



Foremen and Staff Mutual Benefit Society (Application of Rules) &c. Act 1969

CHAPTER xii

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ELIZABETH II



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to make provision with respect to the application of the rules of the Foremen and Staff Mutual Benefit Society, to make further provision with regard to the making of new rules; and for other purposes.

[16th May 1969]

WHEREAS—

(1) The Foremen and Staff Mutual Benefit Society (hereinafter referred to as "the Society") is a friendly society formed in the year 1899 and registered in Scotland under the Friendly Societies Act 1896, for the purpose of providing pensions, insurance cover in the event of sickness, unemployment or death, and benevolent grants to foremen and staff in the engineering and shipbuilding industries who are not members of trade unions:

The Society which was registered in 1899 has over 63,000 members who are divided into two classes, "contributory members" who are employers of labour and "ordinary members" who are foremen and staff in the employment of contributory members:

By rule 7 of the Society's rules, an ordinary member who, at the time of his admission to the Society, is a member of a trade union whether registered or unregistered is required forthwith to resign from such trade union and an ordinary member

who, after admission to the Society joins a trade union is required immediately to resign from the Society. An ordinary member who fails to resign immediately from the Society under the terms of the said rule ceases to have any claim on the funds of the Society either by way of benefits or return of contributions, premiums or any part thereof or otherwise and is liable to make good to the Society any funds improperly received or retained by him and is liable to expulsion:

(4) By rule 11 of the Society's rules any ordinary member who (inter alia) fails to comply with rule 7 (subject to rule 11, which relates to the settlement by arbitration of disputes between members or persons aggrieved who have ceased to be members and the Society) may be expelled and thereupon such member ceases to have any claim on the funds of the Society either by way of benefits or return of contributions or premiums or otherwise

Provided that the executive council of the Society in case of hardship shall have power, but shall not be bound, to pay to a member or the dependant of any member who has ceased to have a claim on the funds of the Society or has been expelled a sum not exceeding the cash surrender value of his forfeited benefits.

(5) The Association of Scientific, Technical and Managerial Staffs (hereinafter referred to as "the Association") is a trade union registered under the Trade Union Acts, 1871 to 1940. It was formed in January, 1968, as the result of a merger of two unions—the Association of Supervisory Staffs, Executives and Technicians and the Association of Scientific Workers. It has over 77,000 members and now includes all the members of the two former unions, both of which were registered under the mentioned Acts. The Association's members are men and women occupying positions of responsibility in (inter alia) the engineering and shipbuilding industries and the Association is designed to provide trade union representation for those classes of persons who are eligible for ordinary membership of the Society.

(6) The effect of the aforementioned rules of the Society is that any person, being a member of the Association who is admitted to membership of the Society, must forthwith resign his membership of the Association and, further, that any member of the Society who becomes a member of the Association is required to resign from membership of the Society. An ordinary member who fails to resign immediately in terms of the said rules is liable to expulsion and as a consequence (subject in case of hardship to the exercise in his favour of the power vested in the executive council of the Society under the said rules) he forfeits all benefits arising from his membership of the Society.

(7) The effect of the said rules is to impose serious hardship on members of the Society who become members of the Association and in addition, members of the Association are prevented from joining the Society unless they are prepared to forgo the benefits of their membership of the Association:

(8) The said rules are contrary to the true intent of the International Labour Organisation Conventions:

(9) In these circumstances it is expedient and would be in the public interest that the application of the rules of the Society should be modified and that the powers of the Society to make rules should be limited as in this Act provided and it is expedient that the other provisions of this Act be enacted:

(10) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Foremen and Staff Mutual Benefit Society (Application of Rules) &c. Act 1969.

2. In this Act, unless the subject or context otherwise requires—

the "Association" means the Association of Scientific, Technical and Managerial Staffs;

the "friendly society" means a society registered under the Friendly Societies Acts, 1896 to 1958, or a registered branch of such society;

the "Society" means the Foremen and Staff Mutual Benefit Society registered under the Friendly Societies Act, 1896 c. 25;

the "Society's rules" means the rules of the Society.

(1) Nothing in the Society's rules shall operate so as—

(a) to require any person who is a member of the Association to resign from the Association on admission to membership of the Society; or

(b) to require any member of the Society who becomes a member of the Association to resign from the Society or render any such member of the Society liable to expulsion from the Society.

Modification of application of Society's rules to members of Association.

(2) For the purpose of giving effect to the provisions of this Act the provisions of rule 106 of the Society's rules shall in all respects be deemed to have been complied with.

Limitation
of powers
of making
rules.

4. It shall not be competent for the Society by its delegates in general meeting or otherwise to make any rule the effect of which would be—

(a) to require any member of the Association to resign from the Association on admission to membership of the Society; or

(b) to impose any prohibition or restriction on a member of the Society becoming a member of the Association or to require the resignation from the Society of any such member or deprive any such member of any benefits arising from his membership of the Society on account of his membership of the Association.

Copy of Act
to be
registered.

5. The Society shall deliver to the Registrar of Friendly Societies at his office in Scotland a printed copy of this Act and if such copy is not so delivered within three months from the passing of this Act the Society shall incur a penalty not exceeding two pounds for every day after the expiration of those three months which the default continues.

Costs of Act.

6. The costs, charges and expenses preliminary to, and incidental to, the preparing, applying for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Association.

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