



IMO Constitution and Rules

NAME AND REGISTERED OFFICE

- 1 The name of the Organisation is THE IRISH MEDICAL ORGANISATION and it is a Trade Union and is hereinafter referred to as the Organisation.
- 2 The registered office of the Trade Union shall be situated in Ireland and shall, for the time being, be at 10 Fitzwilliam Place, Dublin 2, which shall be the place of meeting for the business of the Organisation unless otherwise determined.

3 PRINCIPAL OBJECTS

The role of the Irish Medical Organisation is to represent doctors in Ireland and to provide them with all relevant services. It is committed to the development of a caring and effective health service. The objects of the Organisation are:

- 3.1 To secure the organisation of persons engaged in the practice of medicine, in accordance with the Medical Practitioners Act, 1978 and any amending, extending or replacing Acts.
- 3.2 To procure and ensure the maintenance of just and reasonable terms of employment, and proper remuneration of its members and generally promote the honour and interest of the medical profession.
- 3.3 To regulate the relations between members and employers, between members and members, and between employers and employees, or the imposing of restrictive conditions on the conduct of the members and the provision of benefits to members. The term 'employer' includes all parties who shall offer to engage, employ or retain by any means whatsoever the professional services of a member of the Organisation in relation to the practice of medicine or any allied practice or discipline whether same is on their own behalf or as agent(s) or representative(s) for third parties.
- 3.4 To negotiate and settle all matters pertaining to the practice of medicine with all parties on behalf of the members and to avail of any lawful means in pursuit of the same.
- 3.5 To promote or oppose legislation pertaining to the practice of medicine or related disciplines and to co-operate with other bodies where necessary or expedient to do so.

OTHER OBJECTS

- 3.6 To maintain and develop its position as the national representative medical organisation and continue to represent the profession at European and international levels.
- 3.7 To promote the science of medicine and the quality of public health.
- 3.8 To continue to develop coherent policies on health service issues.
- 3.9 To defend at all times the clinical independence of the members.
- 3.10 To convene and organise at least one meeting of the Organisation annually together with such other periodical meetings of the members or any number of them as may be determined in accordance with the rules.
- 3.11 To publish or promulgate information by means of a periodical journal or journals or through the media or any other suitable means.
- 3.12 To publish an annual report of the activities of the Organisation for distribution to all members.
- 3.13 To make application to the relevant body for any statutory or other privilege, exemption, limitation or license of any nature which shall be of benefit to the Organisation or its members.
- 3.14 To raise such funds as shall be required for the efficient administration of the Organisation by levying subscription on the members or any other such means as shall be determined.
- 3.15 To make such bye-laws and regulations as shall be necessary for the internal administration of the Organisation and to govern and regulate its relationship with other bodies and individuals.
- 3.16 To establish and subscribe to such insurance, assurance, pension schemes or other funds as the Organisation shall deem necessary to provide for the retirement, disability or death benefit of any officer, servants or employees (and their respective dependents) of the Organisation and to establish, promote or concur in the establishment or promotion of such schemes or arrangements (whether group or individual) by way of insurance, assurance or otherwise for the provision of benefits or facilities for members of the medical profession and their dependents and to enter with others or alone into any business venture or company for the provision of benefits or facilities for members of the medical profession and their dependents and to enter with others or alone



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into any business venture or company for the provision of benefits services and facilities of any kind to and for members of the medical profession and their dependents or for the furtherance of the objectives of the Organisation and its members.

- 3.17 To assist necessitous members and their dependents by such means as shall be deemed appropriate having regard to the nature of each case.
- 3.18 To purchase, take or lease, exchange, hire or otherwise acquire real and personal property and any rights or privileges necessary or convenient for the purpose of the Organisation.
- 3.19 To sell, improve, manage, develop, lease, mortgage or charge, dispose of, turn to account or otherwise deal with all or any part of the property or assets of the Organisation.
- 3.20 To borrow any monies required for the purposes of the Organisation (which terms shall include the administration of the Organisation in the promotion of these objectives) upon such terms and upon such securities as may be deemed suitable or without such securities: and to make, accept and endorse cheques, promissory notes, bills of exchange and other negotiable instruments.
- 3.21 To invest monies of the Organisation not immediately required in such stocks and securities and investments of whatever nature as may be designated from time to time.
- 3.22 To pursue all lawful objectives, to promote the objectives of the Organisation and the members thereof whether or not the same are related to the practice of medicine.
- 3.23 To do all such other lawful things as may be incidental or conducive to the promotion or implementation of the foregoing objects or any of them.
- 3.24 To do all such other objects permissible to a Trade Union under the Trade Union Acts.
- 3.25 To comply with all legal requirements under the Trade Union Acts, including the following:
 - (a) To notify to the Registrar of Friendly Societies any changes of address of the registered office of the Organisation.
 - (b) To notify to the Registrar of Friendly Societies of any rule amendments.
 - (c) To deliver a copy of such rules to the Registrar on demand on payment of a sum not exceeding 5 cent.
 - (d) To furnish the Registrar with annual returns of the Organisation before 1st June each year.

4 THE COUNCIL

- 4.1 There shall be a Council of the Organisation in which shall be vested the overall control over general policy implementation in accordance with the rules and policy formulated by the Annual General Meeting.
- 4.2 There shall be a number of specific purpose committees, the number of which shall be determined annually by the Council of the Irish Medical Organisation.
- 4.3 There shall be three permanent standing committees, which shall be the Management Committee, the International Affairs Committee, and the Medical Ethics Committee, which shall consider relevant matters referred to them and report to Council. Membership of the Medical Ethics Committee and the International Affairs Committee may include members of the Organisation who are not serving Council members. Membership of the Management Committee is confined to those outlined in Rule 4.7(a) below. The members of the Medical Ethics Committee and the International Affairs Committee shall serve for a minimum period of three years.
 - 4.3(a) Council may authorise the creation of other Standing Committees as the needs of the Organisation may dictate (providing for areas not covered by the three permanent Standing Committees) and which may include members of the Organisation who are not serving Council Members which Standing Committees shall report to Council and shall be appointed for a period fixed by Council.
- 4.4 The functions of the Council shall, subject to the provisions of Rule 4.1, be:
 - (a) To approve strategies for the implementation of policies approved by the Annual General Meeting.
 - (b) To monitor the implementation of motions passed at the Annual General Meeting.
 - (c) To formulate and determine the policy of the Organisation (but at all times having due regard to previous policy as determined by the members in Annual General Meeting) and to propose policy motions to the AGM.
 - (d) To propose to the AGM rule changes prepared by the Management Committee.
 - (e) To consider reports from the Management Committee.
 - (f) To deal with and decide on exceptional items referred to it by the Management Committee and the Specialty Groups.
 - (g) To make and amend, where appropriate, bye-laws as may be deemed necessary.



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- 4.5 The Council shall comprise of 25 members as follows:
- The Consultant Group shall nominate seven of their number to the Council, one of whom shall be the Chairman of the Group.
 - The General Practitioner Group shall nominate seven of their number to the Council, one of whom shall be the Chairman of the Group.
 - The Non-Consultant Doctor Group shall nominate seven of their number to the Council, one of whom shall be the Chairman of the Group.
 - The Public Health Doctor Group shall nominate three of their number to the Council, one of whom shall be the Chairman of the Group.
 - Council shall co-opt one doctor to represent members of the Organisation not represented by the above Groups.
- 4.6 Notwithstanding anything contained in Rule 4.5, in any given year, two Council seats shall be filled automatically. The outgoing President and the outgoing Vice-President shall, ex-officio, be members of the Council subject to the following:
- Where the President and/or the Vice-President are either Consultant, General Practitioner, Non Consultant Hospital or Public Health doctors, the Specialty Group which represents the interests of the doctor concerned shall, for the purposes of Council representation, be taken to have nominated the President and/or the Vice-President for the purposes of Rule 4.5 above.
- Where the President or Vice-President was co-opted to Council in accordance with Rule 4.5(e) above, Rule 4.5(e) shall lapse in respect of the year in which the President or Vice-President acts ex-officio.
- 4.7 The Management Committee
- 4.7(a) The Management Committee shall be composed of:
- The President
 - The Vice-President
 - The Honorary Treasurer
 - The Honorary Secretary
 - The Chairpersons of each Specialty Group
 - The Immediate Past President
 - The Chief Executive Officer (in a non-voting capacity)
- 4.7(b) The Management Committee shall deal with the day to day government and control of the Organisation in accordance with the rules and policies formulated by the Annual General Meeting subject to Council's direction.
- 4.7(c) The functions of the Management Committee shall, subject to the provisions of Rules 4.1 to 4.6 incl, be:
- To take all major operational decisions.
 - To direct the work and monitor the performance of the Chief Executive.
 - To agree and monitor annual budgets.
 - To act as the forum to which the Chief Executive reports.
 - To report to Council, through the President and the Honorary Treasurer, on a quarterly basis.
 - To monitor and supervise the implementation of AGM and Council policy.
 - To be the forum for liaison between the Specialty Groups and to respond to proposals from the Specialty Groups either by direct action or through formulating proposals to Council.
 - To monitor the Organisation's publishing operations.
 - To act as a forum for decisions on all Organisation business not specific to individual Specialty Groups or their contracts of employment.
 - To perform such other business as the AGM or Council shall dictate.
 - To determine, from time to time, the terms and conditions applicable to the Chief Executive Officer.
 - To consider exceptional financial items which are outside agreed annual budgetary provisions on the recommendation of the Chief Executive Officer.
 - To decide on the appointment of the Chief Executive Officer and make all arrangements in connection therewith.
- 4.8 On the death, retirement from office or removal from office of a Council member the Specialty Group concerned may nominate one of its number to the Council, for the remainder of the term of office.
- 4.9 The President, or in his absence or at his request, the Vice-President, or in his absence or at his request, the Honorary Treasurer, or in the absence of all three aforesaid, the Honorary Secretary shall be the Chairperson of all meetings of the Council. In the absence of all officers, a Chairperson shall be elected by the members present.
- 4.10 No member of Council shall serve for more than five consecutive years excepting a member who is elected President or Vice-President in his/her fifth year as a member of Council.



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5 THE STRUCTURES OF THE ORGANISATION

- 5.1 There shall be the following Specialty Groups:
- (1) The Consultant Group
 - (2) The General Practitioner Group
 - (3) The Non Consultant Hospital Doctor Group
 - (4) The Public Health Doctor Group
- 5.2 The members of each Specialty Group, named in Rule 5.1, shall annually elect a National Committee of not more than 20 members. The election shall be organised by the Secretariat and supervised by the Organisation's Auditors. The method of election shall be reviewed every three years by the National Committee who may present proposal for change to the AGM of the Organisation for its approval. The electoral system for each Specialty Group shall be agreed by that Specialty Group, and shall be ratified by the Council for a minimum period of 3 years. In the event that such electoral system cannot be agreed by a Specialty Group or that Council refuses or fails to ratify such electoral system then the electoral system for that Specialty Group shall be as set out in the Appendix attached to these rules, and such Appendix shall be deemed to form part of the Rules of the Organisation.
- 5.3 The National Committee of each Group shall, subject to control of the Annual General Meeting, represent the interests of the members of its own Group.
- 5.4 Each Specialty Group shall be sub-divided into Regional Divisions which shall correspond with Health Service Executive Administrative Areas unless the National Committee determines otherwise from time to time. Each Regional Division will, where applicable, be divided into branches. The precise arrangement shall be determined by the members of the Specialty Group in consultation with their National Committee.
- 5.5 Each member of the Organisation shall be a member of the Regional Division of their Specialty Group as well as the Branch, where relevant, within which he/she has his/her medical practice. However, a member may make application to the National Specialty Group to be a member of a Regional Division other than the one to which he/she was assigned. If the National Specialty Group is satisfied it is suitable that the member in question be allowed to be a member of such other Regional Division, the National Specialty Group shall permit such membership.
- 5.6 Each Branch, where relevant, shall have a Chairperson and a Secretary who shall be nominated by two (2) members of that Branch and elected at its Annual General Meeting.

- 5.7 Each Branch where relevant, shall elect one nominee as a representative to the Regional Division.
- 5.8 Each Regional Division will have a Chairperson and a Secretary who shall be nominated by two (2) members of that Regional Division and elected at its Annual General Meeting.
- 5.9 Where Branch structures are in place each Regional Division shall be made up of a Chairperson and Secretary, elected in accordance with Rule 5.8 above, as well as a nominated representative from each constituent Branch in the region. The Annual General Meeting of the Division will, however, be open to all constituent members in the region.
- 5.10 There should be one joint meeting annually between all Specialty Branches within each region.

6 OFFICERS OF THE ORGANISATION

- 6.1 There shall be a President, a Vice-President, Honorary Treasurer and an Honorary Secretary of the Organisation.
- 6.2 The members of the incoming Council shall elect from amongst their members at the first meeting of the new Council after the A.G.M., a Vice-President, Honorary Treasurer and Honorary Secretary.
- 6.3 The Vice-President shall succeed to the Presidency in the year following his/her Vice-Presidency.
- 6.4 In the event of the office of President, Vice-President, Honorary Treasurer or Honorary Secretary becoming vacant for any reason, the Council shall elect a person from within the Council to fill the position.
- 6.5 The role of the President shall include:
- (a) To liaise with the Chief Executive in meeting the requirements of the Specialty Groups, the Management Committee and Council.
 - (b) To enhance the profile of the Organisation on medical issues not directly associated with its negotiation role.
 - (c) Ensuring effective relationships between the headquarters of the Organisation and the Specialty Groups.
 - (d) Involvement in meeting the needs of the Organisation in the public relations area.



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- 6.6 There shall be a Chief Executive Officer of the Organisation appointed by Council subject to the provisions of Rules 4.7 and 4.7(c)(xiii) herein, whose role shall include the following:
- (a) To decide on the appointment, salaries and conditions of service of full and part-time staff for the efficient administration of the Organisation.
 - (b) To draw up annual budgets and plans for consideration and decision by the Management Committee.
 - (c) To report to the Management Committee and to be responsible for the performance of staff and the implementation of plans as agreed from time to time by the Management Committee and the Specialty Groups.
 - (d) To report to Council on a quarterly basis on the progress of plans and budgets agreed by the Management Committee.
 - (e) To advise each Annual General Meeting of initiatives to be undertaken in the succeeding year following each AGM.
 - (f) To be responsible for an effective public relations profile for the Organisation.
 - (g) To liaise with the President on a regular basis in meeting the requirements of the Specialty Groups, the Management Committee and Council.

7 MEMBERSHIP ELIGIBILITY - SUBSCRIPTION

- 7.1 All Medical Practitioners who are registered or provisionally registered under the Medical Practitioners Act for the time being in force in the state shall be eligible as ordinary members; provided always that no person shall be eligible for membership without the previous sanction of the Management Committee which shall not be unreasonably withheld. All references in the rules to 'Medical Practitioners' shall be deemed, for the time being, to include a reference to dentists duly registered.
- 7.2 Every candidate for membership shall be proposed and seconded by Medical Practitioners who are members of the Organisation.
- 7.3 Every candidate for membership who has been duly proposed, seconded and who has received the sanction of the Management Committee shall be required on admission to membership to pay such annual subscription as shall be deemed payable in such manner as shall from time to time be determined. The benefits of membership shall only accrue from when a candidate's application for membership has been sanctioned by the Management Committee and he or she has paid the annual subscription as determined from time to time by the Management Committee.

- 7.4 The Management Committee shall determine the amount of annual subscription and shall notify the members of same by the 1st December. Publication in the general journal of the Organisation shall be deemed notification. Each member shall pay the annual subscription on or before the 1st January.
- 7.5 There shall be a category of Honorary Member in addition to the membership referred to above in Rules 7.1 to 7.4 inclusive. Such persons shall be nominated from time to time for life, by the Council of the Organisation. No voting rights shall attach to such membership.
- 7.6 There shall be a category of student member in addition to the membership referred to in Rules 7.1 to 7.5 inclusive. Such persons must be registered as full time students with a recognised medical school. No voting rights shall attach to such membership.

8 TERMINATION OF MEMBERSHIP

- 8.1 A member shall cease to be a member of the Organisation in any of the following cases:
- (a) by resignation;
 - (b) ipso facto, by default of payment of the annual subscription to the Organisation by 28th February of that year or a date six weeks before the opening of the Annual General Meeting, which ever shall be the earlier;
 - (c) ipso facto, upon erasure on the grounds of professional misconduct from the General Register of Medical Practitioners or upon the forfeiture for any reason of the medical qualification by virtue of which the member shall have been eligible for membership;
 - (d) by expulsion as hereinafter provided.

9 EXPULSION

- 9.1 A member may be expelled from the Organisation on the grounds that his/her conduct is detrimental to the honour or interests of the medical profession or to the Organisation, or is calculated to bring the profession into disrepute, or on the grounds that the member has failed to or refused to comply with the rules or regulations of the Organisation.



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- 9.2 The Council shall have rule power to receive complaints in writing against a member and on receipt thereof, it shall forthwith appoint three members to investigate the complaint and report thereon to Council and it shall furnish the substance of the complaint and the report of investigating members in writing to the party against whom the complaint was laid and the Council shall call that party to a hearing before it (at which the Council may have its legal advisors present) of which not less than fourteen (14) days' notice shall be given to the party against whom the complaint was laid. The party so complained of shall have the right to be heard in his/her defence both personally and/or by his/her legal representatives at the said hearing. The Council on hearing the investigation members' report and recommendations and the party complained of, shall have the power to expel the said member from the Organisation or impose any lesser obligation or condition on him/her.
- 9.3 A majority of two-thirds of those present at such a meeting of the Council shall be required for the purpose of exercising the powers conferred by the preceding paragraph.
- 9.4 An expelled member shall, notwithstanding that he/she has ceased to be a member, be liable to pay all sums due to the Organisation.
- 9.5 The Council shall continue to complete an enquiry initiated and, when it so decides, it shall issue the notice of the same to the party complained of as stated, notwithstanding the termination of that party's membership by resignation or otherwise and it shall inform him/her of the outcome of the hearing in due course.
- 9.6 A member who has been expelled or who whilst under investigation or enquiry terminates his/her membership shall not be re-admitted to membership until approved by the Council and subject to such terms and conditions of membership as the Council shall see fit in the circumstances.
- 9.7 All decisions of the Council concerning a complaint against a member shall be notified in writing to such member and may be further published in such manner as the Council may determine.
- 10 ANNUAL GENERAL MEETING**
- 10.1 All members shall be entitled to attend every Annual General Meeting of the Irish Medical Organisation.
- 10.2 Only those ordinary members referred to in Rules 7.1 to 7.4 incl shall be entitled to vote at every Annual General Meeting of the Organisation.
- 10.3 An Annual General Meeting of the Organisation shall be held once in every calendar year at such place and time as may be determined by the Council.
- 10.4 The Annual General Meeting shall be for the purpose of transacting the following business:
- (a) receiving and considering the report of the Chief Executive Officer, the President and of the Council on the business of the Organisation;
 - (b) receiving the accounts of the Organisation and report of the Auditors;
 - (c) conducting ballots in considering such resolutions as may be laid before the meeting in accordance with the rules of the Organisation;
 - (d) such other business as the Council may deem necessary and appropriate for the Annual General Meeting.
- 10.5 All general meetings other than Annual General Meetings shall be called Extraordinary General Meetings.
- 10.6 The Council may, when it deems necessary, and it shall upon a requisition being made in writing, stating fully the objects or resolutions to be placed before such meeting and signed by one hundred and twenty (120) or more members, convene such an Extraordinary General Meeting for the purpose of the matter contained in such resolutions. On receipt by Council of such notice, the Council shall convene an Extraordinary General Meeting to be held within four (4) weeks of receipt of the notice and the Council shall duly inform all the members of the matters to be laid before such meeting by furnishing them with copies of the resolutions. No amendments at the EGM shall be made or accepted to such resolutions.
- 10.7 No business shall be transacted at the general meetings (other than the adjournment thereof) unless a quorum of members is present at the time when the meeting proceeds to business. Forty (40) members personally present shall constitute a quorum except when a meeting is required to be adjourned by reason of the absence of a quorum, in which case the members present at the adjourned meeting shall be a quorum.



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11 VOTING

- 11.1 At any general meeting a resolution other than a special resolution shall be decided on a show of hands unless a poll is (before or at the declaration of the result of the show of hands) demanded:
- (1) by the Chairperson;
 - (2) by at least twelve (12) ordinary members present, (and every ordinary member present shall be entitled to one vote).
- 11.2 In the case of an equality of votes whether on a show of hands or on a poll, the Chairperson at the meeting shall be entitled to a second or casting vote.
- 11.3 Votes shall be counted by persons appointed by the Chairperson for that purpose. No objection shall be made to the validity of any vote except at the meeting or poll at which such votes shall be tendered and every vote not disallowed at such meeting shall be valid.
- 11.4 If a poll is demanded, it shall be taken in such time and in such manner as the Chairperson shall direct, and the result of the poll shall be deemed to be the resolution of the meeting at which it was demanded. No poll shall be permitted upon any question affecting the Chairperson of the meeting or any adjournment of the meeting.
- 11.5 The President, or in his absence, the Vice-President, or in the absence, the Honorary Treasurer, or in the absence of all three aforesaid, the Honorary Secretary shall be Chairperson at all general meetings. In the event of the absence of all the officers of the Organisation, a Chairperson shall be elected by the members present.

12 NOTICES

- 12.1 Not less than twenty-one (21) days written notice shall be given of every general meeting of the Organisation. Publication of such notice in the official journal or other publication of the Organisation or controlled by the Organisation shall be deemed to be notice of such meeting.

- 12.2 The accidental omission to give notice of a meeting to, or the non-receipt of a notice of a meeting by any member, or the attendance and voting at a meeting by any member, or the attendance and voting at a meeting of a person subsequently found not to be entitled so to attend and vote and any other defects in the convening or conduct of the meeting shall not invalidate proceedings carried on in good faith there at. Where, for any reason whatsoever it shall not be possible to serve written notice of a meeting (on a member) the Council shall take such other steps as may be possible to serve the members with such notice other than written notice of such meeting.

13 AMENDMENT OF THE RULES

- 13.1 The members of the Organisation may, by special resolution at an Annual General Meeting extend, amend or repeal rules for the time being in force. Notice of such resolutions shall have been proposed by Council or not less than twenty (20) individual members of the Organisation and notice of which shall be circulated not less than sixty (60) days before the Annual General Meeting.
- 13.2 A special resolution means a resolution which:
- (i) has been approved by Resolution of Council as evidenced by a copy of such Resolution duly signed by the President, or
 - (ii) A Resolution signed by twenty (20) ordinary members of the Organisation which Resolution shall state the substance of the amendment which shall be laid before the members of the Organisation in general meeting properly convened and held in accordance with the rules. Such Resolution shall, if passed by two-thirds of the members at such a general meeting, become a rule of the Organisation.

14 FUNDS OF THE ORGANISATION

- 14.1 The income and property of the Organisation, when so ever derived, shall be applied solely towards the promotion of the objects as set out in the rules or in the rules as amended or added to in the manner herein before provided and no member shall have any personal claim on any of the said income or property.
- 14.2 No part of the income or property of the Organisation shall be paid or transferred directly or indirectly by way of dividend, interest, bonus or otherwise by way of profit to its members.



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- 14.3 No payment shall be made by the Organisation to any member of the Council or other member of the Organisation, except the President in accordance with Rule 14.4, by way of salary or stipend. Provided always nothing herein contained shall prevent the payment to any member or other person of remuneration for particular service rendered to the Organisation or expenses incurred on its behalf in good faith by any such member in providing such service and any payment shall be made in accordance with the rules. Nothing herein contained shall preclude the payment of a salary to such Chief Executive and secretariat staff of the Organisation as may be appointed from time to time.
- 14.4 An allowance may be paid to the President, in an amount authorised by Council where notice of such a motion has been given, in which the amount to be paid is specified. The maximum amount of this allowance shall not exceed the maximum amount last authorised by the members at an Annual General Meeting.
- 14.5 The administration of all funds of the Organisation shall be subject to the control of the Council. The Council shall have power to prescribe the persons who shall have power to give receipt for money received, to sign cheques, to enter into contracts and to impose liability upon or on behalf of the Organisation and to pledge the credit of the Organisation.
- 14.6 The Council shall provide for proper books of account to be kept with respect to:
- all sums of money received and expended by the Organisation and the matters in respect of which the receipt and expenditure takes place;
 - all sales and purchases of goods and services by the Organisation;
 - the assets and liabilities of the Organisation.
- 14.7 The books of account shall be kept in such place as the Council shall determine and shall together with the register of members be open at all reasonable times to inspection by any person having an interest in the funds of the Organisation.
- 14.8 A copy of every balance sheet, income and expenditure account and Auditors report shall be sent to every member not less than twenty-one days before the meeting at which they are to be considered.
- 14.9 The Auditors appointed by the Trustees following competitive tendering, shall hold office for one year, or until their resignation, and shall be eligible for re-appointment. They shall receive such remuneration as may be determined by or with the authority of the Council. Without prejudice to their rights in legislation, the Trustees in appointing Auditors shall consult with the membership through the Annual General Meeting. The appointment of the Auditors shall be reviewed annually at the Annual General Meeting.
- 14.10 The accounts of the Organisation shall be audited annually by public Auditors as appointed under Rule 14.9.

15 STAFF

- 15.1 The Organisation shall employ such full or part-time staff as shall be deemed to be necessary for its efficient administration. Such appointments shall be made in accordance with Rule 6.6(a) above.

16 BYE-LAWS

- 16.1 The Council of the Organisation shall have power to make such bye-laws as it shall deem necessary affecting the undermentioned matters:
- the provisions of Standing Orders governing the conduct of general Branch, Specially Group, Sub-Committee and other meetings of the Organisation and meetings of Council;
 - the matters of taking any ballot vote of the members of Council relative to the election of the Officers of the Organisation or members of the Council or relative to any other matter in which the Council shall desire or seek the opinion of the general body of the Organisation;
 - the day to day administration of the Organisation and/or the Regional Groups;
 - The internal financial procedures and practices.

17 TRUSTEES

- 17.1 The Council shall appoint not more than five persons (including where Council so decided pursuant to Rule 17.3, a corporate body) to be Trustees of the Organisation for any of the purposes of the Trade Union Acts. Any Trustee or Trustees shall be appointed or may be removed by Council and shall, subject to the provisions of the Trade Union Acts, have such powers and indemnities and perform such duties, and be subject to such regulations as the Council shall determine.



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- 17.2 Each three years the three longest continually serving Trustees shall retire from office on December 31st or a date within sixty days thereafter specified by Council at the final meeting of Council before the appropriate December 31st. Where the three Trustees to retire is uncertain due to equal seniority of two or more Trustees, the Trustees to retire shall be selected by lot. Council shall at its next meeting appoint a Trustee to fill the vacancies. The outgoing Trustees who retire subject to Rule 17.2, shall be eligible for re-appointment by the Council.
- 17.3 All real and personal property of the Organisation shall be vested in the Trustee(s) and all investments of money shall be made in the name(s) of the Trustee(s). A corporate body may be a Trustee of the Organisation.
- 17.4 Subject to their rights in any relevant legislation, the Trustees shall earnestly endeavour to act unanimously in discharging their duties.
- 17.5 Any person appointed as Trustee of the Organisation shall not be eligible to serve on the Management Committee of the IMO during their term of office.

18 REMOVAL OF OFFICERS AND TRUSTEES

- 18.1 An Officer or Trustee of the Organisation shall have his appointment terminated by the Council which shall have been convened with the express notice that the question of his appointment shall be considered at such a meeting. A majority of two thirds of the Council's members shall carry such motion of termination.
- 18.2 A Council member or members may be removed by a vote of members at a General Meeting. A proposal to remove a Council member or members must be in writing, signed by 20 (twenty) ordinary members and delivered to the Chief Executive at least 21 days prior to the General Meeting. Any such proposal shall be deemed to have failed unless the same shall be supported by the votes of not less than two-thirds of the members present.

19 DISSOLUTION OF THE ORGANISATION

- 19.1 The Organisation may be dissolved by a special resolution passed as provided by these rules. Notice of dissolution shall be sent to the Registrar within fourteen days as required by legislation.

- 19.2 If upon the dissolution of the Organisation there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Organisation but shall be given or transferred to some other institution, association or organisation, jointly or severally, having objects similar to the objects of this Organisation and which shall prohibit the distribution of its or their income and properties amongst its or their members to an extent at least as great as is imposed on the Organisation under or by virtue of these rules. Such institutions, associations or organisations to be determined by the members of this Organisation at or before the time of dissolution or in default thereof by a Judge of the High Court and if and so far as effect cannot be given to the aforesaid provision, that as the Commissioners of Charitable Donations and Bequests shall determine.

20 STRIKES AND INDUSTRIAL ACTION

- 20.1 The provisions of this rule shall apply notwithstanding any other provision contained in these rules.
- 20.2 In this rule the term 'strike' and 'industrial action' shall have the same meaning as in the Industrial Relations Act 1990.
- 20.3 In this rule the term 'member' shall have the same meaning as in Rule 7.1.
- 20.4 The provisions of this rule shall apply to the Republic of Ireland only.
- 20.5 The union shall not organise, participate in, sanction or support a strike or other industrial action without a secret ballot, entitlement to vote in which shall be accorded equally to all members whom it is reasonable at the time of the ballot to believe will be called upon to engage in the strike or other industrial action.
- 20.6 The union shall take reasonable steps to ensure that every member entitled to vote in the ballot votes without interference from, or constraint imposed by, the union or any of its members, officials or employees and, so far as is reasonably possible, that such members shall be given a fair opportunity of voting.
- 20.7 The Council shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Paragraph 8 of this rule, favours such strike or other industrial action.



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- 20.8 The Council shall not organise, participate in, sanction or support a strike or other industrial action against the wishes of a majority of the union's members voting in a secret ballot, except where in the case of a ballot by more than one trade union, an aggregate majority of all the votes cast favours such strike or other industrial action.
- 20.9 Where the outcome of a secret ballot conducted by the union or in the case of ballots conducted by the union and any number of other trade unions which are affiliated to the Irish Congress of Trade Unions an aggregate majority of all the votes cast is in favour of supporting a strike organised by another trade union, a decision to take such supportive action shall not be implemented by the union without the sanction of the Irish Congress of Trade Unions.
- 20.10 As soon as practicable after the conduct of a secret ballot the union shall take reasonable steps to make known to the members of the union entitled to vote in the ballot: (a) the number of ballot papers issued, (b) the number of votes cast, (c) the number of votes in favour of the proposal, (d) the number of votes against the proposal and (e) the number of spoiled votes.
- 20.11 Nothing in this rule shall constitute an obstacle to negotiations for the settlement of a trade dispute nor the return to work by members of the union party to the trade dispute and any decision taken in accordance with this rule to organise, participate in, sanction or support a strike or industrial action may be rescinded or amended without the necessity of a further ballot of the members concerned.

21 GENERAL

- 21.1 Reference in these Rules to 'in writing' shall include notices and accompanying documentation sent electronically via e-mail or other comparable technology including facsimile and for the avoidance of doubt, Notices convening General Meetings of the Organisation and documentation required under these rules to accompany such Notices may be served electronically and where so served shall be deemed to have been received by the recipient Member on the date and time of sending unless a failure notice is received within 12 hours of the e-mail being sent.

22 LEGAL EXPENSES

- 22.1 If a member requires to obtain formal legal advices or intends to commence legal proceedings as a Plaintiff or an Appellant, or intends to seek legal advice on any matter, and wishes to apply for a grant from the Organisation in respect of the legal costs of such proceedings the member shall, before taking any step other than entering a notice of Appeal in the relevant case or such other steps as may be necessary to protect the applicants legal rights, submit a written request to the Chief Executive Officer for a grant. The Chief Executive Officer shall place the request before the next meeting of the Management Committee which shall in its absolute and unfettered discretion decide whether a grant shall be payable. The applicant shall take no further steps in the legal proceedings until a decision has been given by the Management Committee. Any such grant of assistance towards the legal costs of the applicant shall be at the sole discretion of the Management Committee.
- 22.2 The Management Committee may in the case of an application for a grant for legal assistance in its absolute and unfettered discretion either refuse such grant or may allow a grant of all or a portion of the applicants expenses, and may state the maximum sum that shall be payable under such a grant and may make such assistance subject to such other conditions as the Management Committee sees fit in its absolute discretion.
- 22.3 If a member wishes to apply for a grant under this rule to enable the member to defend any legal proceedings, or be represented before any statutory tribunal or inquiry either as a Defendant in the first instance, or as a Respondant in an Appeal, the member shall forthwith submit a written request to the Chief Executive Officer for a grant. The Chief Executive Officer shall deal with the request in the same manner as if the member had been an intending Plaintiff or Appellant and the provisions of Rule 22.1 shall apply. The Applicant may take such steps in the proceedings as are necessary to protect the applicant's legal rights pending a decision of the Management Committee.
- 22.4 The Management Committee shall not be obliged to furnish any reasons for its decisions in respect of any matter arising under the provisions of this rule and such decisions shall be accepted by all members and be binding upon them.



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APPENDIX

The electoral system to the National Specialty Committees:

(A) The Consultant Group

- 1 Representation on the National Consultant Committee shall comprise of 20 (twenty) Consultants elected either on a regional or specialty basis by secret postal ballot.
- 2 There shall be 4 (four) Regional Divisions. These shall correspond with Health Service Executive Administrative Areas. Each division will form a separate constituency for the purpose of electing Regional Representatives to the National Committee.
- 3 Regional Representatives to the National Committee shall be distributed as follows:

Western Region	4 representatives
Southern Region	3 representatives
Dublin/North East	3 representatives
Dublin/Mid Leinster	2 representatives

[Total Regional Representatives: 12]

- 4 There shall be 8 (eight) Specialty Representatives as follows:

Anaesthetics	1
General Medicine	1
Obstetrics/Gynaecology	1
Paediatrics	1
Pathology	1
Psychiatry	1
Radiology	1
Surgery	1

[Total Specialty Representatives: 8]

- 5 Election for the Regional and Specialty Representatives will be held concurrently. All candidates must state their specialty (only one) at the time of nomination and this will appear on the ballot paper.
- 6 Candidates for election to the National Committee must be nominated by 2 (two) members of the I.M.O.
- 7 Individuals may be nominated for regional and/or specialty elections but, if successful in both, will serve as Regional Representatives only.

- 8 Members will be entitled to vote for any number of candidates up to the number of potential places available; e.g. Specialty Election: 1 vote, Regional Election: 3 votes.
- 9 The candidate(s) with most votes will win. In the event of a tie, the election will be decided by the drawing of lots. This will be carried out by the President under the supervision of the Auditor.

(B) The General Practitioner Committee

- 1 There shall be Regional Divisions. These shall correspond with Health Service Executive Administrative Areas and the Specialty Group members in each area shall elect by secret postal ballot a representative or representatives as set out in B(4) below.
- 2 There shall be a number of General Practitioner members elected by secret ballot by those General Practitioner members present at the A.G.M. This number shall be set out in B(5) below.
- 3 The General Practitioner Committee may co-opt up to two members who are General Practitioners to the committee for all or part of the year, provided such co-opted members are co-opted by a two-thirds majority of the elected members of the committee.
- 4 The Regional Divisions of the General Practitioner Committee shall be the four HSE areas. The number of representatives from each Regional Division shall be:

Western Region	4 representatives
Southern Region	5 representatives
Dublin/North East	3 representatives
Dublin/Mid Leinster	3 representatives
- 5 Three General Practitioner members shall be elected annually at the AGM by those General Practitioner members present.

(C) The Non-Consultant Hospital Doctor Group

- 1 Representation on the NCHD Committee shall comprise of 20 (twenty) NCHDs elected either on a regional or specialty basis, by secret postal ballot.
- 2 There shall be 4 (four) Regional Electoral Divisions. These shall correspond with Health Service Executive Administrative Areas. Each division will form a separate constituency for the purpose of electing Regional Representatives to the National Committee.



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- 3 Regional Representatives to the National Committee shall be distributed as follows:

Western Region	3 representatives
Southern Region	3 representatives
Dublin/North East	3 representatives
Dublin/Mid Leinster	2 representatives

(Total Regional Representatives: 11)

- 4 There shall be nine Specialty Representatives elected by those NCHDs training in each relevant specialty as follows:

Anaesthetics	1
General Medicine	1
General Practice	1
Obstetrics/Gynaecology	1
Paediatrics	1
Pathology	1
Psychiatry	1
Radiology	1
Surgery	1

(D) The Public Health Doctor Group

- 1 The electoral divisions for Public Health Doctor Group National Committee elections shall correspond with Health Service Executive Administrative Areas.
- 2 Each Regional division shall elect a number of representatives as specified in D(3) by secret postal ballot.
- 3 The Dublin/North East and Dublin/Mid Leinster divisions shall elect three representatives while each other Regional Division shall elect two.

- (E) Each member shall be assigned to a Specialty Group in accordance with Rule 5.5. The Specialty Group of each member shall be specified on the Membership Register of the Organisation. For electoral purposes a member shall be a member of that Specialty Group specified in the Membership Register on the date of closing of nominations for that election.

The Regional Division of the Organisation to which a member is assigned (in accordance with Rule 5.5) shall be stated on the Membership Register of the Organisation. For electoral purposes a member shall be a member of that Regional Division of the Organisation specified in the Membership Register on the date of closing of nominations for that election.

