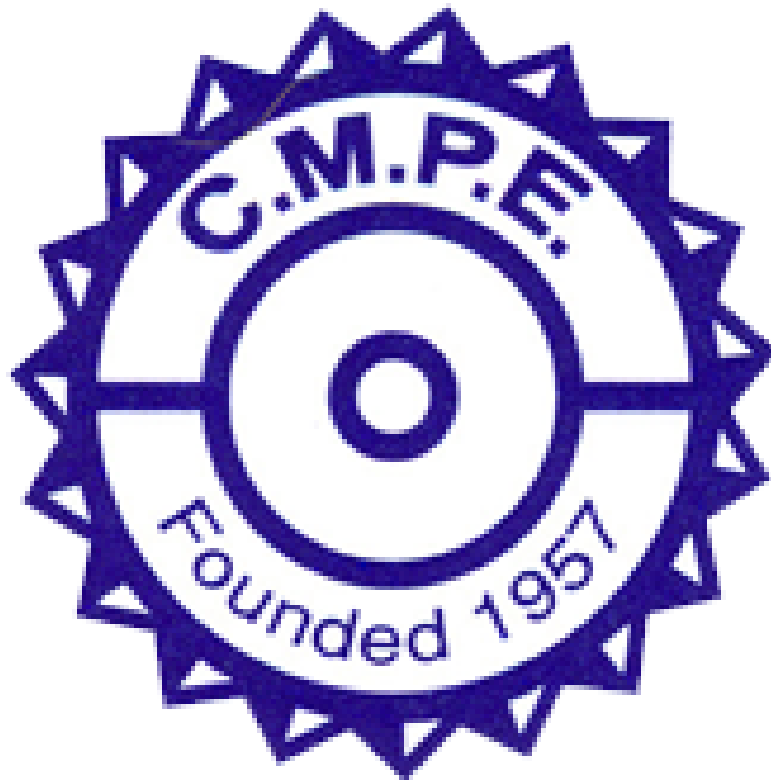


Constitution and Rules

Updated June 2017, from the 2017 Annual General Meeting

Updated June 2018 from the 2018 Annual General Meeting

Updated June 2022 from the 2022 Annual General Meeting



Constitution and Rules

Aims of the Association

“The C.M.P.E is an Association concerned with all aspects of the mechanical plant used in the construction industries. The objectives of the Association are to broaden the scope of knowledge of such plant and its application and, by placing the corporate knowledge of its members at the disposal of any section of the industry, make a worthwhile contribution to the understanding and more effective employment of plant wherever it is used”

Certificate of Competence

The C.M.P.E. introduced and operates the Plant Operator’s Certificate of Competence to promote the safer use of plant and equipment.

Constitution and Rules

1- Title and Address

- (a) The name of the Association shall be “The Contractors’ Mechanical Plant Engineers”.
- (b) The Address shall be as designated from time to time.

2- Aims and Objectives

The objectives of the Association shall be

1. To provide members with facilities for meeting in congenial circumstances to discuss matters affecting their interests in the mechanical plant.
2. To keep members informed of developments in contractors’ plant.
3. To further the common interests of members.
4. To do all other acts that may be incidental or conducive to the above objectives.

3- Membership, including Corporate Membership

(a) Qualifications

Membership of the Association shall be open to individuals employed in connection with the mechanical plant, and companies or authorities in

- (i) The building, Public Works and Civil Engineering Industries.
- (ii) The Contractors’ Plant Hire Industry.
- (iii) The Contractors’ Plant Manufacturing Industry.
- (iv) The Contractors’ Plant Service Industry.

3, (b) Election to Membership

Election to membership will be in the hands of the Branch Committee. A Corporate or Individual candidate for membership must be proposed and seconded by TWO members of the branch, both of whom must be personally acquainted with the candidate and vouch for their qualifications.

(c) Obligations

Every person elected to membership, including Corporate Members, shall be bound by the Constitution and rules of the Association.

(d) Corporate Membership

No Corporate Membership will have any national or branch voting rights.

No Corporate Membership can serve on a National or a Branch Committee.

Any attendee from a Corporate Member can apply for full individual membership of the association in their own right and must pay the total individual membership fees.

4- Transfers

Members shall be entitled to transfer between branches at the discretion of the receiving Branch Committee.

5- National Power: Powers and Functions

(a) National Council Constitution

There shall be a National Council of the Association consisting of the National Chairman, National Vice Chairman/Chairman-elect, Honorary National Treasurer, National Secretary, National Registrar for the Plant Operator's Certificate of Competence Scheme, Immediate Past Chairman, and ONE member from each Branch Committee. This member is to be nominated annually by the respective Branch Committee, and the name is notified to the National Secretary no later than the 1st of June each year.

In the case of a member of the National Council having to retire or in the case of death, the National Council shall immediately require the Branch Committee concerned to nominate the replacement. When, however, the member is prevented from attending due to some temporary reason, that Branch Committee may arrange for the Branch to be represented by another member of the Branch Committee. Still, such a representative shall not be eligible to accept nomination for election to any of the Offices of the National Council.

Each Branch shall be entitled to one vote only to be expressed on its behalf by the appointed National Representative or, at the discretion of the Branch Committee, by a member appointed temporarily to represent the Branch on their behalf due to their unavoidable absence. The elected National officers shall have one vote each.

The only exception to the principle of "one vote per council member" shall be that the National Chairman, or a member of the National Council appointed by the Council to chair the meeting of the National Council on their behalf due to their unavoidable absence, may, in the case of a tie, cast one deciding vote.

5, (b) Election of Officers

The National Council shall, from among themselves and from among any past Chairmen of Branches who a National Council member may nominate, elect in the first place a Chairman who shall be National Chairman of the C.M.P.E and Chairman of the National Council. A Chairman-elect shall be Vice-Chairman, The Chairman, Shall serve for one year only, and the Chairman-elect shall automatically become Chairman. However, the National Chairman and the Vice-Chairman may be invited to continue in office for up to two years, subject to a vote and endorsement at the National Council.

The retiring National Chairman shall remain, *ex-officio*, a member of the National Council for the year following his retirement. The National Council shall also elect annually from amongst themselves and from any Past Chairmen of Branches who National Council members may nominate an Honorary National Treasurer, a National Registrar for the Plant Operator's Certificate of Competence scheme and a Marketing and Public relations Manager.

The election of the Vice-Chairman/Chairman-elect, the Honorary National Treasurer and the National Registrar for the Plant Operators Certificate of Competence scheme for the coming year shall be carried out at the last meeting of the existing National Council before 31st March each year; such officers to take office at the National Annual General Meeting following their election, and, at the meeting, the serving National Vice-Chairman/Chairman-elect shall take office as National Chairman. The election of all Officers of the National Council shall be done by secret ballot.

5, (c) Meetings, Notice and Quorum

The National Council Shall Meet at least THREE times a year; 21 days notice of such meetings shall be given by the National Secretary in writing or, where possible, by electronic communication, with the Agenda stating the business of the meeting. Four members, excluding National Officers, shall form a quorum. Minutes of the proceedings shall be taken and circulated to all members of the National Council.

5, (d) Overall Direction

The National Council shall be responsible for the overall direction of the Association's affairs and shall have the power to raise by a levy on all Branches sums as may be required for the central fund from time to time.

The National Council shall have the power to appoint ONE of its number to any office which may become vacant.

The National Council may appoint a National Secretary.

The National Council shall have the power to elect sub-committees and appoint Committees to deal with matters that the National Council thinks fit.

The National Council shall form a committee to run the Certificate of Competence scheme (COC, Safety Awareness, Assessment etc.). This committee will have three or four members, one of whom will be the National Registrar. All will be knowledgeable on the subject and willing to work and push the certificate to the forefront. This committee will have executive powers to make all decisions regarding the scheme, its promotion, lobbying of industry, changes in paperwork and ensuring it conforms to all legislation etc. They report to the National Executive regularly to inform them of its progress. Once again, Branches and individuals can have input direct to this committee, but their decision is final.

The National Council shall form a working committee of two persons to do the promotional material and advertising. Their duties will involve carrying out anything that the National Executive or COC Committee wishes to advertise or put into the press and liaising with the national industry journals to build up some form of rapport so that whenever we need publicity, we get it—reporting directly to the National Executive. Branches and individuals will again post advertising, promotions and press ideas via the National Executive, who will then issue directives.

All members of the new committees will remain in their respective positions for three years. However, suppose at the A.G.M., members feel that the committees should be restructured or individuals are replaced for any particular reason. In that case, this will be done through a proposal and voting procedure.

The National Council shall have the power to co-opt to its members not more than FOUR persons from within the Association who may benefit the National Council by their ability or special knowledge or experience.

5, (e) Removal of Officers

The National Council shall have the power to order the removal from office of any National or Branch Officer who, in the opinion of the National Council, is in breach of the duties invested in the Officer by the rules governing the various offices. Before any Officer is removed from office, they shall be given 21 days' notice by the National Secretary to appear before a meeting of the National Council and be allowed to hear and answer the complaints against them. Information about such intended action shall be stated in the Agenda for the meeting.

5, (f) Disbandment of Branches

A Branch may be disbanded by the National Council if such a Branch

- (i) Be guilty of conduct not in accordance with the principles of the association.
- (ii) Infringe the Constitution and Rules of the Association.

Before any such Branch is disbanded, it shall be given 21 days' notice by the National Secretary to send not less than TWO Officers to a meeting of the National Council. No Branch shall be disbanded without having the opportunity to appear before the National Council and answer the complaints against the Branch through such officers. Notice of such intended action shall be stated in the Agenda for the meeting.

If a Branch is disbanded for the preceding or any other reason, the whole of the assets shall be paid or made over to the Central Fund for the purposes of the Association.

5, (g) Disputes

The National Council shall have the power to decide all disputes between members, between Branches, between Branches and members and between the Association and any member or members.

5, (h) Branch Literature

The National Council shall have the power to require any Branch to submit, for approval, any leaflet or other literature prepared by the Branch for the issue to persons other than members of the Association or for appearance in any publication other than an official publication of the Association.

6- Branches: Powers and Functions

- **Formation**

The Association shall be divided into Branches. The National Council shall have the power to establish a new branch upon receiving a written request for the foundation thereof from a reasonably practicable number of applicants eligible for membership (excluding possible transfers from other established Branches). Subject to: -

- (i) Neighbouring Branches having been consulted, and there is no objection from those Branches which, in the opinion of the National Council, would render the formation of the new branch either unnecessary or undesirable; and

(ii) The attendance at meeting at a meeting deemed to be an inaugural meeting of the new Branch of a least ONE National Officer or elected member of the National Council, who shall advise the National Council whether, in their opinion, formation of the new Branch would or would not, be an asset to the Association.

(iii) The name of the Branch upon establishment, and any subsequent changes therein, shall be at the Branch's discretion but always subject to National Council's approval.

6, (b) Management

The management of all matters relating solely to the affairs of any Branch shall be subject to Rule 5 (d) to (h) be vested in the Committee consisting of the Officers and not less than THREE other members, to be elected annually at the Branch Annual General meeting.

The Branch Officers shall be a Chairman, Vice-Chairman (who shall be Chairman-elect), Honorary Secretary, Honorary Treasurer, Honorary Social Secretary, Honorary Liaison Officer and a Branch Registrar for the Plant Operator's Certificate of Competence scheme. The retiring Chairman shall, *ex officio*, be a member of the Committee during the year following his retirement.

Where it is impossible to elect the required number of officers and committee members, the number elected will notify the national council that a full committee could not be formed and run the affairs of the branch in such a manner as to comply with the rules and regulations of the association.

The Branch Committee shall have the power to elect Sub-Committees and appoint Committees to deal with matters it thinks fit. Each Sub-Committee shall elect its own Chairman.

The Branch Committee shall have the power to co-opt to its members not more than TWO persons from within the Branch who, by their ability or special knowledge or experience, may benefit the Branch Committee.

The Branch shall have the power to expel any member who shall offend against the Constitution and Rules or whose conduct shall, in the opinion of the Branch Committee, render them unfit for membership. Before any such member is expelled, they shall be given 21 days written notice by the Branch Honorary Secretary to attend a meeting of the Branch Committee, and no member shall be expelled without first having an opportunity of appearing before the Branch Committee and answering the complaints against them, without prejudice to Rule 7 (b). FIVE members of the Branch Committee shall form a quorum.

6, (c) Duties of Branch Officers

The Branch Honorary Secretary shall, subject to the control of the Committee, conduct the correspondence of the Branch, maintain the register of members and minutes of the proceeding of the Committee and the Annual and Extraordinary General Meeting. The Honorary Secretary shall also be responsible for keeping the National Secretary of the Association informed of the Changes to membership.

The Branch Honorary Treasurer shall, subject to the control of the Committee, keep the Branch accounts and be responsible for all receipts and payments. Still, all cheques shall require the signature of the Branch Honorary Treasurer and either the Branch Chairman or the Honorary Branch Secretary. The Honorary Branch Treasurer shall also be responsible for remitting to the Honorary National Treasurer of the Association all Entrance Fees and half of the Annual Subscriptions by the 30th of June each year, and all subsequent Entrance Fees and Annual Subscriptions from all new members are to be remitted every three months.

Any member awarded Life Membership by a branch of CMPE are only Life Members of that particular branch and are not exempt from their portion of the Annual Subscription due to the Honorary National Treasurer, even if the branch allows them free membership of the branch. Therefore, the portion of the Annual Subscription of a branch Life Member due to the Honorary National Treasurer must be paid by the branch.

The Honorary Treasurer shall prepare accounts of the Branch's income and expenditure for every year ending 31st March and shall submit such accounts, duly audited and certified by the Honorary Auditors, first to the Branch Committee and then for approval at the Branch Annual General Meeting. A copy of such accounts shall be forwarded to the Honorary National Treasurer not later than 31s May.

The Branch Honorary Social Secretary shall, subject to the control of the Committee, be responsible for arranging the Branch functions.

The Branch Honorary Liaison Officer shall, subject to the control of the Committee, be responsible for the liaison with other Branches and the compilation and issue of Branch Newsletter to Branch members, the National Chairman and Vice-Chairman/Chairman-elect and the Honorary Liaison Officers of all other Branches.

The Branch Registrar for the Plant Operator's Certificate of Competence scheme shall deal with all matters relating to the issue of certificate applications and, on receipt back, will check them for correctness before submission to the National Registrar.

The above rule changes will be effective from April 1st, 2023

6, (d) Branch Annual and Extraordinary General Meetings

An Annual General Meeting of the Branch shall be held no later than May to receive their reports and accounts from the Committee for the preceding financial year. The Annual General Meeting shall also elect Officers, The Committee and TWO Honorary Auditors by secret ballot. TWO scrutineers shall be appointed to count votes.

The Branch Committee may call an Extraordinary General Meeting at any time. It should always do so immediately upon the requisition in writing of a reasonably practicable number of members, stating the purpose for which the meeting is requested. The national council shall deem what a reasonably possible number is.

Six members present at any Branch Annual or Extraordinary General Meeting shall form a quorum.

6, (e) Guests

Members may invite guests to any meeting of their Branch (other than an Annual or Extraordinary General Meeting). Still, such admittance shall always be at the discretion of the Branch Committee.

7- Finance

- **Entrance Fee**

The Entrance Fee shall be nil for the time being and may be varied only by resolution of the National Council.

7, (b) Annual Subscription

The National Council shall decide on the annual subscription. The first subscription, together with the Entrance Fee, shall be payable on admittance, and the receipt thereof by the Branch Honorary Treasurer shall give effect to the membership of the Association. Members elected on or after the 1st October in any full year shall be liable to pay the Entrance Fee in total, but only half of the Annual Subscription for such year. Any member having retired from business and wishing to continue membership of the Association may do so, subject to the discretion of the Branch Committee, on payment of a reduced subscription of half of the Annual Subscription. All subsequent Annual Subscriptions, for which an official receipt in the form of a membership card

shall be payable on 1st April. Any member whose subscription has not been paid by 31st May will *ipso facto* cease to be a member of the Association.

7, (c) Central Fund

A Central Fund shall consist of all monies received or raised by the National Council for the general purpose of the National Association.

7, (c1) The Association is a 'Not for Profit' body.

No surpluses from the certificate of competence are distributed to the branches (after the Branch Levy payment), and they are applied solely to the supply and continuance of the supply of the Certificates.

7, (d) Honorary National Treasurer

The Central Fund shall be in the keeping of the Honorary National Treasurer for the time being, who shall pay into the banking account of the Association all monies received. Subject to the control of the National Council, the Honorary National Treasurer shall have the power to invest any part of the Central Fund not currently required for disbursement. **The financial year of the Association shall commence on the 1st April of any year and terminate on 31st March of the following year** when the Honorary National Treasurer shall prepare a Statement of Accounts to be submitted to the National Council and then for approval at the time of the Annual General Meeting. Such Statement of Accounts shall be certified by qualified independent accountants before submission to the National Council.

The Honorary National Treasurer shall be involved in ALL Central Fund transactions.

7, (e) Appointment of Independent Accountants.

The appointment of Independent Accountants shall be by resolution at the Annual General meeting.

7, (f) Payments made by the National Treasurer

The National Treasurer may make payments drawn from the Central Fund by electronic transfer on the receipt of written authorisation, by emails, from the National Chairman, National Vice Chairman or the Immediate Past National Chairman.

7, (g) Expenses

The National Secretary, the National Officers and other members of the National Council shall be entitled to be repaid out of the Central Fund their reasonable travelling and subsistence expenses incurred in connection with National Council business.

8- Annual and Extraordinary General Meetings

Every year there shall be an Annual General Meeting open to all members of the Association, which shall be held in May or June of each year. Notice of the meeting date shall be given at the previous Annual General Meeting. Resolutions to be placed on the Agenda shall be submitted to the National Secretary of the Association SIX weeks before the Annual General Meeting of the Association.

The National Council may call an Extraordinary General Meeting of the Association any time. It shall always do so upon the requisitions in writing of any 20 *bona fide* members, stating the purpose for which the meeting is required. Twelve members personally present shall form a quorum of any Annual General Meeting or Extraordinary General Meeting of the Association. Thirty days' notice of such a meeting shall be given.

The following shall be sent to all branch secretaries and all national officers at least 30 days before the date of any Annual General Meeting or Extraordinary Meetings of the Association. By electronic communication for distribution to branch members.

(i) Notice of Meeting.

(ii) Agenda showing the business to be transacted at the Annual General Meeting or Extraordinary General Meeting, and in the case of any Annual General Meeting, the following shall be sent in addition to the above.

(iii) A copy of the Minutes of the previous Annual General Meeting and a copy of the Minutes of any Extraordinary Meeting held from the last Annual General Meeting.

(iv) The Independent Accountants duly prepared a copy of the Income and Expenditure Account, and the Balance Sheet made up to the previous 31st March.

(v) A concise and edited copy of the Annual General Meeting minutes. These have been approved by the National Chairman and National Vice Chairman and are available on the website 60 days after the Annual General Meeting. A full copy is always available to CMPE members from the National secretary.

9- Powers of Chairman

The Chairman of any meeting of any Branch or Sub-Committee of the Association shall be entitled to a second vote in the case of equality of votes on a show of hands.

10- Life Membership

The Annual General Meeting of the Association may appoint any person who has rendered exceptional service to the Association to be a Life Member of the Association.

The retiring National Chairman shall be made a Life Member of the Association at the National Annual General Meeting immediately following his retirement from Office.

Only Life Membership awarded by the Annual General Meeting of the Association and any Past National Chairmen who are (or have been) awarded Life Membership are exempt from paying Annual Subscriptions to the Association.

11- President and Life President

The Annual General Meeting of the Association may appoint a President and Vice-President annually or a Vice-President of the Association. These persons may be eligible for re-appointment.

12- Service of Documents

Any notice or documents may be served by the Association on any member either personally or by sending it through the post in a prepaid letter addressed to such member at the registered address in the Register of Members. Any notice or document, if served by post, shall be deemed to have been performed at the time when the letter containing the same is put into the post office.

13- Alteration to Rules

These Rules may be added to, repealed or amended by Resolution at any Annual General Meeting or Extraordinary General Meeting of the Association, convened correctly by Rule 8.