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3 July 2003

Our Ref: MSSB/0650/D2497/8/mj
Your Ref:

Dear Malcolm

RE: SGM JULY 8TH - SUSPENSION OF CONSTITUTION AND STANDING ORDERS

Many thanks for your e-mail of 1st July requesting advice on this issue. You also sent me a copy of the SGM letter and the Constitution and Standing Order.

As I understand it, you want to suspend the standing orders so that you can avoid having to go through the full election process for ACHCEW Officers to cover the period from the SGM to the date of abolition. I understand that this was approved by the Standing Committee of the Association in March 2003, when it was thought that the date of dissolution would be 1st September 2003 - although this has now been changed to 1st December 2003.

I have looked briefly at the Constitution. Suspension of the standing orders is quite possible in accordance with Paragraph 39 by a majority vote.

I have not researched the point in any great detail, but I cannot really see any objection to the course that you propose. As long as it is made clear that the purpose of the suspension of the standing orders for the duration of the meeting is to effectively extend the period of office of the Officers up to the abolition date of 1st December, then I would have thought that you will be able to "flush out" any objections to this fairly quickly. I suppose that it is possible that there will be some who do not agree with the proposal - but as long as you have the majority in favour I would not anticipate that there will be any difficulty.

Whenever you are proposing to amend standing orders in relation to the election of Officers, I suppose that there is a potential criticism to the effect you could be accused of ignoring the "constitutional safeguards" designed to prevent an office holder holding office for too long. However, in the context of the abolition of CHCs and ACHCEW by 1st December 2003, this hardly seems like a fair criticism to me.

You might like to consider, however, what you would do if you did not achieve the majority vote that you require. You would in those circumstances presumably also not get the two-thirds majority required by Paragraph 40 to amend the standing orders. If you think that this is

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a realistic possibility (and I presume that it is not but thought that I ought to mention it) then you ought to have some sort of emergency plan because you would be left in a rather difficult position at the SGM.

I am obviously not privy to any "political" issues which might arise as a result of your proposals, nor of any "political advantage" that might be sought by anyone else as a result of the suspension of the constitution and standing orders for the duration of the meeting. I assume that you have no concerns in this area.

I hope that you find this helpful, and that all goes well on the day. Please let me know if you have any further queries.

With best wishes.

Yours sincerely

Mike Bird

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