

RULES
OF
CUMANN ARACHAIS OIFIGEACH
AN
GHNATH -AIRM

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RULES OF CUMANN ARACHAIS OIFIGEACH AN GHNATH-AIRM

PART 1

PRELIMINARY AND DEFINITIONS

101. Name of Society Society (hereinafter referred to as “the Society”) shall be “Cumann Arachais Oifigeach an Ghnath-Airm”.

102. Friendly Society The Society is a Friendly Society.

103. Definitions. In these Rules--

Active Service. the expression “active service” has the meaning assigned to it in Section 5 of the Defence Acts, 1954 to 2007, but does not include the extension in Section 4 (1) of the Defence (Amendment) (No. 2) Act 1960.

Child. The word “child” shall have the same meaning as it has in sub-paragraph 6 (a) of Paragraph 1 DFRS3.

Civil Partner. The expression “civil partner” has the meaning assigned to it by section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

Cohabitant Partner. ‘cohabitant partner’ shall mean an adult person (whether of the same or the opposite sex as the member) who lives together with the member as a couple in an intimate and committed relationship and has so lived with the member for a continuous period of not less than 12 months immediately preceding the date of election for nominated membership, and who is not related to the member within the prohibited degrees of relationship or married to the member or a civil partner of the member.

Commissioned Officer. The expression “Commissioned Officer” means an officer of na Buan-Oglaigh appointed without limitation as to time.

Decree of Divorce. The term ‘decree of divorce’ has the meaning assigned to it by the Family Law (Divorce) Act 1996.

Decree of Nullity. The term ‘decree of nullity’ has the meaning assigned to it by the Family Law (Divorce) Act 1996 concerning marriage and the meaning assigned to it by the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 concerning civil partners.

Deputy Chief of Staff (Support). the expression ‘Deputy Chief of Staff (Support)’ has the meaning assigned to it in the Defence Acts, 1954 to 2007;

Dissolution. The term ‘dissolution’ means the dissolution of a civil partnership under section 110 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

Funds. The word “funds” means the funds of the Society.

General Meeting. The expression “General Meeting” means an Annual General Meeting or a Special General Meeting.

Ireland. The word “Ireland” means the whole island of Ireland and its islands;

Member. The word “member” when used without qualification means a member of the Society.

Nominated Member The expression “Nominated Member” means a member’s spouse or a member’s civil partner, or a member’s cohabitant partner who has been elected to nominated membership.

Rules. The word “Rules” means Rules of the Society.

Secretary. The word “Secretary” means Secretary of the Society.

Statutory Definitions. the expression “the Registrar”, “property”, “amendment of rule”, “committee”, “person claiming through a member”, “officer”, “meeting” and “signed” shall have the meanings assigned to them in Section 106 of the Friendly Societies Act 1896, as amended.

104. Friendly Societies Act – reference to Sections. A reference to a Section by number is a reference to that Section of the Friendly Societies Act 1896 as amended.

105. Headings and marginal notes. Section 18 of the Interpretation Act of 2005 (No. 23 of 2005) shall apply to these Rules.

106. Registered office. The registered office of the Society shall be at DFHQ, McKee Bks, Dublin 7.

107. Objects of Society. The objects of the Society are to provide, by voluntary subscriptions, for the relief of poverty of all classes of members in necessitous circumstances by - 1. the ensuring of money to be paid on the death of a member, nominated-member, a retained member or a retained nominated-member.

2. the payment of funeral expenses of a child of any class of member,
3. the advance of loans to members,
4. the grant of assistance to distressed members of the Society’s Benevolent Fund,
5. the relief of members placed on half-pay due to illness,
6. the ensuring of money to be paid to a member who is compulsorily retired due to illness.

108. Application of moneys received. All moneys received on account of subscriptions, interest on investments and loans, fines (if any), sales of rule books, or otherwise, shall be applied in carrying out the objects of the society, and in paying the expenses of management according to these Rules and to such extent as such moneys are not immediately required may be invested.

PART 2

MANAGEMENT, CONTROL, DIRECTION AND SUPERVISION OF AFFAIRS

MANAGEMENT COMMITTEE

201. Management of Society vested in. The management, control and direction of the policy and affairs of the Society, shall, subject to the provisions of any Statute and of these Rules, be vested in the Management Committee.

202. Election, constitution of, and period of office.

.1 The Management Committee shall consist of not more than eleven members including a Chairman, vice-Chairman and Secretary (who shall also act as Treasurer) all of whom shall be elected at an Annual General Meeting. The eleventh member shall be a retired / retained member who will have full voting rights and can be co-opted by the Management Committee.

.2 Each member of the Management Committee shall, subject to Rules 203, hold office until the conclusion of the Annual General Meeting next following that at which he was elected and shall be eligible for re-election.

203. Vacation of office. A member of the Management Committee shall vacate his office if:

- .1 he ceases to be a member of the Society, or
- .2 he submits a notice of resignation in writing which is accepted by the Management Committee, or
- .3 he is not duly re-elected, or
- .4 he is removed from his office by a resolution of a Special General Meeting, or
- .5 he is posted to an overseas appointment.

204. Vacancies – Filling of.

.1 A vacancy for Chairman shall be filled by the Vice-Chairman or where there is no Vice-Chairman the Management Committee may elect one of their members to fill the vacancy.

.2 The Management Committee may elect one of their members to fill a vacancy for Vice-Chairman.

.3 The Management Committee may fill any vacancy in their number by co-opting a member to fill the vacancy.

.4 Any member of the Management Committee who is appointed under this Rules shall, subject to Rule 203, hold the office to which he is so appointed until the conclusion of the next Annual General Meeting.

205. Regulation of Meetings

.1 The Management Committee may, subject to the provisions of any Statute and of these Rules, from time to time, meet for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit.

.2.1 Five (5) members of the Management Committee shall form a quorum.

.2.2 In the absence of a quorum the meeting shall adjourn to a date to be fixed by the Secretary.

.3 The Secretary shall, from time to time, convene a meeting of the Management Committee if –

.3.1 It seems necessary to him, or

.3.2 he is requested so to do by not less than three (3) members of the Management Committee, or

.3.3 he is requested so to do by the Supervisory Committee,

.4 A member of the Management Committee who is out of Ireland shall not be entitled to notice of any meeting of the Management Committee.

.5 Every meeting of the Management Committee shall be presided over by the Chairman or, in his absence, by the Vice-Chairman and if neither is present at the time appointed for the holding of the meeting the members of the Management Committee present shall choose some one of their number to be Chairman of such meeting and the person so chosen shall, in relation to that meeting, have all the powers and duties of the Chairman.

.6 Minutes of each meeting of the Management Committee shall be recorded and kept by the Secretary.

206. Voting. Any matter (including any matter arising under these Rules) to be dealt with at a meeting of the Management Committee shall be decided by a majority of votes of the members present and in the case of an equality of votes the Chairman shall have a second or casting vote.

207. Appointment of Assistant Secretary. The Management Committee may appoint one of its members as Assistant Secretary and any such person shall perform such duties and receive such honorarium as the Management Committee may determine.

208. Appointment of Bankers – Signature of Cheques.

.1 The Management Committee shall appoint Bankers in the State with whom shall be lodged all moneys paid to, or belonging to, the Society.

.2 Every cheque drawn on account of the Society shall be signed by the Chairman or the Vice-Chairman and the Secretary or in his absence the Assistant Secretary.

209. Borrowing Powers. The Management Committee may, from time to time, and at any time, raise or borrow money for the purpose of the Society's business from its Bankers, with or without security and upon such terms and conditions as they think fit, and if they so desire secure the repayment of the same, or any part thereof, by mortgage or charge upon the whole or any part of the assets or property of the Society, present or future. The total amount so obtained shall not at any time exceed the limit of €150,000.

210. Other Duties. In addition to the duties imposed on them by these Rules, the Management Committee shall perform all such other duties as may be necessary for the good management, control and direction of the Society.

SUPERVISORY COMMITTEE

211. Supervision of Society. The supervision of the management, control and direction of the affairs of the Society shall, subject to the provisions of any Statute and of these Rules, be vested in the Supervisory Committee.

212. Election, Constitution, Period of office.

.1 The Supervisory Committee shall consist of such number as may be decided by the Society at its Annual General Meeting, being not less than three (3) and not more than seven (7) in number, all of whom shall be elected at an Annual General Meeting.

.2 Each member of the Supervisory Committee shall, subject to Rule 213, hold office until the conclusion of the Annual General Meeting next following that at which he was elected and shall be eligible for re-election.

.3 The Supervisory Committee shall not include among its members the Secretary or Assistant Secretary or more than one member of the Management Committee.

213. Vacation of Office. A member of the Supervisory Committee shall vacate his office if –

- .1 he ceases to be a member of the Society, or
- .2 he submits a notice of resignation in writing which is accepted by the Management Committee, or
- .3 he is not duly re-elected, or
- .4 he is removed from his office by a resolution of a Special General Meeting, or
- .5 he is posted to an overseas appointment.

214. Vacancies - Filling of.

.1 the Supervisory Committee may fill any vacancy in their number by co-opting a member, subject to the provisions of Rule 212, to fill the vacancy.

.2 any member of the Supervisory Committee who is appointed under this Rule shall, subject to Rule 213, hold office until the conclusion of the next Annual General Meeting.

215. Powers, Duties.

.1 The Supervisory Committee shall have the general duty of overseeing the performance of their duties by the officers of the Society.

.2 without prejudice to the generality of (.1) above the Supervisory Committee shall:

.2.1 make or cause to be made not less than twice in the period before the next Annual General Meeting an examination of the books, papers, records and accounts of the Society and such examination may include an inspection of securities, cash accounts and all documents and records,

.2.2 make or cause to be made once in the period before the next Annual General Meeting a comparison of any document or statement of account of every member with the appropriate records.

.2.3 ascertain whether or not all actions and decision of the officers, relating to the affairs of the Society are in accordance with law and with these Rules.

.2.4 report in writing to the next Annual General Meeting of the Society, or,

if the Supervisory Committee so thinks fit, sooner to a Special General Meeting of the Society the result of its examination and enquiries.

.3 The Supervisory Committee may –

.3.1 by unanimous vote of its entire membership, at a meeting called for that purpose, suspend from office any officers who have taken any action or decision which in the opinion of the Supervisory Committee is not in accordance with law or the Rules of the Society, or

.3.2 whether or not they suspend any officer, convene a Special General Meeting of the Society to consider such action or decision.

.4 Whenever an officer of the Society has been suspended from office by the Supervisory Committee, under this Rule, the Supervisory Committee shall convene a Special General Meeting of the Society to be held not later than fourteen (14) days after such suspension.

.5 At a Special General Meeting held under this Rule the Society may, upon the majority of the members present signifying their approval –

.5.1 ratify a suspension by the Supervisory Committee and remove from office the person so suspended, the vacancy thereby caused being filled in the manner provided for by these Rules, or in any other case not so provided for, as determined by the meeting,

.5.2 rescind a suspension by the Supervisory Committee, or

.5.3 remove from office any officer (whether or not he has been suspended by the Supervisory Committee), the vacancy thereby caused being filled in the manner provided for by these Rules, or, in any case not so provided for, as determined by the meeting, provided however that no person shall be removed from office under this Rule without being given the opportunity of being heard by the members at the Special General Meeting.

216. Regulation of Meetings. The Supervisory Committee may, subject to the provisions of any Statute and of these Rules, from time to time, meet for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit.

TRUSTEES.

217.1 Number of. The Society shall have three (3) Trustees.

.2 Eligibility for appointment etc. (Sections 25 and 49) Any member shall be eligible to be a Trustee who,

.2.1 has consented to act,

.2.2 is not an auditor of the Society,

.2.3 is not also a member of either the Management Committee or the Supervisory Committee.

.3 The Trustees shall be appointed by the Society in General Meeting, and by a resolution of a majority of the members present and entitled to vote thereat.

.4 Each Trustee shall, subject to Rule 218, hold office until the conclusion of the Annual General Meeting next following that at which he was elected and shall be eligible for re-election.

.5 The duties and responsibilities of the Trustees shall be as prescribed in Section 25 and 49.

.6 The Secretary shall forward to the Registrar a copy of every resolution appointing a Trustee in the form prescribed in Section 25 (3) within fourteen (14) days of such resolution being passed and, when appropriate, it shall be accompanied by such application as may be necessary for the purpose of Section 34.

218. Vacation of Office (Section 34) A Trustee shall vacate his office if –

- .1 he ceases to be a member of the Society, or
- .2 he submits a notice of resignation in writing which is accepted by the Management Committee, or
- .3 he is not duly re-elected, or
- .4 he is removed from his office by a resolution of a Special General Meeting.

219. Legal Proceedings. (Section 51 & 94) The Trustees are hereby authorised to bring or defend, or cause to be brought or defended, any action or legal proceeding in any court whatsoever, touching or concerning any property, right or claim of the Society.

220.1 Investment. (Section 44) The Trustees shall, subject to the provisions of Section 44, as modified by S.I. No. 59 of 1992 and Rule 108, invest the funds of the Society solely in trustee authorised investments.

.2 Any sale of investments for re-investment and the re-investment of moneys derived therefrom shall be likewise subject to paragraph (.1) hereof.

221. Sale of Investments - not for Re-investment. The Trustees shall, if requested by the Management Committee, sell so much of the investments as may be necessary to meet any payments required to be made by these Rules.

SECRETARY.

222. Duties of – The Secretary shall (subject to any duties which may be allocated to an Assistant Secretary pursuant to the provisions of Rule 207) –

.1 **Receipt of moneys.** Receive all moneys of and on behalf of the Society and lodge the same to the credit of the Bank Account of the Society,

.2 **Accounting for moneys.** Account for all moneys received by him.

.3 **Keeping of Books.** Keep the accounts of the Society in suitable books but keeping separate accounts of the expenses of the management of the Society and of every particular benefit assured by the Society for which a separate rate of subscriptions has been adopted.

.4 **Change of Address (Section 24)** notify the Registrar of the situation of the registered office and every change therein as required by Section 24,

.5 **Display of Balance Sheet Etc., (Section 29)** display a copy of the last annual balance sheet and last triennial valuation, together with any special report of the auditors, in a conspicuous place at the registered office of the Society as required by Section 29,

.6 **Supply of Rules, (Section 38)** make available a copy of these Rules as required by Section 38,

.7 **Supply of Copies of Annual Return, Etc (Section 39)** make available a copy of the last annual return or balance sheet or other document as required by Section 39,

.8 **Inspection of Books, (Section 40)** make available the papers, records, books and accounts of the Society for inspection as required by Section 40, and for the purpose of Rules 211 and 215,

.9 **Other Duties.** In addition to the duties imposed upon him by these Rules and in particular by this Rule and Rules 205, 208, 211, 217.6, 303, 304, 305, 402, 403, 408, 501, 702, 706, 707, 803, 804, 903, 904, perform all such other duties necessary for the good management of the Society.

223. Honorarium. The Secretary shall be paid out of the funds of the Society such honorarium as may be decided from time to time by the Management Committee.

PART 3

AUDIT, ANNUAL RETURN AND TRIENNIAL VALUATION

301. Auditors – Appointment of. (Section 26) Each Annual General Meeting shall appoint a public auditor to audit the accounts of the Society as required by Section 26.

302. Audit year. The audit year shall be the year ending the 31st December.

303. Balance Sheet Book and Accounts (Section 26) The Secretary shall –
.1 prepare the Annual Balance Sheet and submit the same to the auditors, and
.2 give the auditors access to all the books and accounts as required by Section 26 (2).

304. Annual Return – Completion and Transmission of. (Section 27) The Secretary shall be responsible for the completion and transmission of the Annual Return to the Registrar as required by Section 27.

305.1 Appointment of Valuer, preparation of data etc. (Section 28) The Management Committee shall, once at least in every three (3) years, appoint a valuer to value the assets and liabilities of the Society and to prepare the report required by Section 28.

.2 The Secretary shall prepare and submit to the valuer such data as may be required by him to prepare the report.

.3 The Secretary shall forward the valuer's report to the Registrar immediately when he receives it from the valuer.

PART 4

GENERAL MEETINGS

401.1 Annual General Meeting – When held, Business to be transacted at. An Annual General Meeting of the Society shall be held in March of each year, on a date to be fixed by the Management Committee, to receive a Statement of Accounts and Balance Sheet and the report of the auditors for the previous year ending on the 31st December, and to elect the Management Committee, the Supervisory Committee and the Trustees.

.2 Notice in writing of any Resolution to be moved at an Annual General Meeting signed by the proposer and seconder, shall be delivered to the Secretary (or failing him, to any officer of the Society) on or before the 1st of January next preceeding the Annual General Meeting, and no Resolutions, save those of which due notice has been given may be moved at an Annual General Meeting provided that nothing in this Rule shall prevent an amendment to a Resolution properly before the meeting being moved, or preclude the moving of any formal Resolution receiving and / or adopting Reports and Accounts, motions of congratulations, sympathy or the like, neither shall anything herein preclude any member discussing any matter relating to the affairs of the Society though no Resolutions may be passed.

402.1 Special General Meeting – When held, Business to be transacted at. A Special General Meeting shall be called by the Secretary in the following cases:

.1.1 upon the direction of the Management Committee, and in accordance with such direction;

.1.2 on receipt by the Secretary of a requisition signed by one hundred members, stating the special object thereof.

.2 A Special General Meeting may be convened by direction of the Supervisory Committee and in accordance with such direction.

.3 No other business than that specified in the notice shall be brought before a Special General Meeting.

403.1.1 Notice of General Meetings. Notice of a General Meeting shall, subject to the provisions of subparagraphs .1.2 and .1.3 of this paragraph, to be sent by the Secretary to each member to reach him at least seven (7) days before the date fixed for the meeting together with an agenda of the business to be transacted at such meeting.

.1.2 Where any of the business to be dealt with at a General Meeting is of such a nature as to necessitate the passing of a special resolution under Section 74, or is a proposal to add to, amend a rule requiring a resolution pursuant to the provisions of Rule 501 then the notice of such General Meeting shall –

.1.2.1 Specify the intention to propose, and the requirements to pass such a resolution, and

.1.2.2 include a copy of the special resolution or the proposed addition, alteration or amendment to the rule as the case may be, and

.1.2.3 be sent to each member so as to reach him not later than fourteen (14) days before the date fixed for the meeting.

.1.3 the notice shall be exclusive of the day on which it is served and of the day for which it is given and shall specify the place, the day and the hour of the meeting

.2 if the business to be transacted at a General Meeting included the reception or adoption of a Statement of Accounts and Balance Sheet or a Tri-ennial Valuation a copy thereof shall be sent to each member with the notice of such General Meeting.

.3 Notice of a Special General Meeting convened by or on the direction of the Supervisory Committee will in so far as is practicable be in accordance with the provisions of this Rule.

404.1 Proceedings at General Meetings. No business shall be transacted at any General Meeting unless a quorum of members is present at the time when the meeting proceeds to business; five (5) members present shall be a quorum.

.2 If within half an hour from the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same day in the next week, at the same time and place or to such other day and at such other time and place as the Committee responsible for convening the meeting may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed the members present shall be a quorum.

.3 The Chairman, or failing him the Vice-Chairman, shall preside at a General Meeting, but if at any meeting the Chairman and the Vice-Chairman are not present within fifteen (15) minutes after the time appointed for the holding of the meeting or are not willing to act, the members present shall choose one of their number to be Chairman of the meeting.

.4 The Chairman may with the consent of any General Meeting at which a quorum is present, and shall if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When the meeting is adjourned for thirty (30) days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment of the business to be transacted at an adjourned meeting.

405.1.1 Voting. At any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is demanded pursuant to paragraph .2 hereof.

.1.2 on a show of hands every member present in person shall have one vote.

.1.3 unless a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the meeting shall be conclusive evidence of the fact without proof of the number or the proportion of votes recorded in favour of or against such resolution.

.2.1 A poll may be demanded (before or on the declaration of the result of a show of hands) –

.2.1.1 by the Chairman, or

.2.1.2 by at least three (3) members present in person.

.2.2 on a poll every person present in person or by proxy, as provided for in Rule 406 shall have one (1) vote.

.2.3 Except as provided for in subparagraph .2.4 of this Rule when a poll is duly demanded it shall be taken in such manner as the Chairman directs, and the result

of the poll shall be deemed to be the resolution of the General Meeting at which the poll was demanded.

.2.4.1 a poll demanded on the election of the Chairman or on a question of adjournment shall be taken forthwith.

.2.4.2 a poll demanded on any other question shall be taken at such time as the Chairman of the General Meeting directs, and any business other than that on which a poll is demanded may be proceeded with pending the taking of the poll.

.2.5 the demand for a poll may be withdrawn.

.3 where there is an equality of votes, whether on a show of hands or a poll, the Chairman of the General Meeting at which the show of hands takes place or at which the poll is demanded, shall be entitled to a second or casting vote except in the case of his own election.

.4 A nominated member shall not be entitled to attend or vote at General Meetings.

.5 a retained member or a retained nominated-member shall not be entitled to attend or vote at General Meetings.

406.1 Proxies. Every member shall be entitled to appoint another member as his proxy to attend and vote instead of him at any General Meeting.

.2 the instrument appointing a proxy shall be in writing under the hand of the appointer.

.3 an instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances permit –

"CUMANN ARACHAIS OIFIGEACH AN GHNATH-AIRM

I of
(No., Rank, Name) (Unit and Station)

being a member of the above named society hereby appoint

..... of
(No., Rank, Name) (Unit and Station)

or failing him of
(No., Rank, Name) (Unit and Station)

as my proxy to vote on my behalf at the (Annual or Special as the case may be)
General
Meeting of the Society to be held on the day of 20 and at
any adjournment thereof.

Signed this day of 20

This form is to be used * in favour of _____ the resolution.
* against

Unless otherwise instructed the proxy will vote as he thinks fit.

*Strike out and initial whichever is not desired."

407. Objection to Vote. No objection shall be raised to the qualification of any votes except at the General Meeting or adjourned General Meeting at which the vote objected to is given or tendered, and every vote not disallowed at such meeting shall be valid for all purposes. Any such objection made in due time shall be referred to the Chairman of the General Meeting whose decision shall be final and conclusive.

408. Attendance of Secretary – Record of Proceedings. The Secretary shall attend General Meetings and shall make and keep minutes of each such meeting.

PART 5

AMENDMENT OF RULES

501.1 Procedure for. (Section 13) A rule may be added to, altered or amended only by a resolution which is-

.1.1 passed by a majority of not less than three-fourths of the members present in person or by proxy at a General Meeting; and

.1.2 confirmed by a majority of the members present in person or by proxy at a subsequent General Meeting held not less than fourteen (14) days nor more than one month from the day of the meeting at which the resolution was first passed.

.2 The Secretary shall forward copies of every amendment of a rule to the Registrar for registration as required by Section 13 (1).

PART 6

DISPUTES, APPOINTMENT OF INSPECTOR AND DISSOLUTION.

601.1 Disputes. (Section 68) Any dispute mentioned in Section 68 (1) shall be decided by referring it to the Registrar.

602.1 Application for Appointing an Inspector. (Section 76) If a member considers that it is expedient that an inspector should be appointed to examine into and report on the affairs of the Society or that a special meeting of the Society should be called, he may cause an application supported in manner hereinafter appearing to be presented to the Registrar.

.2 An application presented in pursuance of paragraph .1 hereof shall be in writing and supported by –

.2.1 the signatures of whatever number of the members as may then be required by Section 76 (1), and

.2.2 such evidence as is required by Section 76 (2).

603.1 Dissolution of Society. (Section 78) If five-sixths in value of the members (including Honorary members) present at a Special General Meeting of the Society, duly convened in accordance with Rule 402, consider for reasons which to them seem sufficient that the Society should be dissolved they may cause to be presented to the Registrar an instrument of dissolution containing, inter alia, a concise statement of those reasons duly testified by their signatures.

.2 An instrument of dissolution presented to the Registrar in pursuance of paragraph .1 hereof shall be accompanied by the consent in writing of every person receiving, or entitled to receive, any relief, annuity, or other benefit from the funds of the Society, and in default of any such consent either –

.2.1 a written statement signed by the person concerned that his claim has been duly satisfied, or

.2.2 evidence that adequate provision has been made for satisfying that claim.

.3 An instrument of dissolution made pursuant to this Rule, together with documents supporting such application or instrument as the case may be, shall be sent

to, or left with, the Registrar by the Secretary as soon as may be next after the same has been duly completed.

604.1 Dissolution by Award. (Section 80) If a member considers that it is expedient that an investigation of the Society should be made with a view to its dissolution, he may cause an application supported in manner hereinafter appearing to be presented to the Registrar.

.2 an application presented in pursuance of paragraph .1 hereof shall be in writing and shall –

.2.1 be supported by the signatures of whatever number of members as may then be required by Section 80 (1) and,

.2.2 comply with Section 80 (2).

PART 7

MEMBERSHIP.

701. Eligibility for. The following persons shall be eligible to be members –

.1 Commissioned Officers.

.2 Cadets.

.3 Serving members of the Chaplaincy Service.

.2.1 An officer of the Reserve Defence Force may be elected to membership during a period when the said officer is rendering military service or duty as may be prescribed, pursuant to Section 86 of the Defence Act, 1954, provided always that such military service or duty is and has been rendered for a continuous period of at least five (5) years.

.2.2 The decision of the Management Committee on any application under the provisions of this Rule shall be final.

.2.3 Membership under the provisions of this Rule shall cease on the day on which the said officer ceases to render such military service or duty.

702.1 Application for and Election to Any eligible person may make application for membership and any member may make application in respect of his spouse, civil partner or cohabiting partner for nominated-membership

.2 The Secretary shall, with all convenient speed, place each application for membership before a meeting of the Management Committee for election.

.3 **Effective date of Membership.** The effective date of commencement of membership shall be as determined by the Management Committee but shall not be earlier than the date of election.

.4.1 **Nominated-membership.** A spouse or a civil partner of a member, or a cohabitant partner of a member who is not an eligible person under Rule 701, shall be eligible for election as a nominated-member.

.4.2 **Election to Nominated-Membership** The Management Committee shall deal with applications for election to nominated-membership in like manner as it deals with applications for membership.

.4.3 **Effective date of Nominated-Membership.** The effective date of commencement of nominated-membership shall be as determined by the Management Committee but shall not be earlier than the date of election.

703. Documents to accompany Application. No application shall be valid unless accompanied by-

.1 a form nominating the person or persons to benefit made pursuant to Section 56.

.2 an authorisation to the Secretary, Department of Defence, made pursuant to paragraph .3 of Rule 802.

.3 if the applicant is married the name of his spouse, or if the applicant is in a civil partnership or cohabiting partnership the name of his civil partner or cohabiting partner, and the names and dates of birth of his children whom he wishes to register for funeral expenses.

.4 In the case of an application for nominated membership of a cohabiting partner, a written declaration of the applicant in the form set out at Annex 'A'. The declaration must be signed and dated by the applicant in the presence of one other person who shall witness the making of the declaration. The witness shall also be required to sign the form in the appropriate place. No such declaration shall be valid unless the witness thereto is one of the following:

- a. A commissioned officer of the Permanent Defence Force not below the rank of Commandant.
- b. A member of An Garda Síochána not below the rank of Sergeant.
- c. A practicing Solicitor.
- d. A practicing Barrister.
- e. A clergyman.

704. Cessation of membership. A member shall cease to be a member on the happening of whichever of the following events first occur –

.1 on ceasing to be an eligible person as prescribed in Rule 701.1,

.1.2 if he ceased to be an eligible person as prescribed in Rule 701.1 on medical grounds (so certified to the Society by the Deputy Chief of Staff (Support)) on the 31st August next following such cessation if he so elects,

.2 on withdrawal of the authorization to the Secretary, Department of Defence, made pursuant to paragraph .3 of Rule 802,

.3 on death.

705. Cessation of nominated-membership. Nominated-membership shall cease on the happening of whichever of the following events first occur –

.1 on the member ceasing to be a member pursuant to the terms of Rule 704 except that on the death of the member, nomination-membership shall continue, without subscriptions, until the first anniversary of the member's death or where subscriptions are maintained, up until the nominated-member reaches 70 years of age,

.2 on withdrawal of the authorization to the Secretary, Department of Defence, made pursuant to paragraph .3 of Rule 802 in respect of the nominated-membership,

.3 on death,

.4 on the dissolution of a civil partnership, a decree of divorce or decree of nullity between the member and the nominated-member.

.5 on the submission of a declaration by the member in the form set out Annex 'B' to the Management Committee confirming the cessation of cohabitation in respect of the member's cohabitant partner. The declaration must be signed and dated by the applicant in the presence of one other person who shall witness the making of the declaration. The witness shall also be required to sign the form in the appropriate

place. No such declaration shall be valid unless the witness thereto is one of the following:

- a. A commissioned officer of the Permanent Defence Force not below the rank of Commandant.
- b. A member of An Garda Síochána not below the rank of Sergeant.
- c. A practicing Solicitor.
- d. A practicing Barrister.
- e. A clergyman.

705A Continuation of nominated-membership in certain circumstances

Without prejudice to Rule 705 –

.1 In the case of a civil partner who is a nominated member, if the civil partner marries the member, such nominated membership shall continue uninterrupted.

.2 In the case of a cohabitant partner who is a nominated member, if the cohabitant partner (a) marries the member, or (b) becomes a civil partner of the member, such nominated membership shall continue uninterrupted.

706.1 Re-admission to. A person whose membership has ceased pursuant to .2 of Rule 704 or whose nominated-membership has ceased pursuant to .2 of Rule 705 may apply in writing to the Secretary for re-instatement of membership or nominated-membership as the case may be.

.2 The Secretary shall, with all convenient speed, place each application before a meeting of the Management Committee.

.3 The Management Committee may in their absolute discretion re-admit an applicant to membership subject to the following-

- .3.1 payment of arrears of subscription in such manner as they decide,
- .3.2 receipt of an Authorisation to the Secretary, Department of Defence, made pursuant to paragraph .3 of Rule 802, and
- .3.3 payment, where the Management Committee so decide, of a fine which shall not exceed a sum of one Euro (€1) in respect of each month in which the subscription is in arrears, and if the application is approved, re-admission shall be with effect from a date to be decided by the Management not being a date earlier than the date on which re-admission was actually approved.

707. Retained Membership, Retained Nominated-Membership.

Notwithstanding the provisions of any other Rule a member who resigns, retires or is retired from the Permanent Defence Force may retain membership and his spouse or civil partner or cohabiting partner, if nominated members, may retain nominated-membership of the Society subject to the following conditions-

.1 Membership may be retained at the discretion of the Management Committee under this Rule for the period between the date on which it would otherwise cease and the member's seventieth (70th) birthday.

.2 Nominated-membership may be likewise retained. Membership or nominated-membership thus retained shall hereinafter be referred to as retained membership and members or nominated-members thus retained as retained members or retained nominated-members as appropriate. Retained nominated-membership shall cease in the event of dissolution of a civil partnership, a decree of divorce or a

decree of nullity between the retained member and the retained nominated-member.

.3 Upon election to retained membership or retained nominated-membership the subscriptions due and the manner of their payment will be decided by the Management Committee and notified by the Secretary. Retained membership or retained nominated-membership will lapse immediately on failure to pay subscriptions due. Any form of retained membership which so lapses may not be renewed.

.4 Refunds of subscriptions otherwise due under Rules 803 and 1101 shall not be payable until the period of retained membership or retained nominated-membership lapse or terminates.

.5 A retained member or retained nominated-member may apply at any time for such membership to be terminated. Membership thus terminated shall not subsequently be renewed.

.6 An application for retention of membership shall be invalid unless it is forwarded so as to reach the Secretary within twenty eight (28) days of the termination of a member's service in the Permanent Defence Forces.

.7 Benefits shall continue to be payable in respect of a member or nominated-member who applies for retained membership from the date on which they would otherwise cease until the date when his subscription as a retained member or retained nominated-member falls due.

.8 Each application for retention of membership shall be placed before a meeting of the Management Committee for consideration.

.9 Any material change in the circumstances of a retained member or a retained nominated-member involving additional risk in his employment or otherwise shall be notified to the Secretary immediately.

.10 The Management Committee may, for what appears to it good and sufficient reasons, terminate the membership of a retained member or retained nominated-member. Three (3) months notice of intention to terminate membership will be given to such retained members by writing to his last recorded postal address.

.11 The decision of the Management Committee on an application for, or termination of, all forms of retained membership shall be final.

.12 The Secretary shall issue certificates of retention of membership to duly elected members or retained nominated-members.

.13 Retained members shall enjoy the benefits which they formerly enjoyed as members. Retained nominated-members shall enjoy the benefits which they formerly enjoyed as nominated-members.

PART 8

SUBSCRIPTIONS.

801. Rates. A member shall pay an annual subscriptions in respect of his own membership and an annual subscription in respect of the membership of his spouse or civil partner or cohabiting partner, together with an annual subscription in respect of his membership of the Society's Benevolent Fund. The rates of such subscriptions shall be as decided from time to time by the Management Committee and approved by a majority of the members present in person or by proxy at a General Meeting.

802.1 Method of payment – due date. A member shall pay annual subscriptions in respect of his own membership and that of his spouse or civil partner or cohabiting partner in equal monthly instalments.

.2 A member shall pay the first monthly instalment on the last day of the month in which election to membership or nominated-membership has taken place and each further monthly instalment upon each succeeding last day of a month.

.3 Each member shall execute an instrument in writing authorizing the Secretary, Department of Defence, to have made the monthly deductions from his pay of the instalments referred to in paragraph .1 hereof and to pay the same to the Management Committee.

803.1 Refund of. A percentage of the moneys paid by a member to the Society, with the exception of those paid to the Society's Benevolent Fund, by way of subscriptions or instalments of subscriptions shall, upon membership or nominated-membership ceasing in accordance with Rule 704 or Rule 705, be refundable but subject to paragraph .2 and .3 hereof.

.2 The percentage of a member's annual subscriptions refundable shall be decided from time to time by the Management Committee in consultation with the Actuary and approved by the majority of members present in person or by proxy at a General Meeting.

.3 The refundable figure shall be calculated to the nearest cent and shall be paid by the Secretary-

.3.1 in situations where membership or nominated-membership ceases under Rule 704.1, Rule 705.1 or Rule 705.4 as soon as practicable after such cessation, or;

.3.2 in situations where membership ceases under Rule 704.2 or Rule 705.2 as soon as practicable after he ceased to be an eligible person, or;

.3.3 in situations where membership or nominated-membership ceases under Rule 704.3 or 705.3 to the ex-member's or ex-nominated-member's nominee, where a nomination has been made pursuant to Section 56 of the Act, or where a nomination has not been made to such person or persons as may be decided by the Trustees as provided for in Section 58 of the Act.

PART 9

DEATH BENEFITS.

901.1 Amount and to whom payable. (Sections 56, 58, 62) Subject to the provisions of paragraph .2 hereof and Rule 902 the following benefits shall be paid –

.1.1 on the death of a member, the sum of €10,157.90,

.1.1.1 to his nominee where a nomination has been made pursuant to Section 56 of the Act, or

.1.1.2 where a nomination has not been made, to such person or persons as may be decided by the Trustees as provided for in Section 58,

.1.2 to a member of any class on the death of his child a sum not exceeding the cost of funeral expenses. This sum to be determined annually by the Management Committee and not more than one such sum shall be payable in respect of any one child.

.2 Where the Committee is satisfied that the funds available permit, a sum not exceeding €9,523.04 in addition to the amount payable under Rule 901.1 may be paid at the absolute discretion of the Management Committee.

902.1 When not payable. A person whose membership has ceased pursuant to clause .1 or .2 or Rule 704 or a person whose nominated-membership has ceased pursuant to clause .1 or .2 of Rule 705 or any other person claiming through such member or nominated-member, shall not be entitled to any benefit from the Society in respect of a death occurring after the date of such cessation.

.2 A person claiming through a member shall not be entitled to a benefit from the Society when such member dies on active service (as defined in Rule 103).

903. Death Certificates. (Section 61 and 63) The Secretary shall be responsible for obtaining any death certificates required pursuant to Sections 61 and 63.

904. Nominations – recording and revocation of. The Secretary shall keep a book in which he shall record every nomination or variation or revocation of nomination made pursuant to Section 56.

905.1 Notification of Marriage / Civil Partnership / Cohabiting Partnership and Birth of Children. A member shall forward to the Secretary notification of his marriage or civil partnership or cohabiting partnership and a form nominating the person or persons to benefit pursuant to Section 56.

.2 Each married member or member in a civil partnership shall furnish the Secretary the name of his spouse or civil partner whom he wishes to register for funeral benefit.

.3 Each member or nominated-member, shall furnish the Secretary the name and ages of his children whom he wishes to register for funeral benefit.

PART 10

LOANS.

1001. Loan Schemes. The Management Committee may, from time to time, having due regard to the liquid assets of the Society and after consultation with the Trustees and the Society's Actuary, establish a scheme or schemes for the advancing of loans to members.

1002. Rules. The rules to apply to any such loan scheme shall be drawn up by the Management Committee and no such scheme may be effected unless such rules are passed and approved by a resolution at a General Meeting.

1003. Minimum Eligibility Criteria. The rules for a loan scheme shall not provide for the advancing of loans to members of less than three (3) years standing.

1004. Maximum Loans. (Section 45) The rules for a loan scheme shall not provide for the advancing of any sum by way of a loan exceeding one half of the amount assured on the life of a member under the provisions of Rule 901.1.

1005. Other Criteria. The rules may provide for other eligibility criteria for any loan scheme.

1006. General Provisions. The rules may provide for the duration, interest rates (which may be fixed for the duration of the loan or variable), the method of repayment, the provision of security on any amount loaned, and all or any other matters which, in the opinion of the Management Committee, is necessary or desirable for the proper administration of the scheme.

PART 11

BONUS SCHEME.

1101.1 To whom payable and amounts payable. The surplus contributions received from all classes of members together with the interest arising from investments and other profits of the Association during each year ending on the 31st day of December shall, subject to the provisions of paragraph .2 of this Rule, be accumulated to the use of all classes of members of the Society and shall be placed to the credit of these members in the books of the Society as a bonus, calculated in the manner prescribed at paragraph .3 of this Rule

.2 The total amount which shall be accumulated to the use of all classes of members, in any year, shall be determined by the Management Committee in consultation with the Actuary, having provided for:

.2.1 All claims on the Fund then outstanding, and

.2.2 the allocation to a reserve of an amount which the Management Committee shall, on the advice of the Actuary, consider necessary to:

.2.2.1 ensure the financial growth of the Association,

.2.2.2 equalise future bonuses, and

.2.2.3 provide for depreciation of investments.

.3.1 The amount of bonus, to be placed to the credit of a member, nominated-member, retained member or retained nominated-member, in any year, shall be calculated to the nearest cent at such rate (as shall be determined by the Management Committee in consultation with the Actuary) per complete Euro of all refundable subscriptions paid by the member on the 1st day of January in that year.

.3.2 When a member of any class ceases to be a member of the Society the amount of bonus payable to the member of the class in question shall be the amount that has accrued to their credit up to the 1st day of January in the year of such cessation.

.4 Bonuses placed to the credit of a member shall only become payable:

.4.1 to the member when his subscriptions are refundable under the provisions of these Rules, or

.4.2 to his personal representative on his death.

1102. In addition to a Bonus Scheme as provided for in Rule 1101.1 a Final Bonus shall be payable to all classes of members on cessation of their membership of the Society. The percentage rate for such bonus shall be as determined from time to time by the Management Committee in consultation with the Actuary

PART 12

BENEVOLENT FUND.

1201. Object. In order to grant assistance to distressed members of the Society a Benevolent Fund shall be maintained.

1202. Eligibility. All members of the Society's Benevolent Fund shall be eligible to apply for assistance.

1203.1 Applications for Assistance. Each application for assistance from the fund shall be made by the applicant through his Brigade Representative.

.2 The Brigade Representative, having first established the bona fides of an application, shall, with all convenient speed, place it before a meeting of the Management Committee for consideration.

1204. Administration. The Management Committee shall, in its absolute discretion, administer the fund.

1205. Confidentiality Clause. The Management Committee will regard all business between recipient members, proposed recipient members, of grants from the Benevolent Fund as being strictly confidential. In this regard details or information relating to individual members will not be divulged to, or discussed with, anybody outside to the Management Committee without the express permission of the individual member concerned.

PART 13

RELIEF OF ILLNESS - DISCRETIONARY.

1301. Illness Relief. The Management Committee may, having due regard to the liquid assets of the Society, establish a scheme for the financial relief of members who are placed on half-pay due to illness under the provisions of the Defence Act.

1302. Payment subject to discretion. The amount or amounts to be paid to a member under the provisions of any such scheme will be determined by the Management Committee at its discretion, but in no one case will the amount(s) paid exceed the actual loss of pay.

1303. Limitations. The amount(s) paid to any member under the provisions of this part of these rules will not exceed €12,697.38.

1304. Cessation. If a member who is placed on half-pay is either restored to full pay or is retired from the Defence Forces due to illness no further payment may be made to him, under the provisions of this part of these rules, after the date upon which he is either restored to full pay or is retired.

PART 14

BENEFIT ON COMPULSORY RETIREMENT DUE TO ILLNESS.

1401. Illness – Retirement Benefit. Subject to the remaining provisions of this part of these rules a sum of €12,697.38 shall be paid to a member who is compulsorily retired from the Defence Forces due to illness.

1402. Eligibility. The benefit payable under this part of these rules will only be payable to a member of at least three years standing on the date of retirement.

1403. Payments Under Part 13. The entitlement to benefit under this part of these rules shall not be prejudiced by any previous payments made under the provision of Part 13 of these rules.

1404. Exclusion – Active Service. A member whose illness is directly attributable to active service shall not be entitled to a benefit under the provisions of this part of these rules.

1405. Information may be Required. The Management Committee may require of a member such report(s) or other information as it deems necessary to satisfy itself as to the member's entitlement to benefit under this part of these rules.