

THE MICROPOWER COUNCIL

CODE OF PRACTICE RELATING TO ADMISSION TO AND REMOVAL FROM MEMBERSHIP

This Code of Practice governs the rules for the approval of new members and continuation of membership. The objectives are:

- (a) to ensure that membership is available in a fair and non-discriminatory manner to all individuals, bodies and enterprises that have a legitimate interest in the microgeneration industry, in accordance with the Council's Constitution;
- (b) to ensure that decisions on membership issues are made in a consistent, objective and transparent manner.

Rules for approval:

1. The Constitution of the Micropower Council specifies in Article 14 that "election to and continuation of membership shall be at the discretion of the Executive Committee". Voting is by simple majority.
2. On receipt of a membership application, the Council's Chief Executive Officer will promptly notify all members of the Executive Committee of that fact and will provide supporting information about the applicant. Members will be invited to respond within 4 weeks, with non-response being taken as agreement.
3. In the event that there are no objections, the CEO will notify the applicant of that fact and membership will thereby be confirmed. Objections can be made by existing members only on the grounds for rejection set out below, and must be made in writing. All supporting evidence that the objector wishes to be considered must be provided, also in writing, within 2 weeks of the objection being made.
4. On receipt of the objection (or, in the case of termination, an application from a member for the termination of the membership of another member), the Chairman will appoint a sub-committee. This will comprise, so far as is practicable in his opinion, no less than 3 Executive Committee members none of whom will be the objector or the representative of a close competitor of the applicant. All members of the sub-committee shall declare that their organisation has no commercial dealings with either the applicant or the objector. The sub-committee will be charged with reviewing the evidence submitted by the objector and assessing its validity against the grounds for rejection set out below and will notify its conclusions and recommendations to the full Executive Committee.
5. All evidence provided by the objector will be made available to all members of the sub-committee, and to the applicant, and the applicant shall be given

reasonable opportunity to submit comments on the evidence in writing or in person to the sub-committee.

6. In compliance with the Constitution of the Council, membership cannot be denied on grounds of market competition. Valid grounds for rejection of a membership application (or termination of existing membership) will be limited to the applicant/existing member:
 - not engaging in activities that make a positive contribution to the development of the microgeneration industry;
 - undertaking actions that have brought or are likely to bring all or any part of the microgeneration industry into disrepute;
 - persistently mis-selling and/or making false, exaggerated or unsubstantiated claims, either in respect of the applicant's products and / or services or those of others in the industry;
 - conducting an illegal activity, as evidenced by a successful prosecution;
 - breaching the Council's Constitution.
7. Subject to the Chairman being satisfied with the practicability of the timetable, the sub-committee will notify the entire Executive Committee of its conclusions and recommendations within 8 weeks from receipt of the objection. Within a further 2 weeks, the Executive Committee will determine by majority vote whether, in its opinion and taking due note of any rulings or other pronouncements of Courts of law, Government and similar agencies, the objection falls genuinely within the specific grounds listed above, in which case the application will be rejected (or an existing membership terminated). In all other cases, the application will be accepted.
8. An appeal may be lodged by an unsuccessful applicant in any of the following circumstances:
 - the applicant considers that there is new evidence or information which was not considered during the original application process or that erroneous or misleading evidence or information was considered;
 - the procedures set out herein were not correctly followed;
 - the review of the original application was not carried out in an objective or impartial manner.

The appeal may be lodged with the President of the Council, who will review impartially all the available information. If she is satisfied that the application merits further consideration, she will refer it back to the Chairman of the Executive Committee. He will promptly initiate a repeat of the processes outlined above, starting from the appointment of the sub-committee of 3 members, with the proviso that these shall, in so far as is practicable, not be the same as the original sub-committee members, while still complying with the qualifications set out in Rule 4 above. An applicant will not have the right to lodge a second appeal in any circumstances, following a failure of a first appeal.