

**THE BY-LAWS  
OF  
NOVA SCOTIA/NUNAVUT  
COMMAND**



**OF  
THE ROYAL CANADIAN LEGION**

**As amended to September 2011**



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## **Article I – General**

**101** The name of this Command shall be “The Nova Scotia/Nunavut Command of The Royal Canadian Legion” hereinafter referred to as the “Command”.

**102** In these By-Laws:

A “Act of Incorporation” means the Act to Incorporate The Royal Canadian Legion as amended.

B “General By-Laws” means the General By-Laws of the Dominion Command.

C “By-Laws” means the By-Laws of the Command.

D “Convention” means the Nova Scotia/Nunavut (NS/NU) Convention and when it is not in session, the Provincial Executive Council, hereinafter referred to as the “Executive Council”

E “Branch” means a body of persons fulfilling the qualification of membership who have been issued a charter by the Dominion Command of The Royal Canadian Legion.

F “Member” means a member in good standing as defined by the General By-Laws.

G “Spouse” means as per the General By-Laws of the Royal Canadian Legion.

- H “Presiding Officer” shall be the Command Chairman or in his absence the Acting Chairman.
- I words indicating the masculine import the feminine.

**103 Holding of Property**

Nova Scotia/Nunavut Command shall be in accordance with Article 1, section 120 of the General By-Laws of The Royal Canadian Legion.

**Article II – The Command**

**201** The Command consists of all Branches of the Royal Canadian Legion within the Province of Nova Scotia and the Territory of Nunavut.

**202** The Convention consists of delegates appointed by the Branches assembled in a general meeting at a time and place specified by the Command.

**203** The Command shall have the power and authority to supervise and regulate the general policy and activities of all Branches within the Province of Nova Scotia and the Territory of Nunavut.

**204** The Office of the Command shall be in the Halifax Regional Municipality in the Province of Nova Scotia.

**205** The Charter of the Command, as issued by the Dominion Command, shall be in the custody of the Office Administrator, hereinafter referred to as the Secretary.

**206** The Seal of the Command, as approved by the Dominion Command, shall be in the custody of the Secretary, who shall keep it available for use on all documents requiring the seal of the Command.

**207** A reproduction of the official badge of The Royal Canadian Legion may be imprinted on all stationary issued by the Command.

**208** The Chain of the Command shall be as follows:

Branch  
Zone Commander  
District Commander  
Provincial Command  
Dominion Command

This does not preclude branches from liaisoning directly with the Command Office on routine or necessary matters.

## **Article III – The Convention**

### **Section A – General**

**301** Subject to the General By-Laws and to these By-Laws, the Convention, and when it is not in session, the Executive Council shall be the governing body within the Province of Nova Scotia and the Territory of Nunavut.

Each Branch within the Command shall be entitled to send to a Provincial Convention as representing its members, one (1) delegate for the first fifty (50) Ordinary, Life, Associate and Affiliate Voting members or fraction thereof, and one (1) delegate for each additional one hundred (100) members or fraction thereof.

A A delegate may be a member of another Branch within the same Provincial District.

A delegate who is not an accredited delegate from their own branch may not carry proxies.

B Members of the Provincial Command Executive Council, who are not accredited Branch delegates, shall be accredited delegates of Nova Scotia/Nunavut Command to the Provincial Command Convention.

C Past Presidents of Nova Scotia/Nunavut Command shall be voting delegates of the Command when attending a Provincial Convention and shall be paid (3) days per diem plus mileage.

D I All proxy votes from Branches are to remain within their respective Districts/Zones.

II Any proxy votes that cannot be distributed in their respective District/Zone shall be distributed to the Command Delegates by the respective District/Zone Commander and the Command Secretary.

- 303** The Convention shall be any properly called and constituted assembly of the delegates.
- 304** A Command Convention shall be held annually or biennially as may be determined by each Convention. When such Convention is called, it shall be held on the long weekend in May.
- 305** The Executive Council may call a Special Convention, time and place as may be determined if the Council considers it expedient and necessary to do so.
- 306** The Executive Council shall call a Special Convention at any time upon the request of one third (1/3) of the Branches within the Command, such Convention to be convened at a date not later than sixty (60) days after receipt of the required number of requests.
- 307** As soon as possible, and except in the case of a Special Convention called upon pursuant to 305 and 306 not less than four (4) months prior to the date set for an assembly of delegates, the Secretary shall notify each Branch of the time and place of a Convention.
- 308** Every Branch shall pay a registration fee for each delegate accredited to a Convention. Such fee shall be determined by the Executive Council from time to time and shall be paid to the Registration Committee of the Convention. As soon as possible and not less than thirty (30) days before the date set for an assembly of delegates, the Secretary shall notify each Branch of the amount of the Convention

registration fee and the date to which the dues must be paid to constitute a member in good standing.

- 309** Except as otherwise provided as per 314, per capita payments, credential certificates and other materials necessary for, and pertaining to, the Convention must be filed with the Secretary not less than thirty (30) days before the date set for such Convention.
- 310** The Convention shall have the power to elect or appoint officers, agents, or committees and to give them authority to administer any defined activities or business of the Convention.
- 311** Only Ordinary, Life, Associate and Affiliate Voting members as defined in the General By-Laws shall be entitled to vote or hold office in, or be a member of the Executive Council or any Committee of the Command. No person shall be nominated for any office unless he be present or has signified such willingness in writing to accept such an office prior to the election.
- 312** The President of the Command shall appoint any special officers necessary to facilitate the orderly and proper conduct of the Convention's business.
- 313** Except in the case of a Special Convention called pursuant to the provisions of #305 and #306, notices of and copies of all resolutions for submission to a Convention shall be in the

hands of the Secretary not less than four (4) months previous to the opening date of such Convention and the Secretary shall notify the Branches not less than five (5) weeks before such a Convention date of all resolutions.

- A In the case of a Special Convention such notice shall be given as soon as possible.
- B Notwithstanding the foregoing, additional resolutions may be brought forward with the consent of the Convention after all others have been dealt with.

**314** The reports of District Commanders, Dominion Command Representative and Chairpersons of all Command committees (except Finance) shall be in the hands of the Secretary by February 15<sup>th</sup> of the Convention year. Any reports received after the deadline will not be included in the Convention Book.

## **Section B – Convention Rules**

**315** The Chairman, or failing him, the Immediate Past President will discharge the duties of the presiding officer, and except where herein otherwise provided will ensure that the business of the Convention is conducted in accordance with recognized legion publications.

**316** The presiding officer shall enforce order and strict observance of the By-Laws. He shall decide on all points of order subject to an appeal to the Convention.

**317** Anyone wishing to speak shall rise and address the presiding officer. He shall wait until recognized and shall state his name and Branch before speaking.

**318** When debate on any question has ceased, the presiding officer shall put the question, giving the exact words of the resolution or motion clearly so that every delegate may understand the question on which the vote is being taken.

**319** Accredited delegates only shall be permitted to vote or hold proxies at a Provincial Convention. No delegate shall carry more than four (4) proxy votes.

Voting procedures for the election of officers:

- A Only accredited delegates on the floor may vote.
- B A booklet containing ballots will be issued to each accredited delegate, separate booklets will be provided for each proxy held.
- C Proxy ballots will be issued only to those entitled to them according to the records of the Credential Committee.
- D Names of candidates will be posted in order of nomination.
- E The Election Chairperson will designate the ballot to be used by number and colour.

- F The method of voting will be to place the name of the candidate to be voted on the appropriate ballot. Do not write on any ballot until instructed by the Election Chairperson.
- G Before ballot vote commences, the Election Chairperson will order the doors to be tiled. The Sergeant-at-Arms will ensure that all doors and exits are guarded and no one may enter or leave the Convention Hall until after the vote has been completed and the Election Chairperson so orders.
- H
- i When balloting is for the election of a single officer, the candidate receiving the majority of the votes casts shall be elected.
  - ii If no candidate received a majority vote or received a majority of the total votes cast on the first ballot, a second ballot shall be held, deleting the name of the candidate receiving the least number of votes on the first ballot.
  - iii However, if the total of the votes received by the two with the lowest number of votes is less than the votes received by the candidate with the next lowest number of votes, the names of

the two with the lowest number of votes shall be deleted from subsequent ballots.

- I
  - i When the balloting is for the election of more than one officer, delegates may vote for up to, but not more than, the number of officers to be elected.
  - ii A person may not vote more than once on the ballot for any candidate.
  - iii The ballots shall be in a form approved by the Convention Arrangements Committee.
  - iv Ballots not marked in conformity to this section shall not be counted.
  - v The candidates receiving a majority of the ballots cast shall be elected.
- J If one or more, but not all, candidates receive a majority on the first ballot, a second ballot shall be held for the office, deleting the names of the candidates with the lowest number of votes on the first ballot.
- K Whenever on any ballot no candidate is elected, the name of the candidate who received the lowest number of votes

shall be deleted from subsequent ballots, provided that

- i If the total of the votes received by the two (2) with the lowest number of votes is less than the votes received by the candidate with the next lowest number of votes, the names of the two with the lowest number of votes shall be deleted from subsequent ballots, and
- ii Similarly, if the three (3) candidates having the lowest number of votes do not have a total vote equal to that of the candidate having the next lowest number of votes, their names shall be deleted from subsequent ballot.

L Nova Scotia/Nunavut Command Convention, may be resolution, carried by two thirds [2/3] majority of the total votes cast, amend or adopt such rules to govern voting as may be necessary.

**320** If the presiding officer is a delegate he shall vote as such when the ballot is taken.

**321** When the vote stands equally for or against the question, the presiding officer shall declare the resolution or motion lost.

- 322** All motions shall be presented in the affirmative form.
- 323** The Secretary shall make copies of all written reports to come before the Convention available to the delegates at the time of registration and shall determine that each member of the Convention has a copy of each and all such reports.
- 324** Any delegate may move for the discussion of any report received as provided in #323 or may move the adoption of any or all the reports, but copies having been previously provided to the delegates, the reports shall at all times be accepted as read.
- 325** By unanimous consent the Convention may waive notice of motion to permit consideration of any urgent business, but no notice of motion shall be required to consider the recommendation of a sessional or standing committee.
- 326** For any urgent reason, and by unanimous consent, the Convention may suspend any or all of the By-Laws of this Command with the exception of Article XV for the purpose of dealing with a definite question. Such suspension shall not be unlimited and the Convention shall have no power to suspend the provisions of the “Act to Incorporate” or the General By-Laws.
- 327** No private discussion shall be held when the Convention is in session, nor shall any debate

be conducted in an unseemly manner, and delegates are enjoined to participate in the proceedings in a spirit of understanding and comradeship.

### **Section C – Order of Business**

**328** The presiding officer shall call the Convention to order at the appointed hour; and, all standing, those assembled shall remain so with bowed heads in memory of fallen comrades.

**329** A The order of business for this opening will be:

- i O Canada (one verse)
- ii Loyalty of Resolution
- iii Receipt of greetings, welcomes and replies to same

B The order of business for the first business session will be:

- i Submission of reports of Presidents and other officers, officials, and standing committees.
- ii Announcement of appointments to Convention Committees and of Honorary Chaplain of the Convention.

## **Article IV – Districts and Zones**

- 401** From time to time, the Convention may divide the jurisdiction into Districts and Zones to facilitate supervision of the activities of the Command.
- 402** The Command may, by By-Law, group two or more Zones in a specified area into a unit to be known as a District.
- 403** No Branch shall be transferred to a different Zone or District without prior direct notification to the Branch.
- 404** A District or Zone is designed to ensure equitable representation on the Executive Council and to facilitate supervision and advise in Branch work.
- 405** A meeting of the delegates from each Branch in each District or Zone may be held not less than thirty (30) days prior to the opening date of a convention, other than a Special Convention. Each Branch in the District or Zone shall be given notice in writing at least seven (7) days before the meeting is held and said meeting shall be held in the District or Zone area.
- 406** A Each Branch in a District and Zone, with the exception of Cape Breton District A and Nunavut District G, shall be entitled to two (2) voting delegates at a District/Zone meeting or election. Each such delegate must be a member

in good standing of the Branch he represents.

B Each Branch in Cape Breton District A and Nunavut District G shall be entitled to voting delegates at a district meeting based on the following formula:

- a) Three (3) delegates for one hundred (100) members or less.
- b) Four (4) delegates from one hundred and one (101) to one hundred and fifty (150) members.
- c) Five (5) delegates from one hundred and fifty one (151) to two hundred (200) members.
- d) Six (6) delegates for two hundred and one (201) or more members with a maximum to be six delegates.

Each such delegate must be a member in good standing of the Branch he represents.

**407**

A District Commander shall be elected to each District and a Zone Commander shall be elected in each Zone. District Commanders shall be a member of the Executive Council and his term of office shall be concurrent with that of the elected officers of the Command.

A To be elected as a District Commander, a member in good standing of a Branch must have served as a District or Zone

Commander, a Deputy District or Deputy Zone Commander or a Branch President for at least one full term.

- B To be elected as a Zone Commander, a member in good standing of a Branch must have served on the District/Zone or Branch Executive, or as District/Zone Commander or Deputy District/Zone Commander for one full term.
- C Election of a District/Zone Commander shall be in accordance with By-Law 406.

**408** When other than expiration of office, the office of the District/Zone Commander becomes vacant, the Branches in the District/Zone shall be requested to call a District/Zone meeting and elect a Commander to fill the vacancy. The newly elected District/Zone Commander shall be installed within thirty (30) days of his election, by an officer of the Command.

**409** A A Zone meeting other than for the election of a Zone Commander may be held at the discretion of the Zone Commander provided that, if three (3) Branches in the Zone forward a written request to the Zone Commander asking that a Zone meeting be held and stating the purpose for which the meeting is requested, the Zone Commander shall within twenty-one (21) days from the date of receipt of such requisition call a

Special Zone Meeting to deal with the business stated in the requisition.

B A quorum for any Zone meeting shall be the majority of duly elected/appointed delegates for the meeting.

**410**

A A District meeting other than for the election of District officers shall be as laid down in the Terms of Reference of the District, provided that if a majority of the Branches in the District forward a written request to the District Commander asking that a District meeting be held and stating the purpose for which the meeting is requested, the District Commander shall within twenty-one (21) days from the date of receipt of the requisition call a Special District Meeting to deal with the business stated in the requisition.

B A quorum for any District Meeting shall be the majority of duly elected/appointed delegates for the meeting.

C Districts shall hold individual District meetings a minimum of 3 times per year.

**411**

A The Zone Commander shall visit each Branch in his Zone at least twice a year and may organize an active Zone Board comprising of representatives of each

Branch for the purposes of consultation upon mutual problems, united effort and interest.

- B He shall check with the Branch Presidents and Secretaries to see that all correspondence and circular letters issued by Provincial and Dominion Commands receive attention and that their purport is conveyed to the general membership of the Branch.
- C He shall check with the Branch Presidents and Secretaries to see that all reports, statements, and questionnaires due to Nova Scotia/Nunavut Command and Dominion Command are dealt with promptly. In this regard, he shall himself set an example by replying promptly to all correspondence directed to him.
- D He shall impress upon Branch Secretaries or Secretary-Treasurers the need and importance of prompt payment of Branch accounts, particularly in payment of per capita tax which keeps a Branch in good standing and ensures the receipt of the LEGION MAGAZINE by members.
- E He shall give particular attention to any Branch whose membership or activities appear to be on the decline and should assist Branches to organize membership drives and special activities, paying

concentrated attention to the annual Poppy Campaign.

F He shall ensure that the Branches in his Zone comply fully with the General By-Laws and with these By-Laws. He shall exercise general supervision over the Branches in his Zone, except in Nunavut District where the District Commander will do so.

**412** The Zone Commander shall be the Chairman of the Zone Board and the District Commander shall be the Chairman of the District Board. The Branches may appoint/elect such representatives to the Board as deemed necessary and advisable. Such members shall have no vote unless they are one of the Branch's voting representatives.

**413** Neither the District Council nor the Zone Board shall have the power to enact by-laws or to set up any rules or regulations binding upon the Branches or the members without permission from NS/NU Command.

**414** The structure of NS/NU Command will be as follows:

District A – Zones 1 – 4  
District B - Zones 5 – 6  
District C – Zones 7 & 10  
District D – Zones 8, 9 & 11  
District E – Zones 12 – 13  
District F – Zones 14 – 15  
District G - Nunavut

- 415** The Command President shall not remove or by-pass any District/Zone Commander without due process or upon request of the said District/Zone Commander.
- 416**
- A A District or Zone shall elect or appoint a Deputy District or Zone Commander whose term of office will be the same as the District/Zone Commanders.
  - B The District or Zone Commander shall assign duties to the Deputy within their respective district or zone.
  - C The Deputy District or Zone Commander will be installed in accordance with the Ritual and Insignia Manual, R.C.L.
  - D Before a Deputy Commander can temporarily assume the duties of the Commander, the District or Zone Commander must notify NS/NU Command in writing, stating the reason and length of time, if known, that the Deputy will be serving in this capacity.
  - E If the Deputy Commander can temporarily assume the duties of the Commander, which may include attendance at Full Council meetings, he/she may receive any mileage and/or per diem that the Commander would be entitled to receive for Command duties.

- F If the District/Zone Commander is a “member” of a Command Committee, it will be at the discretion of the Command President if the Deputy will assume these duties.
- G If the District/Zone Commander is a “Chairman” of a Command committee, the Deputy will not assume these duties; the Command President will appoint an interm Chairman if required.
- H If the District/Zone Commander cannot resume his/her duties for any reason, then Article 408 shall come into affect.

## **Article V – Officers**

- 501** From time to time a Patron may be appointed by the Executive Council.
- 502** The Officers of the Command shall be the President, First Vice President, Second Vice President, Treasurer, Chairman and Immediate Past President.
- 503**
  - A. The Command President shall be a representative of the Dominion Executive Council.
  - B. In the event the President cannot attend the DEC meeting, he shall, upon notification to the Dominion Secretary, name a substitute for that particular meeting.

- 504** An Honorary President may be appointed by the Executive Council.
- 505**
- A The Executive Council shall appoint a Nova Scotia/Nunavut Command Chaplain who shall be a voting delegate to the Provincial Convention. He shall receive three [3] days per diem plus mileage.
  - B An Honorary Chaplain may be appointed by the Executive Council.
  - C The Executive Council shall appoint a Nova Scotia/Nunavut Command News Correspondent who, if not a Command or Branch voting delegate, shall receive two (2) days per diem to attend Command conventions.
  - D The Executive Council may appoint a Grand President who shall be a voting delegate to the Nova Scotia/Nunavut Command Convention. He/She shall receive three (3) days per diem plus mileage.
- 506** With the exception of the Immediate Past President, officers shall be elected by ballot at each Provincial Command Convention other than a Special Convention by a majority vote of those present entitled to vote in person or by proxy and shall hold office until the next such convention.

- 507** When other than by expiration of term of office, the office of the 2<sup>nd</sup> Vice President becomes vacant, there shall be an election by the Executive Council to fill this position. If a District Commander is elected to this position, there shall be an election in the District to restore the Executive Council.
- 508** When other than by expiration of term of office, the offices of President, 1<sup>st</sup> Vice President and 2<sup>nd</sup> Vice President become vacant at one and the same time, the Council shall name one of the members to be Presiding Councillor and such Councillor shall carry out the duties of the President for the unexpired term. Such circumstances shall not be deemed to create a vacancy on Council.
- 509** When other than by expiration of term of office, the office of Treasurer becomes vacant, the Council shall appoint one of its members to carry out the duties of the office made vacant but such appointment shall not be deemed a vacancy in the Council, and shall receive a stipend in lieu of mileage as determined by the Finance Committee and in consultation with the Executive Council.
- 510** There shall be a an Office Administrator who shall be hired by the Executive Council and he shall also be the Provincial Command Secretary, and be a full time employee of the Nova Scotia/Nunavut Command.. He shall receive such remuneration as the Council may determine.

- 511** There shall be an auditor or auditors appointed by the Convention and who may receive such remuneration as the Executive Council may determine.
- 512** Such other persons as are necessary to be employed for the proper administration of the Command's business shall be appointed by the Executive Council and may receive suitable remuneration for the service rendered.
- 513** Except as specifically provided by the "Act to Incorporate", the General By-Laws and these by-laws, the officers shall be governed by the common usages, practices and customs of their offices.
- 514** The appointive officers and all employees of the Command shall carry out the duties assigned to them as the Executive Council may require of them and shall be governed by the "Act to Incorporate", the General By-Laws and these by-laws.
- 515** The President shall exercise general supervision of the Command office and of appointive officers and employees, in consultation with the Personnel Committee.
- 516** All official information for publication to the press or otherwise shall be issued by the President or by the Public Relations Chairperson/Provincial Secretary upon the authorization of the President.

**517** When other than by expiration of the term of office, the office of Immediate Past President becomes vacant, the Executive Council shall appoint a Past President Member from the Command to fill this vacancy for the remainder of the term.

## **Article VI – Executive Council**

**601** The Executive Council shall comprise of the Elected Officers, District Commanders, the Immediate Past President, and in addition, one representative of each of the Special Sections charged with watching over the interests of special classes of ex-service men and women, as set out in the General By-Laws, provided there are Branches of such Special Sections within the Command.

**602** The Executive Council shall have the power to administer the business and activities of the Provincial Command subject to the authority of the Convention in accordance with the provisions of these by-laws and the General By-Laws and of the “Act to Incorporate”.

**603** The Executive Council (the 7 District Commanders, the 5 Elected Officers and the Immediate Past President) will meet at least 3 times per year in February, May and September and in a convention year in February and September.

**604** A majority of the Executive Council shall constitute a quorum.

- 605** The Chairman, or in his absence the Immediate Past President, will discharge the duties of the Chairman of meetings of the Executive Council.
- 606** By direction of the President, consultation of the Executive Council, may be held by email or telephone and subsequently confirmed by letter, and a ballot of the Executive may be taken by mail.
- 607** The President, the 1<sup>st</sup> and 2<sup>nd</sup> Vice Presidents, the Treasurer, the Chairman, and the Immediate Past President shall be the Sub-Executive Committee and that the Sub-Executive Committee shall meet only when it is deemed necessary by the Command President or by a minimum of 3 members of the Sub-Executive.

## **Article VII – Committees**

- 701** All Committees of a Convention shall be chosen by the President from among the delegates accredited to it, but any member of a Branch of the Command may be appointed to any Standing Committee provided that the appointment of any such shall not contravene the by-laws.

- 702** The Sessional Committees of a Convention shall be:

Committee on Resolutions  
Committee on Ways & Means  
Committee on Procedure  
Committee on Credentials

**703**

A Convention may appoint any Committee to be a Standing Committee subject to the terms of the “Act to Incorporate” and the General By-Laws and instruct it to report to the Convention next following. The tenure of the Committee may be fixed but shall not extend beyond the closing date of the Convention next following.

**704**

A The Standing Committees of the Command shall be:

Appeals (consisting of 1<sup>st</sup> V.P., Imm P.P., and the 2<sup>nd</sup> Vice President)

Bursary

Constitution & By-Laws

Finance & Building

Sports

Public Relations

Membership

Poppy

Complaints

Liquor & Gaming Act

Lotto Sweep

Honours and Awards

Call to Remembrance

Youth, Leadership & Development

Legion Leadership & Development

Veterans Services, Seniors &

Legislation

Personnel Committee consisting of 1<sup>st</sup> VP, 2<sup>nd</sup> VP and Treasurer

B The Chairman of each Standing Committee shall be a member of the Executive Council as designated by the

President after consultation with the 1<sup>st</sup> and 2<sup>nd</sup> Vice Presidents.

- C The members of each Standing Committee other than the Finance & Building Committee shall be nominated by the President after consultation with the 1<sup>st</sup> and 2<sup>nd</sup> Vice Presidents, but the appointments shall be subject to ratification by the Executive Council and each member must be a member in good standing of a Branch within the Command.
- D The term of office of each Chairman and of each member of a Standing Committee shall be concurrent with that of the elected officers of the Command.
- E Other than by expiration of term of office, the appointment of a Chairman or any member of any Standing Committee may be terminated only by the Executive Council.
- F Interim vacancies in any Standing Committee may be filled by the Executive Council.

**705**

All Standing Committee meetings shall be held at the NS/NU Command office; however, if more cost effective, the meetings may be held in another location chosen by the Chairman or as directed by the President and/or teleconferencing/email.

**706** The Constitution & By-Laws Committee shall examine and report upon all proposed amendments to these by-laws and all proposed changes to the by-laws of any Branch in the Command. All decisions relating to the Branch by-laws shall be reported to the Secretary for transmission to the Branches. The Committee shall examine all questions in regard to the General By-laws and Branch By-Laws referred to it and shall promptly furnish the Executive Council with a report of its deliberations and conclusions and make a full report of its activities to the Convention.

**707** The President shall be an ex-officio member of all Standing Committees and shall receive notice of every meeting of each such committee.

### **Article VIII – Finance**

**801** All monies payable to the Command shall be paid to the Secretary.

**802** All monies received by the Secretary for the Command shall be deposited by him forthwith in the name of the Command with such Chartered Financial Institution as, from time to time, may be designated by resolution to the Executive Council.

**803** A The Command Capital Reserve Fund of \$100,000.00 shall not be utilized without approval of the Executive Council.

- B The \$25,000.00 Supplementary Fund building maintenance and renovations will not be used without the prior approval of the Sub-Executive.
- 804** All payments in excess of \$25.00 by the Command shall be by cheque.
- 805** The President shall submit the name of the Finance & Building Committee Chairman at the Post Convention Council Meeting and the President will name the other two members with the consultation of the 1<sup>st</sup> and 2<sup>nd</sup> Vice Presidents (Treasurer & one other)
- 806** It shall be the duty of the Treasurer to examine all accounts presented to the Command for payment and to approve all routine expenditures that he considers correct. He may refer any such accounts to the Finance Committee, and shall refer to the Finance Committee any extraordinary expenses in excess of \$500.00.
- 807** No officer, member of the Executive Council, nor official shall contract any expenditure involved in the administration of the business of the Command, without first securing the approval of the Executive Council of the Command.
- 808** All Staff shall be bonded in a recognized Guarantee Corporation in an amount not less than \$2,000.00. The premium to be paid by the Command.

- 809** All cheques shall be signed by the Secretary and countersigned by the Treasurer, or in the unavailability or absence of the Treasurer, by the President or the 1<sup>st</sup> Vice President or another Officer of the Command appointed by the Executive Council. In the unavailability or absence of the Secretary, the Administrative Assistant is empowered to sign in his stead. No cheque shall be signed in blank.
- 810** Upon proper authority, the President and Treasurer or in his absence the Secretary, shall sign all undertakings, instruments and contracts (other than cheques) involving the liability of the Command.
- 811** The Secretary shall keep proper books of accounts and a correct record of all the financial transactions of the Command. He shall surrender his books to the Auditor, or auditors for examination when required to do so. At all times the books shall be open to inspection by the President, the Treasurer and the Finance Committee.
- 812** The auditor, or auditors, shall make an audit of all Command accounts from time to time and annually shall furnish full reports upon the financial condition of the Command for presentation to the Executive Council and the Convention.
- 813** The calendar year shall be the financial year of the Command.

**814**

- A Members of the Executive Council, members of standing committees and any employees of the Command shall be entitled to receive per diem allowance of the basis of time necessarily required and mileage when authorized by the Executive Council to attend any committee meeting or convention for transaction of business of the Command. Per diem and mileage shall be fixed by the Executive Council from time to time.
  
- B Authority for members of all standing committees attending a convention at Command expense must be obtained prior to attending said Convention.
  
- C A sum of money agreed to by the Convention from time to time may be paid to each member of the Executive Council to reimburse him in part for expenses incurred in the performance of his duties.

### **Article IX – Trustees**

- 901** A The Executive Council shall appoint three Members to be a Board of Trustees to administer any monies or other assets given or bequeathed to the Command and held in Trust, upon the terms and conditions and for the purposes specified by the Donor, Testator or Settler and the Board must submit an annual inventory report to

Command on the property, building and contents by the end of the fiscal year.

B The Chairman of the Board of Trustees shall retire at the Biennial Convention and a new member shall be appointed, the Senior Member remaining shall automatically become Chairman of the Board for the ensuing two years. In the event of a Trustee being replaced for any reason, the Successor upon appointment shall have all the duties and powers of the Trustee whose place he/she takes on the Board.

C Any Trustee of Command shall not be a Member of the Executive Council. Any Trustee of a Branch shall not be a Member of the Branch Executive.

**902** In case any Trustee shall die or resign from the trust or become unfit or incapable of acting, or refuse to act, or be removed from office upon conviction of an indictable offence, the Branch or Command shall forthwith appoint a successor who, upon appointment, shall have all duties and powers of the trustee whose place he takes upon the board.

**903** A Branch at a General Meeting or a Command may by resolution remove any trustee. In each case notice of motion to so act shall be given at the next preceding meeting or by notice in writing addressed to each Branch or Command Executive Council concerned and mailed to each member at least two weeks before the date

of the meeting at which the matter is to be brought up.

**904** The President of the Command shall be an ex-officio member of the Board.

**905** The books and records of the Board shall be maintained by the Secretary, and shall be open to audit and inspection in the same manner as other books of the Command or Branch.

**906** The Board shall make an annual report to the Command or Branch.

## **Article X – Branches**

**1001** The Branch shall strictly observe all provisions and regulations set out in the Act of Incorporation and the General By-Laws governing their relations and responsibilities to this Command and shall further observe all By-Laws of this Command.

**1002** Branches shall make prompt and correct returns of all monies due to and all documents and information required by this Command for the orderly and expeditious conduct of the Command's business.

**1003** The Command and/or Branch shall not enter into a written long term agreement with a Legion Member or Affiliate or any employee that provides financial guarantees or privileges without the prior approval of the Command.

- 1004**            A     Branch By-Laws shall be reviewed by the existing Branch By-Law committee whenever deemed necessary and any changes in the Branch By-Laws shall be submitted by the Branch to the Command for approval
- B     Branches are to ensure that the Command has on file at all times an up to date copy of the Branch By-Laws.
- C     The Command By-Law Committee is not responsible to do full reviews except on newly chartered Branches.
- D     Any changes to Branch or Ladies Auxiliary By-Laws are not to be acted upon until ratified by the By-Laws Committee of Nova Scotia/Nunavut Command.
- 1005**            Subject to the provisions of the General By-Laws, a Branch may enact a By-Law specifying whether or not a person may hold office simultaneously in both the Branch and an Auxiliary, or if deemed advisable which offices may be held simultaneously.
- 1006**            Branches shall furnish the Secretary with a copy of all proposed amendments to the Branch By-Laws within ten days of the passing thereof.
- 1007**            No Branch shall carry on any business, canvass or propaganda in the name of the Provincial Command without consent of the Executive Council.

- 1008** No Branch shall carry on any canvass in the territory of another Branch without the permission of such other Branch.
- 1009** Command reserves the right to levy a nominal fee of \$100.00 on all complaints and appeals to be heard or reviewed by the Command Complaint Committee or the Command Appeal Committee and that this fee would be returned upon the issuing of a favourable decision upholding the complaint or appeal.
- 1010** That all Branches of Nova Scotia/Nunavut Command shall within 21 days of the end of the previous month, provide a financial statement to Command on a Nova Scotia/Nunavut Command approved format.

## **Article XI – Honours & Awards**

- 1101** It is the policy of this Command that there be a five (5) year waiting period between application/approval of Life Membership, Meritorious Service Medal, Meritorious Service Award and Palm Leafs.

## **Article XII – Affiliates**

- 1201** A Affiliate Voting  
B Affiliate Non Voting

## **Article XIII – Ladies Auxiliaries**

- 1301** A Ladies Auxiliary to a Branch may be constituted with the consent and approval of the Branch.
- 1302** By-Laws governing the membership and activities of an Auxiliary may be adopted by the Auxiliary, but shall not be inconsistent with the General By-Laws or with these By-Laws. By-Laws adopted by an Auxiliary shall not become effective until approved by the Branch and by the Command.
- 1303** A person who became a member of an Auxiliary as the spouse of a Branch member, and who is a member of the Auxiliary at the time of the death of such Branch member or at the time of divorce or separation from such Branch member, shall be eligible for continuing membership.

## **Article XIV – Command Staff**

- 1401** Command Staff shall consist of the following:
- A Command Office Administrator
  - B Command Service Officer
  - C Administrative Assistant
  - D Bookkeeper/Clerk

**1402** Job descriptions for the above Command positions will be as set out in the Command Policy Manual.

### **Article XV – Amendment**

**1501** When the Convention is not in session, the Executive Council may amend these By-Laws provided that no amendment may be made by the Executive Council which would;

- A affect the authority of the Convention, or vary the time at which or the manner in which it may be convened, or alter its composition;
- B vary the composition of the Executive Council or increase its authority or prerogatives, or;
- C vary the manner in which these By-Laws may be amended.

And provided moreover that any amendment enacted by the Executive Council shall cease to be in force and effect at the close of the next regularly scheduled annual or biennial Convention unless ratified and confirmed at such Convention.

**1502** All notices of motion to amend these By-Laws shall be filed with the Secretary not less than thirty days before the opening date of a Convention, and such notice shall define the proposed amendment.

- 1503** Notwithstanding anything herein before contained, this section shall not be subject to waiver or suspension, but may be amended as itself provides.
- 1504** Nova Scotia/Nunavut Command shall provide standard Branch By-Laws which shall govern the affairs of all Branches that have not adopted their own By-Laws.
- 1505** These By-Laws may be amended, repealed or re-enacted at any Nova Scotia/Nunavut Command Convention or Executive Council by a majority vote; however, they will not come into effect until approved by Dominion Command.

## AMENDMENTS

Amend. #	Article #	Date	Signature/Approval
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