

# The Association of Diving Contractors



## CONSTITUTION of the ASSOCIATION OF DIVING CONTRACTORS

**A D C**  
(2007)

### History :

- (i) First adopted January 1995
- (ii) Clause 1 iii adopted February 1997
- (iii) Clauses 1 i a), 12 ii a), 12 iii, 12 iv and 15 modified in November 1998
- (iv) Clause 11 i last modified in November 2001
- (v) Clause 11 v modified November 2001
- (vi) *Complete update for 2005 – Adopted from 1<sup>st</sup> January 2005*
- (vii) *Membership Changes added – Adopted 9<sup>th</sup> November 2005.*

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

# The Association of Diving Contractors

## CONTENTS

1. Membership Categories
  2. Membership Representation
  3. Objectives of the ADC.
  4. Services to Provided by ADC
  5. Management of ADC
  6. Election of the Management Committee
  7. Annual General Meeting
  8. Extraordinary General Meeting
  9. Voting Rights at AGM's and EGM's
  10. Quorum at AGM's and EGM's
  11. Alteration to the Constitution
  12. Subscriptions
  13. New Members.
  14. Auditing Arrangements
  15. Resignation from Membership
  16. Complaints Procedure
  17. Expulsion from Membership
  18. Secretary
  19. Chairman's Casting Vote
  20. Interpretation
  21. Commencement.
- Appendix 1 Current Year Subscription Schedule.  
Appendix 2 Desk Study Safety Audit Information.  
Appendix 3 On Site Safety Audit – Sample Plan.

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

# The Association of Diving Contractors

## 1. MEMBERSHIP CATEGORIES:

1. Membership of ADC shall be limited to companies or organisations, and not private individuals. There are four grades of membership: (1) Full Members; (2) Non Contracting Members; (3) Associate Members; (4) Corresponding Members;
2. Full Membership shall apply to all diving contractors of any size who are based and work in the UK or Ireland, who are involved in commercial diving operations.
3. Non Contracting Membership shall apply to national, institutional or other organisations who provide diving services for their own particular activity, waterway or specialist facility, but who do not necessarily meet the all criteria outlined in 1.1.1 a) and b).
4. Associate Membership shall be limited to business and organisations who may need to control diving operations as part of their activity, supply support services to the industry including manufacturers of equipment or training establishments, but who do not directly act as diving contract contractors.
5. Corresponding Members shall apply to clients other groups or associations including ADC Certificated Supervisors who may wish to be kept aware and up to date on the activities of the Association and its members.

### 1.1 Full Members.

#### 1.1.1 Shall be :

- a) Diving contractors of any size who are based and work in the UK or Ireland, who are involved in commercial diving operations.
  - \* Companies and organisations operating Inland / Inshore in the UK and Ireland under the Diving at Work Regulations 1997 and the HSE Approved Code of Practice or its equivalent in Ireland.
  - \* Contractors who work in docks, harbours, rivers, culverts, canals, reservoirs, lakes, ponds, in support of civil engineering projects, including those conducting salvage and associated operations or involving ship surveys and maintenance ;
  - \* Contractors operating inshore in respect of fish farming activities so long as the diving contractor conducts its diving operations in accordance with safety standards and similar procedures to those used by Members in civil engineering projects.
- b) Firms of engineering consultants who are registered as diving contractors.

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

# The Association of Diving Contractors

1.1.2 **New Full Members**, unable to meet the joining requirements outlined in 13 (3) or small diving contractors who wish to demonstrate a turnover below the threshold outlined in Appendix A, by submission of their most recent audited company accounts, shall be entitled to subscription relief of 50% on the annual subscription.

1.1.3 *Members Shall be entitled to:*

- a) Attend all AGM's, EGM's or regional meetings organised by the Association.
- b) Vote on all matters on which the members are asked to vote.
- c) Propose in writing to the Management Committee any tasks, or other industry related matters that they consider should be reviewed or addressed by the Association.
- d) Receive soft copies (E Mail) of the Monthly Industry Update provided by the Secretary.
- e) Receive hard copies (Printed) of the Association Newsletter published three times per year and distributed in December, April and August.
- f) Receive soft copies of all Safety Alerts issued by the Secretary.
- g) Request an annual or periodic Safety Audit of their organisations activities.
- h) Obtain technical support, assistance or clarification on any industry related matters from the Secretary.
- i) Receive copies of the Annual Safety Report
- j) Gain unrestricted access to all reference documents, reports and other material produced by the secretary, or specialists commissioned by the secretary on behalf of the association.

1.1.4 *Members Shall be expected to:*

- a) Comply fully with the standards and procedures established by the Association.
- b) Appraise the Secretary by Fax, E Mail or other written correspondence on any safety, operational or technical matters they consider should be brought to the attention of other members.
- c) Submit an annual report on the safety performance of their organisation to ADC for use compiling a statistical report on industry safety performance.
- d) Provide written requests to the Secretary for any matter on which they may require the assistance of the Association.
- e) Provide copies of their Management System and dive planning documentation to the secretary to enable a Desk Study Safety Audit to be conducted annually.
- f) Submit a vote when requested.

# The Association of Diving Contractors

## 1.2 Non Contracting Members:

***Who shall have all the same rights and entitlements as Full Members.***

1.2.1 Shall be :

- a) National, institutional or other organisations who are based and work in the UK or Ireland, who may provide diving services for their own particular activity, waterway or facility, but who do not necessarily meet the all criteria of Inland / Inshore diving contractors.

## 1.3 Associate Members:

1.3.1 Associate Members Shall be :

- a) Associate Membership shall be limited to business and organisations who may need to control diving operations as part of their activity, supply support services to the industry including manufacturers of equipment; training establishments, but who do not directly act as diving contract contractors.

1.3.2 Associate Members shall be entitled to:

- a) Attend all AGM's, EGM's or regional meetings organised by the Association.
- b) Receive soft copies (E Mail) of the Monthly Industry Update provided by the Secretary.
- c) Receive hard copies (Printed) of the Association Newsletter published three times per year and distributed in December, April and August.
- d) Receive soft copies of any Safety Alerts issued by the Secretary.
- e) Provide technical, health & safety, other relevant material or information to the Secretary that should be passed to other members.

## 1.4 Corresponding Members:

1.4.1 Corresponding Members Shall be :

- a) Organisations (who are not themselves eligible to become a Full or Associate Member), other groups or associations who may wish to be kept aware and up to date on the activities of the Association and its members.
- b) ADC Certificated Supervisors working Inland / Inshore in the UK who shall gain access to the services outlined in 1.4.2.

1.4.2 Corresponding Members Shall be entitled to:

- a) Receive soft copies (E Mail) of the Monthly Industry Update provided by the Secretary.
- b) Receive hard copies (Printed) of the Association Newsletter published three times per year and distributed in December, April and August.
- c) Receive soft copies of any Safety Alerts issued by the Secretary.

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

# The Association of Diving Contractors

## 2. MEMBERSHIP REPRESENTATION:

1. All Members and Associate Members shall nominate a senior representative of their company to act as their corresponding / contact representative on a day-to-day basis and to represent them at meetings of the Association.
2. All corresponding / contact representatives shall be in the position to take necessary decisions or to make necessary commitments on behalf of their own company at meetings of the Association.

## 3. OBJECTIVES OF THE ADC:

1. The objects of ADC are :
  - To cultivate and promote the art and science of commercial diving within the context of the activities of its members ;
  - To establish uniform safe standards ;
  - To encourage industry - wide observations of such standards ;
  - To encourage the enactment and enforcement of appropriate laws for the protection and regulation of the business of commercial diving ;
  - To do all such other things as seem to the membership or management committee of ADC to be in their interest.

## 4. SERVICES TO BE PROVIDED TO ADC MEMBERS:

1. The Services that will be provided by the Association include:
  - a) Provide Technical Support and assistance.
  - b) Maintain contact and liaise when appropriate with the HSE.
  - c) Prepare and distribute Best Practice Guidance Documents and other supporting information to continually improve the performance and standards achieved by members.
  - d) Prepare and Distribute Industry Updates and Newsletters.
  - e) Prepare and Distribute Safety Alerts.
  - f) Organise AGM's, EGM's and regional meetings.
  - g) Deal with any relevant matters raised by members in writing.
  - h) Conduct Safety Audits.
  - i) Compile annual safety statistics and report to members.
  - j) Attend industry meetings and represent members interests on all matters related to the Inland / Inshore industry.
  - k) Seek to advance the awareness of the industry and its needs to all client groups or other interested parties by the use of printed material, correspondence, advertising, exhibitions, presentations or any other such method considered appropriate by the Management Committee.
  - l) Liaise with the specialists to arrange insurance, medical back or other schemes that may be of benefit to members and actively promote these to members and others.
  - m) Do any such other task that is considered beneficial by the management committee to be beneficial to the development of the Association.

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

# The Association of Diving Contractors

2. Full details of provision of services to varying categories of membership are outlined in Section 1 – Membership Categories.
- 5. MANAGEMENT OF ADC:**
1. The affairs of ADC shall be managed by a committee ( to be known as the management committee) consisting of the Chairman ; Vice Chairman ; and the Secretary of the Association.
  2. The management committee shall meet as necessary or liaise by other appropriate means.
- 6. ELECTION OF THE MANAGEMENT COMMITTEE:**
1. The Chairman and Vice Chairman shall normally be elected by the voting Members of ADC at an annual meeting to be held in the last quarter of each year, or exceptionally at an Extraordinary General Meeting, such appointments to take effect from 1 January in the following year.
  2. The post of chairman and Vice chairman shall be limited to a maximum period of three years.
- 7. ANNUAL GENERAL MEETING:**
1. An Annual General Meeting shall be held in every calendar year and not later than 31 December. All grades of member will be entitled to send their representative to Annual General Meetings, but only Members will be eligible to vote. Members and Associate Members may, in addition, send a further representative to Annual General Meetings as an Observer.
  2. A notice convening the AGM shall be sent to all Members and Associate Members not less than 14 days before the date of the meeting, and such notice shall specify the matters to be dealt with at the meeting.
  3. At AGMs the business shall include:
    - a) consideration and, if approved, sanction of any alterations to this Constitution
    - b) election of the Chairman and Vice Chairman of the management committee;
    - c) appointment or re-appointment of the Association's Secretary ;
    - d) consideration of any matters which the management committee wishes to bring to member's attention or which members wish to bring to the attention of the management committee or their fellow members ;

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

## The Association of Diving Contractors

- e) consideration of financial matters related to the affairs and activities of the Association, including: expenditure and income necessary to cover the expenditure; subscription levels; and, where appropriate, to receive and, if approved, to adopt a Statement of the Association's accounts.
4. All full members are required to submit a vote when any proposal is put before the membership.
- 8. EXTRAORDINARY GENERAL MEETING:**
- 1. An Extraordinary General Meeting may be convened at any time by the management committee or within 21 days from the receipt of a requisition by the Secretary, signed by not less than 10 voting Members, specifying the object of the Extraordinary General Meeting.
  - 2. A notice convening the EGM shall be sent to all members not less than 14 days before the date of the meeting, and such notice shall specify the matters to be dealt with at the meeting such as :
    - a) Consideration, and if approved, sanction of any alterations to this Constitution;
    - b) Any special matter which the management committee feels should be considered by the members, including the expulsion of a member ;
    - c) Receipt of the resignation of the management committee or the removal of any or all of its members from office ;
    - d) Any special matters which either the management committee or not less than 10 voting Members feel should be discussed by members.
- 9. VOTING RIGHTS AT AGMs AND EGMs:**  
At both AGMs and EGMs:
- 1. Members shall be entitled to one vote per person or by proxy (registered in writing through the Secretary);
  - 2. From 1<sup>st</sup> January 2006, voting when requested, is mandatory.
  - 3. Non Contracting and Associate Members will not be entitled to vote at AGMs or EGMs although they will be entitled to send a representative to each such meeting, unless otherwise agreed by the management committee.
- 10. QUORUM AT AGMs AND EGMs:**
- 1. So long as an AGM or EGM has been called in accordance with the requirements of this Constitution, then there shall be no quorum.

# The Association of Diving Contractors

## 11. ALTERATION TO CONSTITUTION:

1. The constitution may only be altered at a properly convened AGM or EGM.

## 12. SUBSCRIPTIONS:

1. The Subscription schedule for the current year is included in **Appendix 1**.
2. All subscriptions shall be paid within 30 days of invoice date.
3. If a subscription has not been paid within 90 days of invoice date, and if the member has been sent at least one reminder, then the Secretary shall be empowered to expel the member, and strike its name from the membership list, without further notification.
4. Subscription rates shall be determined by the majority vote of Members at the AGM.
5. Only these Members and Associate Members whose subscriptions have been paid shall be entitled to attend any meeting of the management committee, AGM or EGM
6. If a company is accepted as a member, and if it is agreed that the membership will start during the course of the calendar year, then the company will be invoiced for a proportion of the relevant annual subscription equal to the number of full months outstanding in that particular calendar year. If the start of membership is after September of any year, then the following year's subscription will be invoiced at the same time.
7. Voting Members shall send to the Secretary the information set out in clause 13(2)(a) and (b) with payment of their initial and subsequent annual subscription. Their membership will not be valid until such information has been received by the Secretary.

## 13. NEW MEMBERS:

- 1 Applications by prospective Members and Associate Members shall be supported by a recommendation from two existing Members in writing.
- 2 Prospective Members shall have been in business as a diving contractor, in the context of this Constitution, for at least 18 months. An application to become a Member of the ADC must confirm the above and be accompanied by:
  - a) a copy of the company's receipt of notification of particulars to HSE as a diving contractor ;
  - b) a copy of the company's current employer's liability insurance certificate (ELCI) showing that it applies to all diving personnel employed by or whose services are used by the prospective Member ;

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

## The Association of Diving Contractors

- c) copies of three recent references from clients confirming that the prospective Member has worked for them satisfactorily as a diving contractor.
  - d) Provide copies of the their Management System and dive planning documents to the secretary to enable a Desk Study Safety Audit to be conducted.
3. If a prospective Member cannot comply with the requirements in (13.2) above because it has not been in business as a diving contractor, in the context of the Constitution, for at least 18 months, then it may apply to register as a small company, without the ability to vote for the first 18 months, however any application must be accompanied by all the other required information in a) and b) above.

On completion of the 18 month period, the new Member will be upgraded to a Full Member, provided that it has also complied with the requirements outlined above.

4. Acceptance or rejection of any application for membership (including provision of references) shall be at the sole discretion of the management committee (within the terms of this Constitution) who may, if they think fit, defer any such proposal for consideration and ultimate decision to an AGM or EGM.
5. Two officers (normally either two directors or a director and a company secretary), of all new members of all grades, shall sign an undertaking that it will abide by the Constitution of the Association and act in a responsible member of it. Membership will commence once the Secretary has received this undertaking and monies due in respect of the first subscription.
6. New members will be expected to provide adequate documentation to enable a Desk Study Safety Audit to be conducted prior to completion of their application for membership of the Association. (*Details of The requirements for the ADC Desk Study Safety Audit are included in Appendix 2.*) The costs associated with conducting this audit shall form part of the new member application process. (*Details of the ADC membership Fees are included in Appendix 1.*)
7. Where the outcome of the Desk Study Safety Audit results in the identification of standards below that considered appropriate to membership of ADC, the new member will be provided with an action list improvement programme and the application process deferred for a maximum period of three months pending implementation of the improvement programme.
8. A reference copy of the Desk Study Safety Audit and all documentation supplied by the prospective member will be kept on file by the ADC for reference in the future.

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

# The Association of Diving Contractors

9. When considered appropriate by the Management Committee an on site audit may be arranged and only on satisfactory completion shall the membership application process completed.

## 14. AUDITING ARRANGEMENTS:

### 14.1 Introduction:

1. The ability to audit Full Members is an essential part of the ADC development programme from the 1<sup>st</sup> January 2005, as it seeks to establish that the standards adopted by members are consistently kept at the highest possible level. In addition, as a result of the audit all members will be urged to improve or simplify work practices and safety procedures they have in use.
2. In addition to the initial Desk Study Safety Audit of new members described in 13 (6-9), existing Full Members will be expected to provide the necessary documentation to the secretary to allow a Desk Study Safety Audit of their current safety management systems to be completed.
3. Where considered appropriate, the secretary may provide an action list or suggested improvement programme to assist the member to achieve the requirements set out in Appendix 2 of the Constitution, "The Requirements for the ADC Desk Study Safety Audit"
4. Desk Study Safety Audit documentation should be routinely updated every 3 years in an effort to keep all ADC member files up to date.
5. An update of any documentation held on file by ADC may be necessary at some time in the future should a change of circumstances e.g. change of ownership, transfer of business, relocation or in the case of an ongoing accident or investigation. Members may choose to freely provide the necessary information or be requested by the secretary.
6. ADC will not disclose or pass any of the details of a members reference file without their express permission being obtained in writing.

### 14.2 The Procedure for conducting Desk Study Safety Audits:

1. Initial Desk Study safety Audits shall be conducted on all members seeking to join ADC.
2. The primary purpose of the Desk Study Safety Audit is to ensure that all member companies have sufficient competent staff, adequate facilities and safety management systems in place to conduct the business of Inland /Inshore diving to the approved requirements.
3. All Desk Study Audits will be conducted by the ADC secretary who will report any matters outwith the stated ADC requirement to the management Committee to

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

# The Association of Diving Contractors

agree the appropriate action.

4. Once the Desk Study Audit has been satisfactorily completed, notification will be provided to the appropriate member and the documents supplied kept on file for reference.
5. When considered appropriate by the Management Committee the Desk Study Safety Audit may be extended to include an active site visit. Any costs associated with conducting a site audit at the request of the Management Committee will be the responsibility of ADC.
6. All audit documentation will be retained on record at the ADC office for a minimum of 5 years.
7. The comments contained in an audit report and contents of the confirmation correspondence may not be used for publicity without the express permission of the secretary and management committee.
8. Members who satisfactorily complete a safety audit shall be issued with an audit certificate and will be entitled to use this to promote their business activities.

## **14.3 Voluntary on Site Safety Audits:**

1. Voluntary on Site Safety Audits may be carried out at the request of any member.
2. On Site Safety Audits are intended to allow a systematic and very critical examination of an organisations safety activity and should include a review of every single aspect of the Safety Management System
3. The Safety Audit will be conducted by:
  - \* Preparing an Audit Plan and Programme.
  - \* Researching the objectives of the safety programme.
  - \* Closely examining technical reports and maintained records.
  - \* Conducting a site inspection and observing an operational activity.
  - \* Conducting discussions with key individuals on safety activity.
  - \* making an assessment of safety activity.
4. The duration required to adequately complete an on Site Safety Audit will be subject to the size, type and geographical location of the member company and will be only be confirmed after the Audit Plan and Programme has been issued.
5. On satisfactory completion an ADC Safety Audit Certificate will be issued for use by the member company and be valid for a period not exceeding 12 months.
6. Full details of the ADC on Site Safety Audit format is contained in Appendix 3.

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

# The Association of Diving Contractors

## 14.4 Appeals:

1. Members shall have the right to appeal against the findings of a Desk Study Audit or Site safety Audit as long as the appeal is received in writing at the ADC office within 28 working days of receipt of the confirmation.
2. Full details of the grounds for appeal should be forwarded to the ADC secretary for by consideration by the Management Committee.
3. The decision of the management committee shall be made known in writing and not be subject to any further appeal.

## 14.5 Payment:

1. Payment for the initial Desk Study safety Audit of new members will form part of the annual membership fee and initial joining fee outlined in Appendix 1.
3. The periodic Desk Study Safety Audits of existing members shall be deemed to be within the annual membership fee.
4. Where an on site Safety Audit is to be conducted by the secretary at the request of the management committee or as part of a disciplinary procedure or other investigation this to shall be deemed to be within the annual membership fee.
4. Members who instruct the secretary to conduct a voluntary on Site Safety Audit will be required to agree the cost with the secretary.

## 15. RESIGNATION FROM MEMBERSHIP:

1. A Member or Associate Member may resign from the Association at any time by giving notice, in writing, to that effect to the Secretary.
2. That Member shall however be liable to pay that proportion of the relevant annual subscription equal to the number of months elapsed since the beginning of that particular year.
3. If however a company resigns from membership part way through a calendar year, and if it has already paid its full annual subscription, then it will not qualify for a rebate.

## 16. COMPLAINTS PROCEDURE:

### 16.1 Introduction:

- 1.1 Any existing member, person, company, client or may complain to ADC about a member's conduct where their behaviour or performance has breached an element of the constitution or charter.
- 1.2 Complainants must precisely identify they allege has been breached.

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

## The Association of Diving Contractors

- 1.3 No complaints procedure will be initiated where any legal action is intended or ongoing.
- 1.4 Complaints shall only be accepted if submitted in written form by post, Fax or E mail, the complainant identified and the alleged breach relating to the constitution or charter fully detailed.
- 1.5 Photographic evidence of a breach shall be acceptable when it is supported by a written summary as outlined 1.2 above.
- 1.6 Complaints should be made as soon after the alleged breach as possible to permit swift investigation by ADC and allow implementation of any resultant action.
- 1.7 All complaints shall be dealt with in the strictest confidence .
- 1.8 No names, details of the complainant or accused party will be made known during the initial investigation that shall be conducted by the secretary.
- 1.9 Where it is decided that further action is required, the secretary will select a panel of three members, all from separate ADC regions to act as the complaint review team. Names shall be submitted to the management committee for final approval.
- 1.10 The disciplinary criteria available for dealing with complaints will comprise:
  - (A) Written warning.
  - (B) Member suspension.
  - (C) Expulsion.
- 1.11 The compliant procedure shall incorporate an opportunity for the accused party to appeal to the ADC Management Committee should they consider the findings of the investigation and review team to be erroneous.

### 16.2 Procedure:

- 2.1 Upon receipt of a complaint the secretary shall:
  - a) Record receipt in the complaint record book.
  - b) Confirm receipt in writing to the complainant within five (5) working days summarising the actions that will be taken in response to the complaint.
  - c) Commence a discreet investigation in an effort to confirm the substance of the complaint, which shall be completed within fourteen (14) working days, avoiding direct contact with the ADC member in question until such times as the validity of the complaint has been substantiated.
- 2.2 Having completed the requirements of 2.1, the secretary will write to the ADC member company in question, appraise them of the allegation, provide a summary the findings of the discreet investigation conducted under 2.1, (iii) and request their response in writing.

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

## The Association of Diving Contractors

- 2.3 The member in question will be requested to submit a response within fourteen (14) days. The ADC secretary will have the authority to extend the response period to a maximum of twenty eight (28) days where extenuating circumstances exist.
- 2.4 Upon receiving a response from the member in question, the secretary will report to the management committee appraising them of the compliant, the findings of item 2.1, (iii), the response from the member in question, advise if further investigation is warranted and indicate if a member review team should be organised.
- 2.5 The ADC Management committee will then act in one of the follow ways:
- (1) Where the response received satisfies the management committee that there is no case to answer, a reply to this effect will be sent to both the complainant and the member concerned.
  - (2) If the response received does not adequately answer the compliant, call for the setting up of a member review panel.

### 16.3 The Member Review Panel:

- 3.1 A member review panel will be made up of a minimum of three members from different ADC regions. Will be provided with the full details of the complaint, information compiled from the discreet investigation and the member in questions response, in strict confidence and their recommendations sought.
- 3.2 The member review panel will have the ability to:
- (1) Confirm that there is no case to answer.
  - (2) Make a decision based on the information and correspondence provided to them and conclude that the complaint is not proven.
  - (3) Request further information or investigations be conducted and specify the extent of information they consider will be required to conclude the matter.
  - (3) Confirm the case is proven and specify the level of disciplinary action that should be taken against the member in question.
- 3.3 Any member against whom a compliant has been made and who chooses to resign membership prior to the conclusion of an investigation may be barred from reapplying for membership for a period of at least two years.
- 3.4 Any investigation will continue irrespective of whether the member resigns.
- 3.5 Any member in question who refuses to co-operate with either the secretary, management committee or review panel may be subject to disciplinary sanctions separate to that resulting from any complaint.
- 3.6 The decision of the review panel will be notified to the member and complainant in writing setting out the panels reasons for the decision.

# The Association of Diving Contractors

- 3.7 The period for completion of the complaints procedure from receipt to decision should under no circumstances exceed 26 weeks.

## **16.4 Appeals:**

- 4.1 Either the complainant or member concerned may appeal the decision of the review panel within 28 days of the written notification of the decision.
- 4.2 The appeal will initially be considered by the management committee who will determine if the reasons for the appeal are warranted and if further action is required.
- 4.3 The decision of the management committee will be made known to the complainant and member in question.

## **17. EXPULSION FROM MEMBERSHIP:**

1. The management committee shall have power to expel any Member or Associate Member who shall offend against the Constitution of the Association or whose conduct shall, in the opinion of the Association's management committee, render it unfit for membership.
2. Before any such member is expelled, the Secretary shall give it 14 days' written notice to attend a meeting of the Association's management committee and shall inform it of the complaints made against it.
3. No member shall be expelled without first having the opportunity of appearing before the Association's management committee and answering the complaints made against it.
4. Clause 17 shall not however apply in respect of a member who has not paid its subscription - see clause 13. (3)

## **18. SECRETARY:**

1. The Secretary of the Association shall be appointed by and shall report to the Association's Members, but on a day-to-day basis to the other members of the management committee. He shall have overall responsibility for the day-to-day running of the Association.
2. The terms of his appointment shall be determined by the Members at the AGM.
3. The first Secretary of the Association shall be Tom Hollobone, the second shall be Crawford W. Logan and the third Roger O'Kane.

## **19. CHAIRMAN'S CASTING VOTE:**

1. At any meetings of the Association ( whether a management committee meeting or an AGM or an EGM) the Chairman shall exercise a second or casting vote in the event of an equality of votes.

## The Association of Diving Contractors

20. **INTERPRETATION:**1. The Constitution shall be interpreted under English law and in the English language.
21. **COMMENCEMENT:**
1. This Constitution shall take effect from 1 January 1995 and shall govern the conduct and affairs of the Association of Diving Contractors (ADC) until such time as it is amended at a properly convened AGM or EGM

END

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

Constitution

ADC / Const / Rev - vii

# The Association of Diving Contractors

## Appendix 1: Subscriptions and Charges:

Subscription Fees and Charges for the calendar year **2007**.

No	Description	Charge	Remarks
	<b>Membership Subscriptions.</b>	(£)	
<b>1</b>	<b>Joining Fee</b> (One off cost)	700.00	Applicable to new Full Members only and includes for the <b>initial audit</b> and all admin or associated costs.
<b>2</b>	<b>Annual Subscription.</b>		(1 <sup>st</sup> Jan to 31 <sup>st</sup> Dec)
2.1	Full and Non Contracting Members	740.00	( <b>£869.50</b> Inc VAT)
2.2	Full Members - With 50% Subscription Relief	370.00	( <b>£434.75</b> Inc VAT)
2.3	Associate Members:	250.00	( <b>£293.75</b> Inc VAT)
2.4	Corresponding Members:	250.00	( <b>£293.75</b> Inc VAT)
2.5	Full Member Subscription Relief Threshold	-	An audited annual turnover of not less than <b>£300'000.00</b> ( <i>Confirmed by accounts</i> )
<b>3</b>	<b>Supervisors Scheme:</b>		
3.1	Enrolment and Examination Fee	50.00	Application Form required.
3.2	Exam Resit	35.00	Application Form required.
3.3	Replace Lost Certificate.	25.00	Confirmation letter and photographs required ( <b>£29.37</b> Inc VAT)
3.4	Replace Valid Certificate with Issue 2	10.00	With a completed transfer form. (Applicable to 31/12/05 only)
<b>4</b>	<b>Assorted Services:</b>		
4.1	ADC Voluntary on Site Safety Audit	Varies	To be confirmed for each Audit requested.
4.2	Half Page Advert in Newsletter	150.00	Per Year, applies all three Newsletters. ( <b>£176.250</b> Inc VAT)
4.3	Website Page Advert and Link	50.00	Applicable for 1 Year. ( <b>£58.75</b> Inc VAT)
<b>5</b>	<b>ADC Publications:</b>	(Each)	
5.1	Professional Divers Logbook	8.09	Members price (1-5) ( <b>£9.50</b> Inc VAT)
	(Inland / Inshore)	10.64	Non- Members price (1-10) ( <b>£12.50</b> Inc VAT)
		7.50	Bulk Discount. (5+Mem) (10+NonM) ( <b>£8.81</b> Inc)
5.2	Diving Supervisors Manual.	25.00	Members price Inc Postage in the UK.
5.3		35.00	Non- Members price Inc Postage in the UK.
5.4	ADC Guidance Documents. (Each)	15.00	For sale only to Non members. ( <b>£17.63</b> Inc)
5.5	ADC Membership Folders	<b>£7.50</b>	( <b>£8.81</b> Inc Vat and Postage in the UK)
5.6	ADC SA Stickers. (Set of 4)	<b>£3.00</b>	( <b>£3.53</b> Inc Vat and Postage in the UK)
5.7	ADC Brochure (5) (Full Member Only)	<b>£7.50</b>	( <b>£8.81</b> Inc VAT and Postage in the UK.)
<b>6</b>	<b>ADC Reference Material:</b>	(Each)	(Available to Associate Members)
6.1	Model Safety Management System	£35.00	For sale to Non - Members
6.2	MSMS – Appendix Forms.	Nil	Only available to Full members.
6.3			
6.4			

1. All prices shown are exclusive of VAT.
2. Item Nos: **3.1, 3.2, 5.2** and **5.3** Do not attract VAT.
3. All prices include Postage to a UK Postcode.

The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.

# The Association of Diving Contractors

## Appendix 2: ADC Desk Study Safety Audit

1. Desk Study Safety Audits shall be conducted on all contracting members of the Association.
2. The primary purpose of the Desk Study Safety Audit is to ensure that all contracting members have sufficient competent staff, adequate facilities and safety management systems in place to conduct the business of Inland /Inshore diving to the approved requirements.
3. All Desk Study Safety Audits will be conducted by the ADC secretary who – after conducting the audit and liaising direct with the member company - will report any matters outwith the stated ADC requirement to the Management Committee.
4. The Desk Study Safety Audit will form part of the annual membership renewal procedure when members will be required to submit sample documentation to the Secretary.
5. When considered appropriate by the Management Committee the Desk Study Safety Audit may be extended to include an on site visit. Any costs associated with conducting a site audit at the request of the Management Committee will be the responsibility of ADC.
6. All audit documentation should be updated annually and retained on record at the ADC office for a minimum of 5 years.
7. Members required to submit documentation as part of the Desk Study Safety Audit are encouraged to submit suitable documents used on a current or recently completed diving operation. ***(The creation of documents specifically to submit to ADC is not required)***
8. The minimum requirement shall include:
  - (1) A sample project brief provided by the client.
  - (2) Sample of a Dive Project Plan.
  - (3) Sample of a Project Method Statement(s).
  - (4) Sample of task specific Risk Assessment(s).
  - (5) Sample of Emergency Plan arrangements.
  - (6) Contents page from Company Diving Rules.   
*(Where reference is made to standard diving procedures in the Dive Project Plan)*
  - (7) Contents page from Company Safety Policy.   
*(Where the company employs over five persons)*
9. Members are encouraged to submit only that required to allow an assessment of the procedures and practices adopted by the company to be made. The submission of substantial documents comprising predominantly generic work practices or procedures is not necessary.
10. Members who fail to provide adequate documentation to allow the satisfactory completion of the Desk Study Safety Audit will be contacted by the secretary and provided with details of the information required to satisfactorily complete the process.
11. The Secretary will include reference to the completion of the Desk Study Safety Audit when providing the Membership Certificate.

Desk Study Safety Audit – Rev 1 (12/04)

**The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.**

Constitution

ADC / Const / Rev - vii

# The Association of Diving Contractors

## Appendix 3: ADC on Site Safety Audit

*This Document Remains Under Review and will be circulated when completed.*

*The Association represents diving contractors who are involved with inland or inshore diving operations in the UK and Ireland.*

Constitution

ADC / Const / Rev - vii