



NATIONAL (ST LUCIA) CONSUMER ASSOCIATION

## BY-LAWS

**Adopted by the Annual General Meeting of Sunday, 29<sup>th</sup> June 2003**

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# THE ST. LUCIA CONSUMER ASSOCIATION BY-LAWS

## **1-0 Preamble/Explanatory Notes**

- 1-1 The Constitution, as comprehensive as it may be, never addresses every given situation and circumstance, which may arise, or events that may take place from time to time. Some provisions contained in the Constitution sometimes do not go far enough in addressing all the relevant issues, nor do they go far enough in answering all the relevant questions that need answers.
- 1-2 This is recognized in section 13(1)(b) of the Constitution which provides for whatever inadequacy that may exist, by giving the Executive Committee the power to create by-laws. The Constitution is silent on several important issues, one of which is the penalties for acts of indiscretion by its members. The following, therefore, is an attempt to address such omissions in addition to setting processes and procedures in place for the orderly conduct of meetings.
- 1-3 The by-laws are to be read with and are part of the Constitution and nothing contained therein are to contradict or contravene the provisions of the Constitution.

## **2.0 Interpretation**

In these by-laws,

**“Executive Committee”** means the Immediate Past President and the composition of members elected at the Biennial General Meeting to carry out the general management affairs of the Association

**“Executive Council”** means the composition of the Executive Committee and representatives of the members as referred to in section 13.2 of the Constitution

**“Matters of a serious nature”** means any matter of a dangerous, threatening and scandalous nature or any other matter that may bring the Association or any of its members into disrepute

**“Offensive conduct”** means any behavior that is insulting, disgusting and aggressive or any other behaviour that may bring the Association or any of its members into disrepute

**“Prescribed fees”** means the fees determined by the Executive Committee of the Association.

### 3.0 Procedures and Guidelines for the Orderly Conduct of Meetings

- i) The Chairperson shall call the meeting to order.
- ii) All questions and comments must be directed to or through the Chairperson.
- iii) Only one (1) person shall speak at any one time.
- iv) A Person shall not be interrupted, unless on a **point of order or correction**.
- v) When one rises on a **point of order or correction**, the person speaking shall take his seat.
- vi) The Chairperson may require the person to state the point of order, before he is allowed to continue.
- vii) The Chairperson may interrupt any speaker who is out of order/out of line.
- viii) Anyone interrupted or stopped by the Chairperson will immediately take his seat.
- ix) Person(s) will make their points clearly and will be allowed to speak freely on any relevant issue(s).
- x) All motions raised must be seconded before it is further entertained.
- xi) For Executive Committee and Council Meetings only: -
  - a. Anyone who has a proposal, a special presentation or submission, shall do so within ten a (10) minute period.
  - b. Every other person will be allowed between 1 – 3 minutes to make a contribution to the debate/discussion after which the presenter shall be allowed a three (3) minute response to conclude the discussion on the subject. He/she may choose not to do so.
  - c. Notwithstanding that constraints outlined in a. and b. above, the chairperson may grant an extension of time if so required.
  - d. All matters or issues proposed or recommended for consideration and or approval, unless otherwise approved by unanimous consent (i.e. no one opposed or objected), shall be voted on in the approved manner.
  - e. Members shall vote by a simple show of hands or ‘Yes’ or ‘No’ as the case may be.

- f. Any member may abstain from voting
- g. Members' votes shall be recorded accordingly.
- h. The Chairperson's ruling shall be binding on all members.
- i. Matters discussed at executive meetings are to be divulged by the appropriate officer through the proper channels.

#### **4.0 National Representation**

The President, in consultation with members of the Executive Committee, shall:

- (i) Appoint members to represent the Association on Committees of the Association or affiliated bodies (local, regional and international).
- (ii) Appoint members to attend meetings, seminars, etc.
- (iii) Before any appointment in respect to 4(i) and 4(ii), Executive Committee members shall interview appointees to ascertain their interest and/or their capabilities, in keeping with section 16(b)(i) of the Association's Constitution.

#### **5.0 Fees**

. Members shall pay the prescribed fees as follows:

- (i) Ordinary members (organizations) shall pay a one hundred dollar (\$100.00) admission/registration fee on becoming a member
- (ii) Ordinary members (individuals) shall pay a sixty-dollar (\$60.00) admission/registration fee on becoming a member
- (iii) Associate members shall pay a one hundred dollar (\$100.00) admission/registration fee on becoming a member
- (iv) Ordinary members (individuals and organizations) shall pay an annual subscription fee equivalent to the amounts stated above in section 5.1 (i) and 5.1 (ii) respectively for renewal of their membership
- (v) Associate members shall pay an annual subscription fee of one hundred dollars (\$100.00) for renewal of their membership.

- (vi) Individuals who are themselves members of affiliated organisations shall pay an annual fee of sixty dollars to acquire individual membership
- (vii) Members wishing to appeal decisions reached against them arising out of complaints lodged before the Executive Committee shall pay a fee of one hundred dollars (\$100.00) before the matter is processed.
- (viii) In the event of a successful appeal, the Association's liability shall be no more than the cost of such appeal.

## **6.0 Discipline And Complaints Procedure**

### **a. The following committees shall hear complaints made against members:**

- (i) The Disciplinary Committee
- (ii) The Executive Committee
- (iii) The Tribunal

### **b. The Executive Committee/Preliminary hearing:**

- i) A complaint made against any member of the Association shall be made in writing by the complaining party (ies) to the General Secretary, who shall inform the Disciplinary Committee within seventy-two (72) hours of receiving it. A meeting of the Disciplinary Committee shall be convened within two weeks of receipt of the complaint
- ii) The complainant and the accused shall both be informed in writing of the date, time and place where the hearing is to take place not less than three (3) days before the hearing.
- iii) During the proceedings the defendant will be afforded every opportunity to respond to the complaint(s) made against him/her and to defend himself/herself.
- iv) Both parties will be allowed to bring (their) witnesses to the hearing.
- v) The committee hearing the matter may call its own/independent witnesses
- vi) Should any of the parties fail to attend a duly constituted disciplinary meeting as stipulated under section 6.4 (e) of the Constitution and 6.b.ii of the by-laws without a written excuse, the matter may be proceeded with

- vii) A written notice of either of the parties' inability to attend must be delivered to the Secretary of the committee hearing the matter not later than forty-eight (48) hours before the scheduled date of the meeting.

**c. Complaint Resolution**

- i) The matter shall be proceeded with in accordance with the due process of law
- ii) The Chairperson will proceed to read aloud the complaint, following which, the evidence gathered in support of such complaint will be examined
- iii) The defendant will then be permitted to put up a defense if he/she so chooses
- iv) If, at the conclusion of the Disciplinary Committee hearing, the Committee pronounces against the defendant by way of recommendation(s) to the Executive Committee, penalty may be imposed in accordance with Sections 6.4 (f) of the Constitution and Section 7 of the by-laws. At that point, it shall be the duty of the Chairperson to advise the defendant of his/her right of appeal, in accordance with Section 8 of the by-laws.

**7.0 Penalties**

- (a) As stated by the Constitution under sections 6.4 (f), the Executive Committee may impose penalties on any member found guilty of an offence against the Association and/or its members
- (b) Such penalties may be in the form of suspension and/or a fine or expulsion.
- (c) The President/Chairperson, at a properly constituted meeting of the Association, may impose a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) on any member who has been found in contempt of the proceedings (meeting)

## **8.0 Appeals And Disputes**

- i) Members found guilty of offences as a result of complaints lodged against them may appeal the decision on payment of the prescribed fee as contained in Section 5 (vii) of the By-laws
- ii) Such appeal(s) shall be made first to the Executive Committee and then to the Tribunal
- iii) A member wishing to appeal any decision made by the Executive Committee shall have no more than four (4) weeks within which to do so. Such appeal must be in writing and addressed to the General Secretary of the Association.

## **9.0 Nominations And Elections**

- a) Persons nominated for office on the Executive Committee of the Association shall (i) be financial members; (ii) have been a member of the Association at least six months before nomination; (iii) have been nominated and seconded by financial members and (iv) sign the nomination form indicating their intention of standing for office
- b) An Election Officer shall be appointed by the Executive Committee at least four weeks before the Elections.  
All nominations will be forwarded to the Election Officer for ascertaining the eligibility of the nominated candidates.
- c) The election of the Executive Committee shall take place at the Biennial General Meeting. The electors must be financial members.
- d) The Election Officer shall (i) ensure the elections are conducted in the manner specified by the relevant rules and procedures; (ii) be in charge of the ballot boxes; (iii) ensure the secrecy of the ballots; (iv) count the votes and (v) declare those elected immediately after the count.

## **10.0 Hours of Business**

The Association shall be opened and closed at such hours as may from time to time be fixed by the Executive Committee and posted in the Association premises.



## **11.0 Prohibition**

- a) Persons/members are prohibited from:
  - i) Entering the Association's premises to petition for signature or otherwise without the sanction of the Executive Committee
  - ii) Soliciting any member for any donation or subscription in the Association, without the prior permission of the Executive Committee
  - iii) Using the Association for any partisan political purpose
  - iv) Posting bills, posters, placards or notices in the Association's premises without the permission of the Executive Committee; and
  - v) Fighting, swearing, or engaging in other acts deemed offensive and/or abusive to the Association or its members or which may bring the Association or its members into disrepute.

## **12.0 Examination Of Books/Accounts By Members**

The Executive Committee shall cause the books to be available for the inspection of any financial member having an interest in the funds of the Association at all reasonable hours at the registered office or at any place where the books are kept, and it shall be the duty of the General Secretary to produce them accordingly.

## **13.0 Appendices**

The following shall be an appendix to the Association's by-laws:

- I) Appendix 1 - Registration/Application Form
- II) Appendix 2 - Nomination (for election) Form