

BFCMA Constitution

1. NAME

The Association shall be known as the BRITISH FLUE AND CHIMNEY MANUFACTURERS' ASSOCIATION and in a brief form the B.F.C.M.A.

2. STATUS

The Association is a totally autonomous and independent body within the Federation of Environmental Trade Associations.

3. OBJECTIVES

The objectives of the Association are as follows:

1. To promote the advantages and proper use of member company products and services.
2. To present a co-ordinated and collective view for the chimney and flue industry operating in the UK by representing the majority viewpoint of the Membership.
3. To gain recognition as the trade organisation representing the chimney and flue industry operating in the UK.
4. To engage in active dialogue with UK Government Authorities, European bodies, major fuel and heating appliance organisations and other such bodies involved with the specification or use of chimneys and flues.
5. To influence and participate in the improvement, up-dating and drafting of UK Building Regulations, British standards, codes of practice and European International standards relevant to flue and chimney systems.
6. To produce and issue information notices and literature for public distribution and to arrange representation at appropriate exhibitions.
7. To encourage co-operation between members to promote free, open and fair competition in the market with a high standard of conduct, service and quality.
8. To encourage any lawful activities which are in the best interest of its members.

4. MEMBERSHIP

Membership will be open to any company registered in the UK, European Union or European Free Trade Area and trading in the UK that:

- Manufactures, or is a sole distributor of, factory made flues and chimney systems and ancillary flue related products,
- Provides on-site chimney lining products and services.
- Manufactures self-supporting chimneys

All products must have specifications or independent test approvals that are recognised by the UK regulatory authorities as complying with the UK Building Regulations & Standards

The Associate membership category has been discontinued with the proviso that any company that is an associate member at 1st January, 2019 can continue as an associate member. New associate members will no longer be accepted. Full members of the Association are now referred to as members.

Application and election for membership are to be in accordance with the Bye Laws of the Association.

Members and associate members are entitled and encouraged to display membership of the BFCMA on their company literature and at exhibitions, together with attending meetings of the Association to pursue its aims and objectives.

5. VOTING PROCEDURE

Existing associate members of the Association are not eligible to vote.

At any meeting of the Association members attending may vote on specific matters, and so long as there is a quorum and a simple majority in favour, the motion will be carried. Alternatively, the members present may vote to carry out an email vote on specific matters to enable all members to vote without the need to attend a special meeting.

A member may only vote if his subscription and fund payments are up to date. The vote can only be given by a proprietor, partner, director, employee or representative of the member company. Each member has one vote.

The quorum for voting at a meeting is 50% of members.

In the event of a tie the motion will go back to the association to vote again.

If there is an issue relating to a specific product category only those members with a defined interest in that product or service may be eligible to vote.

The procedure for carrying out an email vote shall be:

1. The matter for which the email vote is required shall be detailed and sent to all members by email.
2. All members shall be given a period of not less than 14 working days from the date of the voting papers being sent in order to return their vote.
3. Members votes are to be sent in by email.
4. A decision is reached by a simple majority of the votes received.
5. Any members who have not sent an email vote will be taken as abstentions.

6. CESSATION OF MEMBERSHIP

Membership of the Association shall cease:

1. If the member, being a corporation has a liquidator or receiver appointed.
2. If the member, being a firm or individual becomes bankrupt or makes an assignment in favour of its creditors.
3. If the Association, in a members meeting, resolves by a three-quarter majority that a member be expelled. Such expulsion shall be subject to appeal to the members in a members meeting. Notice of appeal must be given within one month of the notification of expulsion.
4. If a member's subscription or fund payments are unpaid three months after they become due.

7. SUBSCRIPTION FEES

The Annual Subscription Fee for Membership is proposed by the Secretariat for consideration and ratification at the members meeting.

8. ASSOCIATION FUNDS

The work of the Association is funded through a General Fund and specific material category funds e.g. steel. Members are required to contribute to the funds on the agreed instalment dates.

The amount to be paid by the members for the coming year will be agreed by the members in the members meeting.

9. MEETINGS OF MEMBERS

Members are entitled to attend all meetings.

Associate members may attend the main meetings of the Association

The Secretariat must give at least 21 days notice to constitute a meeting of the Association.

10. OFFICERS

The Association will appoint a President and Vice President who will be Honorary Officers for a period of 2 years from time of election.

These positions will be filled by election at a members meeting.

Such candidates must be employees or representatives of fully paid up member companies

After the two year term of office, the officers must retire but may offer themselves for re-election. However normal procedure would be for the Vice President to succeed to the Presidency subject to approval at the members meeting.

As the need arises, the members can create sub-committees. A chairperson for a committee shall be elected at either a members or a general meeting. The sub-committee chairperson shall report back at main meetings.

11. MANAGEMENT

All members are entitled to participate in the management of the Association.

The members meeting effectively acts as a management committee.

The Secretariat for the Association will be provided by FETA.

The duties and responsibilities the secretariat are:

1. To attend ex-officio and Association meetings where required.
2. To implement the policies of the Association as approved by members and to report to the members when any action taken.
3. To provide, through the central administration, facilities and services to members as may be from time-to-time required.
4. To advise the members on matters appertaining to the industry and the Association's role within that industry.

The Secretary shall not have the right to vote on any matters.

12. ACCOUNTS

The Secretariat shall keep a true record and accounts of all sums of money received from the membership and the expenditure incurred by the Association over and above that incurred in the normal operating expenses of the Federation, together with a full record of credits and liabilities of the B.F.C.M.A. and also be responsible for all returns that may be required by statute.

The Secretariat will also maintain records of the BFCMA funds. Identifying the expenditure on specific projects.

The Secretariat has the duty to maintain a true record and accurate accounts of the Association business at the main office of the Association for inspection by Association members during ordinary business hours.

The Secretariat shall make available an up-to-date statement of the BFCMA funds at each members meeting.

13. AMENDMENT OF CONSTITUTION AND BYE-LAWS

No amendment or alteration of this Constitution or of the Bye-Laws of the Association shall be made until a resolution for the same shall have been carried at a members meeting.

14. DISSOLUTION

The Association shall be dissolved if and when a resolution for the same shall have been carried at a special general meeting called for this purpose.

Members unable to attend the meeting may appoint a proxy to vote on their behalf. Such proxies to be notified before the meeting.

15. DUTIES OF MEMBERS

Members shall undertake loyally to abide by the Constitution and Bye-Laws of the Association.

Where a dispute arises between members which involves any actions concerning the Association; the members in such dispute will make every effort to resolve the problem through the offices of the Association.

BFCMA Bye-Laws

1. The Bye-Laws of the Association are intended to provide guidance for the administration of the Association.
2. The Bye-Laws are authorised by the Constitution of the Association and may be amended a by resolution carried at a members meeting in accordance with rule 13 of the Constitution.

3. MEMBERSHIP PROCEDURE

- (a) Any corporation or firm indicating a wish to join the Association will be sent details of the Association's Constitution, Bye-Laws and details of subscriptions and fund payments, along with an application form.
- (b) The completed application form will be placed before the members for their consideration at a members meeting.
- (c) Member companies will be given at least 21 days notification of new membership applications to be considered at the next members meeting. Member companies not able to attend the meeting may submit, by email, any comments on the application.
- (d) Membership applications will be considered at the members meetings and acceptance or otherwise given by voting in accordance with the Rules of the Constitution.

4. MEMBERSHIP

To qualify for membership an applicant must:

- (a) Be a company registered and based in the UK, the European Union or European Free Trade Area.
- (b) Undertake to abide by the Constitution and Bye-Laws of the Association at all times.
- (c) Provide evidence that, for a period of 2 years prior to the date of application, the company has been manufacturing or acting as a sole distributor of flue or chimney products within the UK.
- (d) Provide copies of its current sales and product literature as issued to customers in the UK. These should be in the English language and include details on technical

specifications and installation requirements, together with user and maintenance instructions for the products.

- (e) Provide evidence that its flue and chimney products have specifications or independent test approvals that are recognised by the UK regulatory authorities as complying with the statutory regulations that govern the sale and use of such products in the UK.
- (f) Provide copies of any approvals that are claimed in respect of its products and undertake to notify the Association of any alterations or revisions that are made to these guarantees and approvals.
- (g) Undertake to pay the Association by the due date the annual membership subscriptions and the required fund contributions.
- (h) Accept that the Association shall have full and absolute discretion to refuse any application for membership without giving reasons for such refusal.

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