

The Gemmological Association of Great Britain (Gem-A)

BY-LAWS

These by-laws are made pursuant to and are subject to revision under the Articles of Association

1. Financial and Subscription Year

- a. The Association's year shall commence on and from the first day of January in each year.

2. Categories of Membership of the Association

- a. Member, being a person approved for membership by the Council.
- b. Fellow (FGA), being a Member (see §2.a) who:
 - i holds a Diploma in Gemmology awarded by the Association after theoretical and practical examination in gemmology;
 - or
 - ii is proposed by no fewer than 2 current FGAs, can demonstrate a significant contribution to the field of gemmology, or the promotion of gem knowledge, over no less than 10 years, and who pays the required Fellowship fee.
- c. Diamond member (DGA), being a Member (see §2.a) who holds a Gem Diamond Diploma awarded by the Association or a certificate of its unincorporated predecessor after theoretical and practical examination in gem diamond.
- d. Honorary Fellow, being a Member awarded that status at the discretion of the Council. The number of Honorary Fellows shall not exceed six at any one time.
- e. Honorary Life Member, being a person awarded that status at the discretion of the Council. The number of Honorary Life Members shall not exceed 25 at any one time.
- f. Corporate Member being a company, partnership or other business in which all, a significant part, or a distinct department is involved in the sale, auction, manufacture or appraisal of gems or gem-set jewellery and which is approved for membership by the Council. A Corporate Member may also be an industry association, laboratory, trade show organizer or publisher of trade publications approved for membership by the Council. Membership by a trade organization does not bestow Association membership rights to members of that trade organization. Corporate Members must be proposed by any two Fellows (FGAs) or Diamond Members (DGAs) of the Association.
- g. Gold Corporate Member, being a company which is eligible to be a Corporate Member and which employs one or more Fellows (FGA) or Diamond Members (DGA) of the Association.
- f. Affiliate, being a national or international gemmological organization that shares similar

aims to the Association, and which the Council considers to be of equivalent merit and reputation, may be invited to become mutually Affiliated with the Association on terms agreed by the Council and the relevant Governing Body of the other organization.

3. Membership Applications and Subscriptions

- a. Application for election to membership of the Association shall be made in the approved form and applicants' names together with any additional relevant information circulated to the Council. Each application will be taken as approved after seven days of such circulation unless one or more Council Members objects to the application within that time. In the case of such an objection the Council shall discuss the application at their next meeting and have the power to accept or refuse it.
- b. Each class of Member shall pay an annual subscription at a rate applicable to their category as determined by the Council from time to time.
- c. The President, Vice-Presidents, Honorary Fellows and Honorary Life Members shall not be called upon to pay an annual subscription.
- d. The subscription paid by a Corporate Member shall include the annual subscription for up to two named members of their staff.
- e. Subscriptions shall become due and be payable on the first day of January in each year. Members joining at other times of year shall pay a pro-rata subscription or as determined by the Council.
- f. In the event that the Council is minded to turn down an application for membership, it shall notify the applicant giving its reasons. Should the applicant still wish to apply and if the Council is still unwilling to accept that application, the applicant may request that the application be subject to a vote at the next AGM of the Association. Such ballot shall be secret and the majority decision of all members present and able to vote taken as final.

4. Non-Payment of Subscriptions

- a. No person or organization elected a Member in any category shall be entitled to any of the privileges of membership until the first annual subscription has been paid; and unless this has been received within six calendar months of the date of election the election of such person or organization shall be void.
- b. A Member in default for three months or more with their annual subscription will be notified in writing at their last known address. If the Member is still in default two months after such action, his or her name may be brought before the Council who may authorize removal of the person from membership.

5. Cessation of Membership

- a. Any Member may resign from membership by giving notice in writing to that effect to the Association, and thereupon their rights and benefits as a Member shall cease, and no part of the subscription or other payment made by such Member shall be refunded.
- b. Any membership cards or certificates, badges of office or other reproductions or means of reproduction of the arms, logo or emblem of the Association acquired by virtue of

membership, including FGA and DGA designation, may only be used while that membership is valid.

6. Benefits and Responsibilities of Membership

- a. The publications of the Association shall be issued at such intervals, in such manners and at such charges as the Council may determine.
- b. Members are entitled to use the services of the Association at such charges as the Council may determine, consistent with the Association's Charitable status.
- c. Members are entitled to refer to certain books in the library of the Association by prior appointment and at times mutually agreed with the relevant Association staff.
- d. Members are entitled, subject to permission, proper acknowledgement and copyright compliance, to use photographs and other graphical images from the Association's image library (supplied in JPG format) for purposes such as lectures, publicity and articles, providing that such use does not cause any potential conflict of interest. (As an example, the use of Association graphics in teaching, or promoting the teaching of, courses other than the Association's would be unacceptable.)
- e. Corporate Members have no vote in the affairs of the Association other than via Members of the Association employed by them, and have no liabilities in the event of the winding up of the Association
- f. An Affiliate Organization will receive the same publications and notices from the Association as an individual Fellow of the Association, but shall not have any voting rights.
- g. Other than with the written consent and authority of the Council, no statement shall be made and no indication whatsoever shall be given or implied in any form whether on business stationery or business cards or in any advertising or promotional material that any Member of the Association represents or speaks for or on behalf of the Association.

7. Code of Practice

- a. The Gem Code is a basic Code of Practice for fair and honest gem descriptions and disclosures. Adherence to the Gem Code is expected of all Members and is one of the conditions of being a Corporate Member of the Association. The Gem Code applies at every level of the trade.
- b. CIBJO (World Jewellery Confederation) guidelines and definitions are taken as defining best practice and will be the reference used in the event of a dispute that cannot be resolved by mutual or mediated agreement on the basis of the Gem Code given below.
- c. The Gem Code covers natural coloured stones and diamonds, including those that are modified, whether cut or rough; synthetic or imitation stones whether cut or rough, and natural or cultured pearls and their imitations. For the sake of simplicity, the term 'stone' is used in the following clauses to cover all of these.
- d. The Association considers it to be unfair or deceptive to misrepresent or withhold information which an average consumer might reasonably expect to receive prior to

making a purchase decision. This may include information relating to the size, nature, quality, modification, durability, value or rarity of a stone.

- e. In particular the information received by a buyer prior to purchase should:
 - i. Explain whether a stone is natural, synthetic or imitation. (Note: A synthetic stone is not natural, but has essentially identical composition and properties to a natural stone; imitations are in other materials, such as glass).
 - ii. Explain whether pearls are natural, cultured or imitation.
 - iii. Explain if the stone is known to have been modified (treated) and, if applicable, how the modification may affect its durability in manufacture, repair, cleaning or use.
- f. Where reliable information, such as a third party laboratory report or appraisal, is not easily or economically available to comply with §7. d and §7.e. i, ii and iii, the seller should be diligent and honest in explaining the likely nature and durability of the stone or stones in line with readily available industry information.
- g. Documentation should also comply with the relevant clauses above. Buyers may expect to receive or have access to relevant information in written or electronic form.
- h. The Association does not consider it to be deceptive to describe synthetic stones by alternative terms such as 'Laboratory Created' or 'Laboratory Grown', provided that an average consumer would readily understand prior to purchase that the stones are not natural.
- i. Receipts or other documentation at the time of sale should also comply with the relevant clauses above. Buyers may expect to receive or have access to relevant information in written or electronic form.
- j. Where applicable, local legislation takes precedence over the above clauses.
- k. A complaint that a Member had acted in a manner contrary to this Code will be dealt with as described in §9.

8. Association Branches shall be established, governed and dissolved as follows:

- a. Members wishing to explore the possibility of establishing new Branches shall contact the Membership Administrator of the Association.
- b. The name of a Branch shall normally be 'The XYZ Branch of Gem-A'. Other forms of name may be used with Council agreement.
- c. A Branch will automatically include all Association Members in the relevant region, unless they have opted out, plus other Association Members who have requested to be part of that Branch.
- d. The object of the Branch shall mirror those of the Association, in short: 'To advance gemmology by education and the encouragement of best practices.' Endeavours to recruit and retain Association Members and encourage people to take Association courses are of paramount importance.

- e. Each Branch will be run by a Committee that includes a Chairman, Secretary and Treasurer (but not necessarily three separate people), or there could be a single Branch Representative who combines these roles. The person or persons fulfilling the relevant roles shall be paid-up Association Members and at least one should normally be of FGA and/or DGA membership status.
- f. Officers and Members of the Branch Committee or the Branch Representative will be proposed by Branch Members and voted for by all eligible Branch Members (i.e. Association Members). Under Charity legislation, the Council is ultimately responsible for the actions of its Branches and thus has to ratify these appointments. Unless there are exceptional circumstances, such ratification would be a formality. The Branch should attempt to seek a suitable balance between continuity and 'new blood' in its election processes, but the Council wishes each Branch to run itself as it sees best.
- g. The Council delegates to each Branch Committee or Branch Representative the power to control and manage all business of the Branch for the benefit of the Branch. The functions shall include:
 - a. the administration of branch funds;
 - b. the maintenance of branch records;
 - c. co-opting additional committee members as necessary;
 - d. the organization of fundraising meetings and events;
 - e. issuing periodic newsletters if so desired;
 - f. any other lawful act for the benefit of the Branch and the Association.
- h. The Branch Committee shall keep minutes of its meetings and forward a copy electronically to the Association.
- i. The Branch Committee will nominate one of its members, usually the Chairman or the Branch Representative, to serve on the Association Membership Liaison Committee.
- j. Extraordinary General Meetings of a Branch may be called by the Branch Representative or Branch Chairman, by no fewer than ten Association Members within the Branch area, or when requested by the Council (in which case the Association shall fund the meeting expenses).
- k. Council Members are ex officio, non-voting, members of all Branch Committees.
- l. Branch Chairmen or a Branch representative may attend a Council Meeting as an observer on his or her request. Observers will be expected to respect such confidentiality requirements as the Chairman may request.
- m. Each Branch Representative or Secretary may liaise with the Association offices to receive help, where necessary, with the planning of events, promotional activities, membership communications, etc, or to seek guidance regarding speakers and other issues.
- n. Annual grants and honoraria may be made by the Council to a Branch in arrears for the purpose of defraying expenses incurred in connection with lectures and meetings

arranged by the Branch and for administrative expenses.

- o. The Association offices will provide reasonable back up in accounting, circulation of news, web pages, etc. In particular, each Branch will be provided with a page or more on the Association website.
- p. The Branch shall, on request, supply the Association with copies of relevant correspondence between the Branch and its members.
- q. No subscriptions shall be levied on Branch members by the Branch, but suitable charges may be made for attendance at events.
- r. Non-Association Members may attend Branch meetings, but shall normally pay a higher entrance fee than Members or current Association students, and every effort shall be made to encourage them to join the Association. Non-Association Members should not have a vote in the appointment of Branch Committee or Branch Representative.
- s. Branches should make reasonable efforts to ensure that at events they are not seen to promote or sell goods or services that are in direct competition to those provided by the Association unless agreed with the Association in advance.
- t. Branches must not be associated with any 'expert' services such as appraisals or gem identifications at meetings, gem shows, etc, unless there is a clear disclaimer, worded as agreed by the Association, that states that any such appraisals or identifications are the opinions of individuals and are not provided by, or under the auspices of, the Association or one of its Branches. Neither the Association nor its Branches shall take any responsibility for any such appraisals or opinions.
- u. Letters, emails and other communications from Branches concerning Branch business, Branch pages on websites and other Branch stationery and communications, are legally required to bear the relevant Association details, Charity Registration number, etc.
- v. Branches must observe all relevant Data Protection and Intellectual Property legislation.
- w. Branch funds are legally Association funds and should be accounted for as required under relevant Charity or Inland Revenue legislation. Nevertheless, it is the Council's wish that funds raised locally on behalf of Branches should be used to best further the aims of the Association in the Branch region.
- x. Donations made to or via the Branch can potentially be covered by the Association Gift Aid Scheme.
- y. The Association will assume that all paid-up Members and current students are members of their local Branch where such exists and reserves the right to seek their feed-back with regard to the Branches.
- z. If a new Branch is being considered, the Council will appoint a willing Branch Representative to so act until the Branch is sufficiently established to allow due elections as above. This will usually be expected to occur within 3 years.
- aa. Branch members may, at a Branch meeting convened according to these Rules, propose that the Branch be dissolved and how. Such a resolution must be notified to the Council and circulated to all Branch Members no less than 28 days prior to the meeting

and, if passed, requires ratification by the Council.

9. **Complaints Procedures:**

Note: It is the Council's desire that all Members reflect the high standard of ethics and honesty expected of them. However, where such standards are not met, actions and remedies by the Council are limited. The Council has no legal power to summon witnesses or apply disciplinary action other than suspending or expelling members from membership. Only in exceptional circumstances will the Council or a delegated representative of the Council be able to visit Member's business or other premises, or hold hearings other than at the Association's offices.

- a. Complaints relating to educational matters are covered by the Association's educational grievance procedures, available separately.
- b. Where complaints made against Members by other Members or by the public relate to alleged offences that can be referred to tax, law enforcement, Trading Standards or other official agencies, the complaints should be addressed to those agencies in the first instance. The Association can sometimes advise as to whether an alleged action might be contrary to law or compliance with the standards expected of a Member, but it is unable to comment on individual cases or take action to bring the matter to the relevant agency's attention.
- c. The Council may suspend or expel from membership any Member convicted of a criminal offence which the Council deems is of sufficient severity or relevance to warrant such action.
- d. The Council may suspend or expel from membership any member whom they consider beyond a reasonable doubt to have acted in a way which reflects badly on the offender's ethical and honest pursuit of gem-related matters, whether in a business, academic or private capacity.
- e. Any Member may complain to the Council concerning the conduct of another individual Member or Corporate Member. Where relevant the complainant should be referred to §9 b. Other complaints shall be made in writing addressed to the Council of the Association and give details of the complaint, the Member being the subject of the complaint, evidence concerning the complaint (including photographic or documentary evidence if relevant) and the signed statement of an independent witness that supports the substance of the complaint.
- f. A member of the public may complain to the Council concerning the conduct of a Member or Corporate Member. Where relevant, the complainant should be referred to §9 b. Other complaints shall be made in writing addressed to Council of the Association and give details of the complaint, the Member being the subject of the complaint, evidence concerning the complaint (including photographic or documentary evidence if relevant) and the signed statement of a Member of the Association that supports the substance of the complaint.
- g. Complaints made as per §9 e or f will be considered by the Council or a sub-committee of the Council in the manner which it thinks most suitable. It is the Council's intention that all such complaints are acknowledged and any additional input sought from the relevant parties within 28 days. Hearings or other investigations shall be completed in a timely manner so that a decision may be made within three calendar months of the

complaint being received. Throughout the proceedings, all parties will be kept informed of all relevant decisions, facts and gathered evidence, and such procedural information as timetables for hearings and who might attend these.

- h. If a Member feels aggrieved at the conclusion reached by the Council, and/or the disciplinary action the Council takes, he may ask for mediation by a mutually acceptable third party who is prepared to act at no charge, or seek a vote at an AGM. Such a vote shall be by secret ballot and the result shall be the majority decision of the Members present. In either of these cases the decision reached will be taken as final.
- i. Except in a case where the matter is taken to a vote at an AGM, as in §9 h, the Association will take reasonable action to ensure the confidentiality of all parties at all stages of the disciplinary action other than matters which are already in the public domain.
- j. The records of any complaint and its resolution will be retained by the Association to the extent compliant with data protection legislation.
- k. If the Council decides not to institute disciplinary proceedings against a Member following a particular complaint, this decision is final.
- l. Expelled members may re-apply for Membership and each such re-application will be considered on an individual basis.
- m. Any Member suspended or expelled from the Association for disciplinary reasons shall not cease to be liable for any monies due to the Association and shall not be entitled to refund of any subscription.
- n. Notwithstanding any other provisions, the Council may cancel a membership forthwith if it is established to their satisfaction that that member refuses to accept or comply with any judgment of the Council, unreasonably withholds information relating to a complaint or failed to disclose to the Council, at the time of applying to join the Association, facts or information which if disclosed would have been material to the application and might reasonably have resulted in refusal of membership.