaint shall be submitted to the returning officers who shall investigate the same and report thereon to the President. If the report reveals a breach to these rules, the President may declare an election void, or the election of any particular person void, or a particular nominee disqualified.

15.9 The decision of the returning officers, on any matter under this rule, shall be final and binding on all members.

16 Referendum

16.1 Referendum: A referendum shall be taken on any question, at any time, at the discretion of the Council Executive, or at the request of branches representing a majority of the membership.

17 ESJU Branch Organisation

17.1 Composition

- a) National Shuai Jiao Unions shall form the primary national branch of the ESJU. A branch shall comprise the members in a particular approved Shuai Jiao system, as defined and recognised by the Council Executive.
- b) The Council Executive may, at its discretion, permit the formation of more than one branch per nation where more than one approved Shuai Jiao system exists.
- c) The approved branches of the ESJU must form one national Shuai Jiao union for the purposes of representation on the Council but may where appropriate send delegates to attend the Annual Conference.
- d) The minimum number of members which may comprise an additional branch, shall be 50. The Council Executive shall have power, in exceptional circumstances, to authorise groups of less than 50 to form a branch where no national Shuai Jiao union exists.

17.2 Rules: Each branch shall be governed in accordance with constitution and rules of the ESJU. Branches may make amendments to their rules, or create additional ones for the conduct of their business save that:

- a) any motion to amend or add to the rules of the branch, must be supported by, not less than two-thirds of the total votes cast at an annual general meeting or at a special meeting convened specifically for that purpose; and
- b) all such amendments or additions shall be subject to the approval of the Council Executive and shall not be valid, or binding, until approved by that body.

17.3 Membership: Members and associate members shall belong to the appropriate branch of the ESJU.

17.4 Accounts: The Branch Secretary shall produce a quarterly statement of accounts together with relevant books and supporting vouchers that shall be inspected and approved by the Office of the Treasurer.

18 Discipline

18.1 Council Executive: Members of the Council Executive, may be removed

from office by a decision of an Annual Conference. The recommendation for removal shall be made by the Council Executive which shall, by a three-quarters majority decision, have power to suspend any such person from duty in his/her office, pending a final decision by conference.

18.2 Full-time officers: The Council Executive may, subject to the provisions as to dismissal in any existing service agreement, recommend the dismissal of a full-time officer to Annual Conference. A decision by such a conference, to dismiss a full-time officer, shall be carried out by the corporate trustee and shall involve automatic forfeiture of membership of the ESJU, where held, and all rights, benefits and privileges thereto.

18.3 Members:

- a) Arrears of membership, license and insurance fees: Members who are one year or more in arrears with their membership, license and insurance fees, shall be deemed to forfeit their membership. The member may, upon giving a satisfactory explanation and paying or undertaking to pay the arrears of membership, license and insurance fees, apply to the Branch Committee for reinstatement which may decide to reinstate the member with retrospective effect. Should the Branch Committee refuse reinstatement, the member may appeal to the Council Executive which may order or refuse reinstatement.
- b) Action by Council Executive: Where the Council Executive, by its own judgement or on a recommendation under paras (c), (d) or (e) below, considers that the conduct of a member appears to be detrimental to the interests of the ESJU, the Council Executive may refer the matter for investigation by an enquiry tribunal under paragraph (f) of this clause.
- c) Action by branches: The governing committee of a branch may recommend to the Council Executive that action shall be taken under this rule against a member belonging to that branch and whose conduct is considered to be detrimental to the interests of the ESJU, but the governing committee shall have no power to make any order in respect of the member. Before making a recommendation under this paragraph, the governing committee shall give written notice to the member, setting-out the nature of the complaint and shall invite the member to reply to the complaint, within four weeks of the date of the notice; and shall make available to the Council Executive the notice and reply to it. The governing committee shall not make any recommendations as to penalty.
- d) Action by area committees: The governing committee of an area committee, may recommend to the Council Executive that action shall be taken under this rule against a member in the jurisdiction of that area

committee and whose conduct is considered to be detrimental to the interests of the ESJU, but the governing committee shall have no power to make any order in respect of the member.

- e) Action by section Council Executives: The governing committee of a section, may recommend to the Council Executive that action shall be taken by the Council Executive against a member belonging to that section Council Executive and whose conduct is considered to be detrimental to the interests of the ESJU, but the governing committee shall have no power to make any order in respect of the member.
- f) Enquiry tribunal: For the purpose of enquiring into the alleged conduct of a member under paras (b), (c), (d), or (e) of this clause, the Council Executive shall appoint a person who is not a member of that committee and not an ordinary or associate member, to enquire whether there appears to be a prima facie case in respect of such allegation, and report his/her findings to the Council Executive.

If a prima facie case is found, the Council Executive shall then appoint an uneven number of persons (who may or may not be members of the ESJU) not exceeding seven, who shall constitute an enquiry tribunal but so that a majority of the persons composing the enquiry tribunal shall not be members of the Council Executive.

A member shall be given written notice setting-out the nature of the complaint against him/her, and he/she shall be given reasonable notice in writing of the time and place for the hearing of the tribunal so that he/she shall have a proper opportunity of preparing his/her defence.

The member shall be entitled to be present when evidence is given before the tribunal, and he/she shall be entitled to cross-examine witnesses. He/she shall be entitled to give evidence, either orally or in writing, and to call witnesses or submit written statements on his/her behalf.

An enquiry tribunal shall have power to call such evidence, appoint a Chairperson, and adopt such procedures as it shall think proper in each case for the purpose of making a fair enquiry into the allegation, and a decision of the majority of the members of the enquiry tribunal shall be effective, shall be made known to the member and the Council Executive.

If the enquiry tribunal finds against the member, the Council Executive may make one or more of the following orders, ie: that the member shall be:

- i) expelled from membership;
- ii) suspended from membership for any period with forfeiture of such benefits, rights and privileges of membership as may be ordered;
- iii) prohibited from holding office (not being an officer named in clause 1 of this rule) for any period;
- iv) removed from any office (not being an officer named in clause 1 of this rule) which he/she may be holding.
- g) Appeal to conference: Any member against whom an order has been made by the Council Executive under this rule, may appeal to Annual Conference which may refuse to confirm the order or may confirm the order with such modifications thereto as Annual Conference may consider fit. The decision of the Annual Conference shall be final.
- h) Position pending appeal: Any order made by the Council Executive under this rule shall, in the event of an appeal by that member to Annual Conference, remain in force until a final decision is given by the conference but, in the case of an order for the expulsion or suspension from membership, the member's rights, and personal benefits, shall be preserved in the event of appeal until the order is confirmed.
- i) Effect of expulsion: Where, by final decision a member has been expelled from the ESJU, he/she shall thereupon cease to be a member and shall forfeit all benefits, rights and privileges as a member, and shall cease to hold or be eligible for any office whatsoever in the ESJU.
- j) Effect of suspension: Where, by final decision a member has been suspended from membership for any period, he/she shall cease to be a member for such period and shall forfeit all benefits, rights and privileges of membership for such period subject to any modification thereto expressed in such decision. At the end of the period, membership together with all benefits rights and privileges thereto forfeited by the decision shall, forthwith, be restored to the member.
- k) Effect of prohibition: Where, by final decision a member has been prohibited from holding office for any period, any nomination in respect of that member for office during such period shall be void.
- l) Effect of removal: Where, by final decision a member has been removed from office, he/she shall, forthwith, cease to act in such office for the unexpired period of his/her appointment to such office which shall thereupon become vacant.

- m) Right after prohibition or removal: Where, by final decision a member has been prohibited from holding an office in the ESJU for any period or removed from such office then in, all other respects his/her benefits, rights and privileges as a member shall remain unaffected unless he/she shall, at the same time, have been suspended from membership.

18.4 Branches:

- a) Arrears of membership, license and insurance fee: When a branch fails to remit its membership, license and insurance fees for one year or more, the Council Executive may suspend the branch. A branch so suspended shall have the opportunity to remit outstanding membership, license and insurance fees within a period required by the Council Executive and, upon so-doing, shall, forthwith, be reinstated. If a branch fails to comply within the required period, the Council Executive may order the dissolution of the branch. A branch shall have the right to appeal against suspension or dissolution to Annual Conference.
- b) Breach of rule: When a branch fails to comply with the rules (other than as in clause (a) of this rule), the Council Executive may suspend the branch. A branch so-suspended, shall have the opportunity of complying with the rules or of giving assurances of future compliance, and within such a period as the Council Executive may require and, upon so-doing shall, forthwith, be reinstated. If a branch fails to comply or give such assurances within the required period, the Council Executive may order the dissolution of the branch. A branch shall have the right to appeal against suspension or dissolution to Annual Conference.
- c) Effect of suspension: When, by final decision a branch has been suspended, the branch shall have no right to send delegates or observers to any delegate conference, nor to receive any advice or guidance from any officer or committee of the ESJU, nor to receive any papers or documents dealing with the affairs or business of the ESJU. The branch shall, unless otherwise ordered by the Council Executive, account for, pay and transfer all monies and assets in its possession, or under its control, to the general Treasurer.
- d) Effect of dissolution: When, by final decision a branch is ordered to be dissolved, the branch shall cease to exist and, all papers and documents and all monies and assets in its possession or under its control shall, forthwith be paid, accounted for, and transferred to the general treasurer.
- e) Effect of suspension and dissolution upon members: When an order has been made to suspend or dissolve a branch either by, or pending final

decision, no member of that branch shall attend any delegate conference either as a delegate or observer or be eligible for nomination to any office. Any financial or personal benefits to which any member is entitled, under the rules, shall not be affected by any suspension or dissolution of a branch to which he/she belongs provided he/she continues to pay his/her membership, license and insurance fees and levies.

- 18.5 Right to information and to defend: When any person is likely to be affected by disciplinary action under this rule, that person shall be entitled, on demand, to a statement in writing, of the reasons why such action is under consideration and shall also be entitled to put forward such statements in writing, or in person, as may be reasonable, either initially, or on appeal.
- 18.6 Notification of orders to members, branches, and Council Executives: Any order involving disciplinary action against a member, shall be notified to the member in writing within fourteen days of the decision.
- 18.7 Appeals:
- a) By branches and section Council Executives or members: Any appeal by a branch or section Council Executive or member, against an order involving disciplinary action under this rule, shall be in writing, and shall reach the head office of the ESJU within twenty-eight days from the date when the branch, Council Executive. If a branch or section Council Executive or member fails to serve such notice of appeal in writing within the said period of twenty-eight days, the order of the Council Executive shall be deemed to be final.
 - b) No appeal when case rejected: When the Council Executive or Annual Conference, as the case may be, has refused to take disciplinary action under this rule, no right of appeal or application for reconsideration in respect of such decision shall be allowed to any person, branch or section Council Executive, including the Council Executive, aggrieved by refusal, unless it appears beyond doubt that such refusal was made as a result of deliberate misrepresentation of the facts.
- 18.8 Defalcations: Whenever it appears that a member has misappropriated any monies or assets of the ESJU, the branch or area committee to which the member belongs, shall immediately notify the Council Executive which shall assume all action against the member. The member and the branch or area committee shall ensure that all papers, documents, monies and assets in the possession or under the control of the member, shall be made available to the Treasurer without delay.

- 18.9 Civil and criminal proceedings: Nothing in this rule shall prevent the ESJU from taking civil or criminal proceedings in respect of any matter for which disciplinary action is, or has been taken, or is under consideration, under this rule.
- a) The branch has failed to remit to the Treasurer any fees received by the branch in accordance with rule 5.4 - until the branch has made good the default.
- 18.10 If any branch incurs, or has incurred, or desires to incur, any exceptional expenditure, it may apply to the Council Executive for a supplementary payment. The Council Executive may, in its absolute discretion, grant or refuse such application and its decision shall be final.
- 18.11 Sections:
- a) The Council Executive shall make payments for each calendar year out of the general fund of the ESJU, to sections to defray their expenses according to the number of ordinary members within the section as last determined for purposes of branch representation at delegate conference before the commencement of that year, or at such later date as the Council Executive shall determine.
- b) The amount of the annual payment shall be:
- i) For the first 1,000 members: an annual sum equivalent to one fifth Annual membership, license and insurance fee.
- ii) For each 1,000 members: an annual sum equivalent to one tenth Annual membership, license and insurance fee.
- 18.12 The Council Executive may, at any time, review the payments to any section, in any year, to take account of any material changes in membership.
- 18.13 The Council Executive may, at its discretion, make supplementary payments to any section where, in the opinion of the Council Executive, there are special circumstances. It may, in making any payment to a section, disregard rule 23.6 and in substitution, therefore, provide funds, at its discretion, for that section. In any such case, the whole of the balance remaining in the section funds at the end of the financial year, shall be returned to the general fund of the ESJU.

19 Funds

- 19.1 The funds of the ESJU shall be under the control of the Council Executive who shall delegate the management thereof to the Treasurer subject to any directions from time-to-time given by the Council Executive and under the general supervision of the Secretary General.
- 19.2 All the funds and properties of the ESJU shall be used for the furtherance of the objects of the ESJU and in accordance with any direction given or decision made by or under these rules.
- 19.3 The financial year of the ESJU shall be from 1 April to 31 March.
- 19.4 Promotion Fund:
- a) The Council Executive shall set aside, out of all net membership, license and insurance fees received, 50% thereof for the purposes of a "Tournament Fund".
 - b) The Tournament Fund shall be applied by the Council Executive solely for the purposes of financing tournaments, events or demonstration duly authorised by the Council Executive by, or under these rules. The Council Executive may, with the prior approval of Annual or Special conference or of the ordinary members on a referendum, apply further sums out of the general fund of the ESJU to the Tournament Fund.
- 19.5 Investment: All funds and monies of the ESJU requiring investment, shall be invested by the trustees, in the name of the trustees on the direction of the Council Executive or with the prior approval of the Council Executive, in any investments authorised for the investment of trust-monies under the European Trustee Investment Acts and in, or upon the stock or loan of shares of any society registered under the appropriate European Industrial and Provident Societies Acts and in, or upon any shares, debentures or other securities of any company registered, and the trustees may, on a like direction or with a like approval, vary or transpose such investments for others of an authorised nature.
- 19.6 All monies, funds, accounts, books, records and other property whatsoever in the possession of a section, area committee, branch or any other unit or organ of the ESJU or any member or any other person on behalf of, or with the authority of any such unit or organ or any member, are at all times the property of the power, at any time, to require the delivery up of any such monies, funds, accounts, records and property and the same shall, forthwith upon demand therefore, be delivered up to

the Council Executive, or as the Council Executive may direct.

20 Accounts and Financial Statement

- 20.1 The ESJU shall publish the accounts and financial statement with the annual report in accordance with the provisions undertaken by charitable associations.
- 20.2 The accounts of the ESJU and financial statement shall be presented to the Council Executive and thereafter, together with any observations of the Council Executive thereon, to the next Annual Conference following the completion of the internal audit.
- 20.3 The auditors shall be suitably qualified ordinary members appointed by the Council Executive.
- 20.4 The auditors shall appoint one of their number to attend Annual Conference and to address the conference, if so-requested by the President, on any matter solely related to their examination of the accounts.
- 20.5 The Council Executive may, at any time, request the auditors or may appoint other persons as special auditors, to examine the ESJU accounts, the accounts of any branch, documents, vouchers, deeds, securities and receipts which they may require to see, and they may take possession of any of them provided a written acknowledgement of possession is given.
- 20.6 A copy of these rules shall be published with each Annual Report and Financial Statement of the ESJU. Any ordinary member may request the Secretary General for a copy of these rules. The Secretary General must make a copy of the rules available within one week of the request. All Council Executive members shall be given a revised copy of the rules after each revision thereof. Any other member shall be supplied with a copy on request for a nominal fee determined by the Council Executive.
- 20.7 Any ordinary member having an interest in the funds of the ESJU may, on giving not less than two weeks notice in writing to the Treasurer, may inspect at the head office of the ESJU, the accounts of the ESJU and the annual return made by the ESJU.

21 Trustees

- 21.1 The trustees shall be elected as Trustee of the European Shuai Jiao Union (herein called "the corporate trustee")

21.2 Three corporate trustees shall be ordinary members elected by Annual Conference who are, of not less than three years continuous membership of the ESJU immediately preceding election, to hold office until the close of the third Annual Conference following election. A corporate trustee shall not hold any other office in the ESJU so long as he/she is a corporate trustees. The election shall be in accordance with rule 15.

21.3

- a) The office of corporate trustee shall be declared vacant on his/her death or resignation or bankruptcy or on his/her ceasing to be a member of the ESJU or in the event of his/her becoming disqualified from holding office as a director of a limited company or if he/she be removed from office by Annual Conference on the recommendation of the Council Executive.
- b) A casual vacancy in the office of director of the corporate trustee shall be filled by the Council Executive until the next Annual Conference when a new trustee or director shall be elected to hold office for the remainder of the term for which the director, whose position has been declared vacant, was last elected.
- c) A director of the corporate trustee shall be eligible for re-election.

22 Indemnities

22.1 Every member of the Council Executive, full-time officer, corporate trustee, and any other member of the ESJU holding any office to which he/she has been elected or appointed under these rules, and every employee of the ESJU, shall be indemnified in such manner, and to such extent, as the Council Executive may, in its discretion determine, out of the general fund of the ESJU against all losses or liabilities which he/she may sustain or incur in or about the discharge of the duties of his/her office expressly or impliedly authorised by, or on behalf of, the ESJU or otherwise in relation thereto by reason of any matter not caused by the wilful neglect or default or fraud or misconduct of the member or person concerned.

22.2 The Council Executive may, in its absolute discretion indemnify, out of the general fund of the ESJU in full or in part, any member or employee of the ESJU against losses sustained or liabilities incurred or accident sustained in connection with the work of the ESJU.

22.3 The Council Executive may indemnify any member or employee of the ESJU to such extent as the Council Executive may, in its discretion, think expedient, against loss or damage sustained by accident arising out of or

in the course of the performance of any duty imposed or accepted by or under these rules or martial arts practice by the ESJU or in the course of travelling in the performance of such duties.

22.4 The Council Executive, where it considers it expedient, may effect such policies of assurance against all or any liabilities under this rule and pay out of the general fund any premiums in respect thereof and may receive and dispose of any sum payable under such policy as the Council Executive may consider proper.

22.5 Nothing in this rule shall debar a member from seeking aid elsewhere.

23 Dissolution

23.1 The ESJU shall only be dissolved by decision of the Annual Conference at which a resolution for such dissolution is approved, by not less than five-sixths of the votes cast.

23.2 Such a decision may appoint the time at which the ESJU shall be dissolved and may appoint such person or persons as may be thought fit to carry out such winding-up, and all or any matters consequential thereon.

23.3 If, upon dissolution there remains, after satisfying all the liabilities of the ESJU and the costs of winding-up any property of any kind, such property shall not be distributed among the members but shall be given or transferred to such other association, society or institute having objects wholly, or in-part, similar to those of the ESJU or in such other manner as may be laid down in the said resolution for dissolution.

24 Rules

24.1 No new rule shall be made, nor any of the rules for the time being in force be amended or rescinded, except at an Annual Conference and approved by not less than two-thirds of the votes cast thereon. Any motion for such alteration shall be submitted and dealt with as provided for motions for delegate conference under rule 9.

24.2

- a) Should any question arise as to the interpretation or meaning of these rules, the President shall determine the same.
- b) Should any question arise as to whether or not the rules are silent on any matter, the President shall answer that question.

- c) Should any question arise on a matter which is not provided for by these rules, the Council Executive shall determine the same.

24.3 When, by reason of industrial action or other cause beyond the control of the ESJU, or in case of emergency, any time-limit within which any matter is to be done, or conference or meeting is to be held cannot, in the opinion of the Council Executive be fulfilled, the Council Executive may, notwithstanding any other provisions of these rules, alter any such times or alter the date of any conference or meeting as the Council Executive considers necessary or expedient.

25 Presidential Directives

25.1 Any directive made by the President may only be challenged by:

- a) a member of the Council Executive;
- b) Annual Conference;
- c) a branch representative as defined in rule 17;

25.2 The procedure for challenging a President's Directive shall be as follows:

- a) by a member of the Council Executive:
 - i) in writing to the Secretary General stating the reasons for such a challenge;
- b) by Annual Conference:
 - i) by the proposal of a motion which states, "This conference challenges the President's Directive made in connection with...";
- c) by a branch:
 - i) by conveying a motion challenging the President's Directive to the Secretary General in writing;
 - ii) any such motion must have been passed in accordance with the procedure set forth in rule 9.1(b);

25.3 The decision as to whether or not a President's Directive be upheld, shall be made by:

- a) a simple majority of the Council Executive;

- i) by delegates voting on the motion "That the President's Directive be upheld" which shall be put to conference, without debate, by the Vice President immediately after the passage of a motion challenging the President's Directive;
- ii) the motion shall only be defeated by a two-thirds majority of those voting;
- iii) the decision of conference shall be final and binding on all members of the ESJU.

26 Notices

26.1 Any notice or order required to be given under these rules or otherwise may, except where otherwise provided under these rules, be given:

- a) to a member by sending the same ordinary prepaid post (except in the case of a notice under rule 5.5 (arrears), or rule 22 (discipline) when it shall be sent by recorded delivery post) to the last known address of the member or delivered personally to him/her;
- b) to the members of the ESJU by notice published on the official website of the ESJU, in circulars or other official publications to branches and sent to the branch secretaries for publication to the members as provided in paragraph (c) hereof;
- c) to the members of any branch by notice circulated as provided in paragraph (a) of this rule or published as provided in paragraph (b) of this rule or by displaying such notice as the usual Training Hall (Kuan) of such members on the ESJU notice board;
- d) to a branch or other organ of the ESJU, by sending the same by ordinary prepaid post or by delivering it to any officer thereof at his/her last known address;
- e) to the ESJU by sending the same by ordinary prepaid post (except in the case of a notice under rule 22 when it shall be sent by recorded delivery service) to, or delivered at the head office of the ESJU;
- f) where notices or orders as in (d) above require action to be taken by branches, a minimum of fourteen days' notice shall be given to branches to allow adequate time for any necessary meeting or consultation with the members to be arranged

26.2 Any such notice shall be deemed to have been received, if sent by letter

post on the day on which such communication would have been received in due course of post or if personally delivered at the time when it was so delivered and in the case of publication in the official journal fourteen days after the same are despatched to the branch secretaries or if published by display at Training Hall (Kuan) on the day following the first display of such notice.

27 Counting Rules

- 27.1 The ballot shall be conducted so as to secure that the votes given in the ballot are fairly and accurately counted (any inaccuracy in counting being disregarded for the purposes of this rule if it is accidental and on a scale which could not affect the result of the ballot).
- 27.2 At the date and time appointed of the counting of the votes, the counting officers shall supervise the opening of the packets and envelopes received. No persons shall be present at the count other than the counting officers, those acting under the supervision and the Secretary General and as many members of the Council Executive as desire to attend. The Secretary General shall arrange for the destruction of any ballot papers at the head office which have not been used for voting.
- 27.3 The counting officers shall decide whether any ballot paper shall be rejected as being invalid under rule 4 and shall, forthwith, separate any paper so rejected and mark it "REJECTED".
- 27.4 The total number of votes given for, and against, and the total number of votes rejected shall be recorded on two forms of return supplied by the certification officer, signed by the counting officers, the President of the Council Executive and the Secretary General. One of these returns shall be forthwith, posted-up and kept posted-up in a conspicuous place accessible to members at the head office of the union for at least one month. The other return shall be sent, forthwith, to the certification officer. A copy of the return shall be printed in the next available issue of the journal, report, or other periodical publication of the ESJU.
- 27.5 The Council Executive shall secure that the ballot papers which have been counted, and those which have been rejected, are respectively placed in sealed parcels which are then deposited in a secure place and kept so-deposited for at least six months and that the lists, or other records of members used for the ballot, are also kept available for at least six months.

28 Definitions

28.1 In these rules, where the context so admits or requires:

- a) Words in the singular shall include the plural and vice-versa.
- b) References to a statute shall include any statutory modification or re-enactment thereof for the time being in force.
- c) References to the "Council Executive" include any sub-committee thereof. d)

References to "rules" include any addition or amendment for the time being in force.

- e) References to any other officer of the ESJU or of any unit or organ of the ESJU include any person for the time being performing the duties of that office.