

Northern Ireland
Certification Office
For Trade Unions and
Employers' Associations

FOR ARCHIVE
DO NOT DESTROY

Annual Report

of the

Certification Officer for Northern Ireland

2002

Covering period 1 April 2001 to 31 March 2002

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I am required under Article 69(7) of the Industrial Relations (NI) Order 1992 to submit to the Department for Employment and Learning a report on my activities as Certification Officer during the previous year. I have pleasure in submitting my report for the period 1 April 2001 to 31 March 2002.

S McELREA
Certification Officer for Northern Ireland

27th February 2003

DISCLAIMER

This booklet provides general guidance only and should not be regarded as a complete or authoritative statement of the law; authoritative interpretation of the law can only be given by the courts. Although great care has been taken in the compilation and preparation of this document to ensure accuracy, the Certification Office cannot in any circumstances accept responsibility for any errors or omissions.

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Introduction

This report deals with my activities during the reporting period 1 April 2001 to 31 March 2002. It is the tenth Annual Report to be published since the post of Certification Officer was established in 1992. My functions are contained in the Industrial Relations (Northern Ireland) Order 1992 and in the Trade Union and Labour Relations (Northern Ireland) Order 1995. Both Orders were amended as discussed in my previous Annual Report, by the Employment Relations (Northern Ireland) Order 1999.

My functions include responsibility for:

Under the 1992 Order -
under Part II, Articles 5 and 6 - maintaining lists of trade unions and employers' associations, and for determining the independence of trade unions;

under Part II, Articles 11, 12 and 13 - ensuring that trade unions and employers' associations keep proper accounting records, have their accounts properly and independently audited and submit annual returns; the investigation of the financial affairs of trade unions and employers' associations; and ensuring that statutory requirements concerning the appointment and duties of auditors and the actuarial examination of members' superannuation schemes are observed; dealing with complaints by members that a trade union has failed to secure that members of its executive committee, its president and general secretary do not hold a position in the union, if they have been convicted of certain offences connected with (or related to) duties as to records and returns;

under Part II, Article 37 - dealing with complaints by members that a trade union has failed to permit access to its accounting records;

Under the 1995 Order -
under Part II, Article 3 - dealing with complaints by members that a trade union has failed to maintain an accurate register of members;

under Part III, Article 22 - dealing with complaints by members that a trade union has failed to comply with one or more of the provisions of the 1995 Order requiring it to hold secret postal ballots for electing members of its executive committee, president and general secretary;

under Part V, Articles 45, 54 and 71 - ensuring observance by Northern Ireland based trade unions of the statutory procedures governing the setting up, operation and review of political funds, approving the "contracting-in" rule and amendments for Northern Ireland members of trade unions based elsewhere (including Great Britain and Republic of Ireland), and for dealing with trade union members' complaints about political fund balloting procedures and political funds, or the application of general funds for political objects;

under Part VI, Article 73 to 90 - ensuring that the statutory procedures for amalgamations, transfers of engagements and changes of name of trade unions and employers' associations are complied with, and dealing with complaints by members about the conduct of merger ballots; and

under Part VIA, Article 90A - dealing with complaints by members that there has been a breach or threatened breach of the rules of a trade union relating to: the appointment, election or removal of an office holder; disciplinary proceedings; ballots of members (other than in respect of industrial action) and the constitution or proceedings of an executive committee or decision making meeting.

These functions are discussed in the following chapters.

The volume of work on complaints by trade union members continues to grow and this is particularly evident in relation to my jurisdiction to hear complaints relating to breaches of union rule. This jurisdiction, which came into effect in December 1999, requires me to determine any valid complaint that is made to me. This entails notifying the union and sending their response to the applicant. I must also provide for a hearing. It is my view that I have no discretion to preclude cases where the papers may fail to demonstrate an arguable case for a breach. Furthermore, unlike the courts I have no power to turn away cases which I regard as frivolous or vexatious, unless an order is in force that the applicant is vexatious.

As anticipated, the extension of my powers by the 1999 Order brought with it a significant increase in the number of enquiries to my Office by members with a grievance against their union. In many instances a considerable amount of staff time is required to determine whether a case falls within my jurisdiction. To assist in this matter my Office has prepared an application form, with explanatory notes, for the registration of a complaint. The 1999 Order also requires me to be satisfied that applicants have taken all reasonable steps to resolve their grievance by the use of any internal complaints procedure of the union before I become involved. Each complaint has to be determined by me, within six months, if possible, and I must offer the parties an opportunity to be heard in a formal hearing.

In the period under review, a total of sixteen declarations and four enforcement orders were issued by me and the prosecution of two trade unions for failure to submit an

annual return was under active consideration. The office also received 138 enquiries.

The Transport and General Workers' Union was dissatisfied with one of my decisions and applied to Her Majesty's Court of Appeal in Northern Ireland. The case (Transport and General Workers' Union v Irvine) was heard on 10 October 2002 and the Court of Appeal decided I had not erred in law and upheld my decision. (D/3/2001).

The volume of work also continues to grow in regard to my investigations into alleged financial irregularities; this is time consuming and meticulous work. In my last report I highlighted the case involving an employers' association, the Hospitality Association of Northern Ireland (HANI), where I found it necessary to appoint a member of my staff and subsequently, a chartered forensic accountant as Inspectors, to investigate HANI's financial affairs. The latter's final report in this matter was referred to the Director of Public Prosecutions (DPP). The DPP's office issued a direction and summonses were prepared for service in October 2001: the case was heard in December 2002; fuller details are contained in 3.24 of my report.

Also, following a number of complaints to my Office I appointed Mr D Rafferty, a member of my staff, as an Inspector to investigate the financial affairs of the Northern Ireland Musicians Association (NIMA). Mr Rafferty's appointment was made in November 2001. He made an interim report of his findings to me in March 2002, under Article 12 of the 1992 Order which said, inter alia, that the person responsible for auditing the financial accounts of NIMA and signing off statutory annual returns to my office under the 1992 Order, for more than ten years, was not a chartered accountant or registered auditor. My office is currently taking legal advice on this case; full details are contained in 3.25 of my report.

FINANCE AND SUPPORT SERVICES

The Labour Relations Agency (LRA) is responsible for providing me with the finance and support services necessary for the performance of my statutory duties but this in no way affects the exercise of my functions independently both of the LRA and the Department for Employment and Learning.

Accounts relating to the activities of the Office, prepared under Paragraph 15(2) of Schedule 4 to the 1992 Order, are published separately by the LRA. The total expenditure of the Office for the year ended 31 March 2002 was £146,325. My salary at 31 March 2002 was £14,344 excluding Employers NI contribution, for a two-day week. This sum is not pensionable and is taxed under PAYE. On 31 March 2002 there were three staff in post in the Certification Office.

My Office is committed to the prompt payment of bills for goods and services received in accordance with the Prompt Payment Practice Code. Unless otherwise stated in the contract, payment is due within 30 days of the receipt of goods or services on presentation of a valid invoice or similar

demand, whichever is the later. During the period of this report, in excess of 95% of bills were paid to this standard.

Where it is necessary to hold a hearing to determine any application, the Certification Officer can make payment towards the expenses incurred by the applicant and their witnesses in attending the hearing. During the period of this report no payments were made, however, five applications for payment were received in March 2002. Assistance with legal costs is not available.

COMPLAINTS AND HEARINGS

The Office receives many enquiries and requests for guidance from trade unions, employers' associations, their members and the general public. Often we can help, but there are constraints on the advice that can be given. It is, for example, inappropriate (unless the law requires it) to give guidance on, or prior approval to, a specific course of action in those areas where complaints can be made to me by an individual member.

It would also be clearly inappropriate for my Office to comment on the merits of a possible complaint. Where a complaint is made, I have to investigate it and decide it impartially on the facts of the case, the evidence presented and in the light of representations made by the parties concerned. I and my staff have to avoid giving advice which might seem in any way to prejudice that impartiality.

ADVICE AND CONTACTS FOR INFORMATION

My Office is happy to assist where it can and guidance booklets covering different aspects of the Certification Officer's responsibilities are available free of charge. They are listed in Appendix 11. Requests for the booklets and for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 27-29 Gordon Street, Belfast BT1 2LG, telephone 028 90 237773, fax 028 9023 2271, e-mail: info@nicertoffice.com. For those with hearing difficulties a text phone is available – 028 9023 8411.

The office website, which is intended to be helpful to trade unions and employers' associations, their members and all interested in the work of the Certification Office, can be found at www.nicertoffice.com

The information available on our website includes:-

- My last three Annual Reports;
- The full text of all my decisions (from February 1999);
- Application forms;
- Procedures at formal hearings;
- The Office's Equality Scheme;
- The Office's Freedom of Information Act Publication Scheme; and
- Links with the GB Certification Office giving the full text of all the GB CO's decisions made after August 2001 and a selection of key decisions made before them.

Comments on the website are welcome.

EQUALITY SCHEME FOR THE NORTHERN IRELAND CERTIFICATION OFFICE

The Certification Office is designated a "Public Authority" for the purposes of Section 75 of the Northern Ireland Act 1998 and in carrying out all its functions relating to Northern Ireland it will seek to promote equality of opportunity and good relations as required under this legislation.

The Office's Equality Scheme was approved by the Equality Commission for Northern Ireland on 5 July 2001. A copy of the Scheme is on the Office website.

A summary of the Office's First Annual Report to the Equality Commission is given in Appendix 12.

Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This chapter sets out the background to that process. The lists of Northern Ireland organisations are set out in full in Appendices 1 and 4.

Entry in the Lists, its Significance and their Inspection by the Public

- 1.1 The Certification Officer maintains a list of trade unions and a list of employers' associations in accordance with the provisions of Article 5 of the 1992 Order. The current lists are available for inspection, free of charge, at the Office and the Office website.
- 1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. If the Certification Officer is satisfied that the organisation falls within the appropriate definition in the 1992 Order he must enter its name in the relevant list. Entry in the list is usually straightforward and means no more than that the body concerned satisfies the statutory definition. The 1992 Order does not impose any test of size, effectiveness or viability.
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list may appeal to the High Court.
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under Article 6 of the 1992 Order.
- 1.5 It is also one of the requirements for obtaining tax relief in respect of expenditure on provident benefits (section 467 of the Income and Corporation Taxes Act 1988) and a listed trade union enjoys certain procedural advantages in connection with the devolution of property following a change of trustees under Article 7 of the 1992 Order. There are no corresponding advantages for employers' associations.

However, there are two benefits of listing which are shared by trade unions and employers' associations. The fact of being on the list is evidence that the organisation is a trade union or employers' association. Further, the name of a trade union or employers' association is protected by the provision that an organisation shall not be entered in the relevant list by the Certification Officer if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

- 1.6 Application must be made on the appropriate form and be accompanied by the statutory fee (Appendix 9). The form CO(NI)1 can be obtained on request from the Certification Office and the Office website.

- 1.7 There were no applications for listing during the period of this report.

Removal from the Lists

- 1.8 If, at any time, it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union nor an employers' association, he may, after giving the organisation concerned the opportunity to make representations, remove its name from that list. There is a right of appeal to the High Court against removal of a name from a list. The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.
- 1.9 The lists of Northern Ireland trade unions and employers' associations remained unchanged during the period of this report.
- 1.10 The GB Certification Officer removed the following four trade unions and one employers' association, which had Northern Ireland members, from his lists. All of the trade unions ceased to exist by virtue of mergers. The employers' association ceased to exist.

| Trade Unions | Effective Date |
|--|----------------|
| Amalgamated Engineering & Electrical Union | 01/01/02 |
| Manufacturing, Science & Finance Union | 01/01/02 |
| Institution of Professionals, Managers and Specialists | 01/11/01 |
| Engineers and Managers Association | 01/11/01 |

Employers' Associations

| | |
|----------------------------------|----------|
| The Made-Up Textiles Association | 25/03/02 |
|----------------------------------|----------|

Additions to the List

- 1.11 There were no additions to the Northern Ireland lists during the period of the report.

- 1.12 The GB Certification Officer added the following two organisations which have Northern Ireland members to his list.

| Trade Unions | Effective Date |
|--------------|----------------|
| Prospect | 01/11/01 |
| Amicus | 01/01/02 |

Special Register Bodies

- 1.13 Under GB law (the Industrial Relations Act 1971) a special register was established in 1971 which allowed organisations which were either registered companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members to be registered. These were usually professional bodies.
- 1.14 Subsequent legislation in 1974 (the Trade Union & Labour Relations Act 1974) resulted in trade unions no longer being allowed to have corporate status, although an exception was built into the legislation to preserve the corporate status of those bodies which were already on the special register. Bodies which are removed from the special register for whatever reason are not subsequently allowed to re-enter the register.
- 1.15 The statutory requirements affecting trade unions in the 1992 and 1995 Orders are, therefore, adapted to take account of the corporate status of these bodies and their other activities. Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary; the voting members of the executive must, however, be elected in accordance with the statutory provisions. A full list of such bodies was produced in the 2000 Annual Report at paragraph 1.15. There are no changes to the list.

Unlisted Organisations

- 1.16 Because entry in the lists is voluntary, it is not possible to say precisely how many trade unions and employers' associations are in existence at any given time. There may be others meeting the statutory definition of which this Office is unaware. Being unlisted does not limit an organisation's statutory responsibilities in relation to trade union law, and returns from unlisted bodies of which this office is aware are available for inspection along with those of listed organisations.

Definitions of a Trade Union and an Employers' Association

- 1.17 These were given in full in the 2000 report at paragraph 1.17.

A trade union which is on the Certification Officer's list of trade unions may apply for a certificate of independence. This chapter discusses independence and explains how such applications are dealt with and their outcome.

The Statutory Provisions

- 2.1 Article 2(1) of the 1992 Order defines an independent trade union as :
- 'a trade union which -
- is not under the domination or control of an employer or a group of employers or of one or more employers' associations; and
 - is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control'.
- 2.2 The procedure for determining trade union independence is laid down in Article 6 of the 1992 Order. A union must be listed (Chapter 1) before it can apply for a certificate of independence. The Certification Officer must keep a public record of all applications for such certificates and of all decisions reached. He may not take a decision on any application until at least one month after it has been entered in the record and must take into account any relevant information submitted by third parties. A notice of each application is published in the Belfast Gazette at the time. He is required to give his reasons if he refuses a certificate of independence and the union concerned has a right of appeal to the High Court.
- 2.3 The Certification Officer may withdraw a certificate at any time if, in his opinion, the trade union concerned is no longer independent. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal to the High Court.
- 2.4 Once the Certification Officer has determined that a trade union is independent and issued a certificate, that certificate remains valid until it is withdrawn by the Certification Officer or is cancelled. Duplicate certificates are not issued.
- 2.5 Where a question as to the independence of a particular union arises in proceedings before the courts, industrial tribunals, the Industrial Court or certain other bodies, and no certificate has been issued or refused, the 1992 Order provides that the

proceedings may not continue further until the Certification Officer decides that question.

Determining Criteria

- 2.6 The principal criteria used by the Certification Officer in determining whether or not an applicant union satisfies the statutory definition are explained in the Office's booklet *Guidance for trade unions wishing to apply for a certificate of independence*. Consideration is given under the following criteria: history, membership base, organisation and structure, finance, employer-provided facilities and negotiating record. Copies of the booklet are available on request from the Certification Office or on the Office website. The Certification Officer reaches his decision on the basis of the criteria as a whole and, in doing so, is strictly bound by the statutory definition. He is not empowered to take into account other considerations such as the effect the issue of a certificate might have on industrial relations.

Procedure

- 2.7 An application for a certificate of independence must be made on form CO(NI)5 and be accompanied by the statutory fee (Appendix 9). The form is available, on request, from the Certification Office and the Office website.

Applications/Decisions

- 2.8 In the previous reporting period I reported concerns about the independence of a Northern Ireland trade union and that discussions with that union were ongoing. The union concerned, the Northern Ireland Musicians' Association (NIMA) is now the subject of an investigation under my powers to investigate the financial affairs of trade unions.

Following a number of complaints to my Office I appointed Mr D Rafferty, a member of my staff, as an Inspector to investigate the financial affairs of NIMA. Mr Rafferty's appointment was made in November 2001. He made an interim report of his findings to me in March 2002, under Article 12 of the 1992 Order which said, *inter alia*, that the person responsible for auditing the financial accounts of NIMA and signing off statutory annual returns to my office under the 1992 Order, for more than ten years, had no legal right to do so as he has never been a chartered accountant or registered auditor; the inspector further stated that he had uncovered

evidence pointing to possible financial irregularities by the person who signed the accounts and who had also attempted to transfer NIMA's benevolent fund to another trade union, in breach of NIMA rules. He also stated that NIMA members have voted to wind up the organisation.

As a consequence of these findings I have accepted the Inspector's recommendation that the issue of NIMA's independence is held in abeyance until his investigation is completed. Furthermore, as a checking procedure, the Inspector recommended that, in future, I consider asking auditors, who complete the statutory annual returns for trade unions and employers' associations to provide their Institute or Chartered Association audit registration numbers. I have also accepted this recommendation.

- 2.9 There were no applications for certificates of independence during the period of this report and no decisions were made relating to earlier applications.

G.B. Certification Officer's Decisions on Trade Unions with Northern Ireland Members

- 2.10 During the year the G.B. Certification Officer made the following decisions concerning trade unions with Northern Ireland members :

Certificates of independence issued

| Certificates of independence issued | Date of Issue |
|-------------------------------------|---------------|
| Amicus | 08/02/02 |

Certificates refused

None

Certificates cancelled because the union ceased to exist as a result of a merger

| | |
|--|----------|
| Engineers and Managers Association | 30/11/01 |
| Institution of Professionals, Managers and Specialists | 29/11/01 |
| Amalgamated Engineering and Electrical Union | 17/01/02 |
| Manufacturing Science of Finance Union | 18/01/02 |

Certificates cancelled because union requested removal from the list of trade unions

None

Certificates cancelled because the union was dissolved.

None

The requirements for trade unions and employers' associations to keep proper accounting records and to submit annual returns to the Certification Officer are set out in this chapter. It also deals with provisions relating to the investigation of the financial affairs of trade unions and employers' associations; Northern Ireland registered addresses; provisions relating to jurisdiction in respect of trade union members' access to accounting records and the duty to secure that certain offenders do not hold positions on a trade union's executive committee.

The Statutory Provisions

- 3.1 Article 10 of the 1992 Order provides that every trade union and employers' association whose head or main office is situated in Northern Ireland (except those which consist wholly or mainly of representatives of constituent or affiliated organisations) must keep proper accounting records in respect of its transactions, assets and liabilities, and must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Those organisations headquartered in Northern Ireland and Great Britain must submit an annual return to the Certification Officer in the form prescribed, unless they have been in existence for less than 12 months. Also, any trade union or employers' association carrying on business in Northern Ireland but having its head or main office outside the United Kingdom is required to send to the Certification Officer a statement setting forth, in relation to business carried on in Northern Ireland, such particulars of its receipts and payments, and such other information, as the Certification Officer may require (Articles 11 & 12 of the 1992 Order).
- 3.3 There are currently four Republic of Ireland based trade unions with Northern Ireland members making returns to the Office. The Office is not aware of any Republic of Ireland employers' associations with Northern Ireland members.
- 3.4 In every case the returns must provide details of all funds maintained for trade union and employers' association purposes, including revenue and other accounts and a balance sheet which must give a true and fair view of the matters to which they relate. A consolidation summary must also be completed. Any changes in the organisation's officers, or in the address of its head office, must be shown on the

return and must be accompanied by a copy of the rules in force at the end of the period covered by the return, regardless of whether those rules were altered or not.

- 3.5 The Certification Officer must ensure that clear accounts, covering all funds administered by the organisation, are available for public inspection.
- 3.6 The 1992 Order requires each trade union and employers' association to submit a return of its financial affairs before 1 June in each year covering the year ending the preceding 31 December. However, the Certification Officer may, on application, direct that the return is to relate to a different annual period, if the statutory period would cause serious inconvenience to the organisation concerned. 81% of trade unions and 69% of employers' associations use 31 December as their year ending.
- 3.7 The accounting records must be such as are necessary to allow an auditor or auditors to prepare a report and carry out such investigations to enable him or them to form an opinion on whether the organisation has kept proper accounting records (Article 10), whether it has maintained a satisfactory system of control over all of its transactions (Article 10) and whether the accounts to which the report refers are in agreement with the accounting records.
- 3.8 The annual return must include a copy of the auditor's report on the accounts. The auditor must state in his report whether, in his opinion, the accounts give a true and fair view of the matters to which they relate. If, in his opinion, the statutory requirements have not been satisfied, or if the accounts to which the report relates are not in agreement with the accounting records, or he fails to obtain all the necessary information and explanations, he must state these facts in his report by way of qualification. Most qualifications are of a minor technical nature and the Office takes
- appropriate steps to ensure that such qualifications are not required in future.
- 3.9 Of all the returns received by the Office in the year to 31 March 2002, six were qualified by the auditors under a category of audit qualification which relates to returns not complying with the statement of standard accounting practice (SSAP24) which requires pension costs to be accounted for on an accruals basis. However, as full details showing what effect compliance would have had on these accounts were given in the notes to these accounts (and in the statutory statement to members) I decided to take no further action.
- 3.10 A special register body (paras 1.13 - 1.15) or an employers' association incorporated under the Companies Orders may submit with its return, in lieu of the prescribed accounts, a copy of its accounts prepared under the Companies Orders thereby avoiding the duplication of broadly similar financial statements; however there must be no significant diminution in the degree of disclosure, and the period covered must be the same and a consolidation summary must be completed. In such circumstances, and notwithstanding anything in the Companies Orders, an auditor's report is still required to be made and this report must comply with the requirements of the 1992 Order.
- 3.11 Schedule 1 of the 1992 Order sets out the qualifications, appointment and removal of auditors, the rights of auditors, including access to information and the entitlement to attend and speak at general meetings of the organisation. A person is qualified to act as auditor to a trade union or employers' association if he or she is eligible for appointment as a company auditor under Article 28 of the Companies (NI) Order 1990.
- 3.12 A trade union - other than a special register body - or an employers' association may use auditors who are not eligible for appointment under the Companies Orders provided its receipts and payments do not in aggregate exceed £5,000, the value of its assets are less than £5,000 and it has less than 500 members. If any one of these conditions is not satisfied, it must use Companies Orders auditors. During the period of this Report no organisations submitted returns under this criteria.
- 3.13 With the exceptions already noted, the duties imposed by Articles 10, 11 and by Schedule 1 apply to all trade unions and employers' associations, whether listed under Article 5 of the 1992 Order or not. Refusal or wilful neglect to perform any of them

is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions and for hearing complaints under Article 13 of the 1992 Order, but does not generally undertake prosecutions for such offences as embezzlement or fraud which are dealt with by other prosecuting authorities. However, the Certification Officer is empowered to appoint inspectors to investigate allegations of financial irregularities in the affairs of a trade union or employers' association, and the decision to instigate legal proceedings in such cases is a matter for the Certification Officer (para 3.22).

Late Submission of Annual Returns

- 3.14 The 1992 Order requires an organisation to submit its annual return to the Certification Officer within five months of its financial year end. In 2001 - 2002 the Office anticipated the receipt of a total of 158 annual returns from trade unions and employers' associations. By the end of December 2002 all but 1 of these returns had been received. 8% of these returns were submitted over 2 months late. The Office continues to seek full compliance with the statutory requirements, and will take appropriate steps to improve the performance of persistent offenders.

Prosecutions

- 3.15 No prosecutions for failure to submit a return were initiated during the period of this return.

Northern Ireland Resident Address

- 3.16 Every trade union or employers' association carrying on business in Northern Ireland which has its head or main office outside Northern Ireland must, on an annual basis, provide the Certification Officer with the name and address of at least one Northern Ireland resident authorised to accept on its behalf service of process and any notices required to be served on it. The resident does not have to be a member of the organisation.

- 3.17 Every trade union and employers' association headquartered outside Northern Ireland which has submitted a return to the Office has complied with this requirement.

Public Inspection of Annual Returns

- 3.18 Copies of the annual returns and the appropriate rules in force of trade unions and employers' associations with Northern Ireland members are available for public inspection at the Certification Office. Whilst the returns include detailed and comprehensive financial information, a one-page financial consolidation summary is also included with each return for ease of interpretation.

Statement to Members

3.19 Northern Ireland headquartered trade unions must issue a statement containing specific information to all members within eight weeks of the submission of the annual return to the Certification Officer. The Certification Officer is required to ensure total compliance with this requirement. The statement must specify :

- (i) the total income and expenditure of the union;
- (ii) how much of the income consisted of payments in respect of membership;
- (iii) the total income and expenditure of any political fund of the union; and
- (iv) the salary and other benefits paid to each member of the executive, the president and the general secretary.

The statement must also give the name and address of the auditor, set out in full the auditor's report and should not contain anything which is inconsistent with the contents of the annual return. Members must also be told how they can complain should they be concerned that some irregularity is occurring or has occurred in the financial affairs of the trade union.

It is not a requirement that the statement to members is distributed individually. As an alternative, unions may "use any other means which it is the practice of the union to use when information of general interest to all its members needs to be provided to them."

Trade unions have in the main readily complied with the requirements to provide members with a statement which contained the required information and met the statutory timescale.

3.20 The 1995 Order is specific about how this must be done; the exact wording of the statement is reproduced below:

"A member who is concerned that some irregularity may be occurring, or has occurred, in the conduct of the financial affairs of the union may take steps with a view to investigating further, obtaining clarification and, if necessary, securing regularisation of that conduct.

The member may raise any such concern with such one or more of the following as it seems appropriate to raise it with: the officials of the union, the trustees of the property of the

union, the auditor or auditors of the union, the Certification Officer for Northern Ireland (who is an independent officer appointed by the Department for Employment and Learning) and the police.

Where a member believes that the financial affairs of the union have been or are being conducted in breach of the law or in breach of the rules of the union and contemplates bringing civil proceedings against the union or responsible officials or trustees, he should consider obtaining independent legal advice."

3.21 During the period of this report every Northern Ireland trade union complied with this statutory requirement. The Office will continue to ensure that full compliance with the Order is maintained.

Financial Affairs of Trade Unions and Employers' Associations - Use of Statutory Powers

3.22 The 1992 Order allows the Certification Officer to investigate the financial affairs of virtually every trade union and employers' association. Under the provisions, the Certification Officer may, if he thinks there is good reason to do so, give a direction to the organisation concerned to produce relevant documents and explanations of them and to specify the date by which such information is to be provided. In addition, he may appoint inspectors to investigate the organisation's financial affairs and to report to him on them. He may only appoint inspectors if one or more of the following circumstances are suggested: *that the financial affairs of the trade union or employers' association have been or are being conducted fraudulently or unlawfully; that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management; that the organisation concerned has failed to comply with a duty under the Order relating to its financial affairs or that a rule of the organisation relating to its financial affairs has not been complied with.* A member may complain to the Certification Officer that there are circumstances suggesting any of the foregoing. The Certification Officer must then consider whether it is appropriate to exercise any of the powers conferred on him by the 1992 Order (para 3.13 in that respect).

3.23 Information suggesting circumstances where one or more of the situations described in paragraph 3.22 have occurred may come to the Certification Officer's attention from a variety of sources including, for example, as a result of a member

querying information supplied by a trade union in its statement to members, or from other approaches by members. In addition, the Certification Officer's staff will monitor the press / media for reports of situations which suggest that such circumstances may exist in the financial affairs of a trade union or employers' association.

Investigations

3.24 My investigation into the financial affairs of the Hospitality Association of Northern Ireland (HANI) was ongoing at 31 March 2002. I appointed a chartered forensic auditor as the principal inspector to investigate the financial affairs of HANI. Her final report was passed to the DPP's office on 18 April 2000. Following a direction by the DPP's office summonses were prepared for service on HANI in October 2001.

The DPP prosecuted HANI for failing in its statutory duty to keep proper accounting records and for failing to maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and payments. On 16 December 2002, HANI pleaded guilty to these charges at Belfast Magistrates Court and the Certification Office was awarded costs of £5,000. I will publish the Inspector's final report on this matter in early 2003 together with my comments and observations.

3.25 I reported previously that my enquiries into the Northern Ireland Musicians Association (NIMA) were continuing. In September and October 2001 I received several complaints alleging financial irregularities in NIMA and in November 2001, following initial examination of the allegations, I appointed Mr Rafferty of my staff, as an inspector under Article 12B of the 1992 Order.

He made an interim report of his findings to me in March 2002 which said, inter alia, that the person responsible for auditing and signing-off NIMA's statutory returns to my office (under the 1992 Order) for more than ten consecutive years, was not a chartered accountant or registered auditor.

When questioned, the person who signed the accounts initially and deliberately misled my office and as a consequence delayed my investigations by several weeks. My Office is currently taking legal advice on these matters.

Following this case, my Office is introducing a new checking procedure whereby auditors will be asked to provide their registration numbers with their appropriate Institute or Chartered Association.

3.26 Where the Certification Officer concludes his enquiries into a financial investigation, he may issue a "findings" letter to the organisation concerned. A copy of any such letter is normally sent to the person or persons who raised the matter with the Certification Officer and, depending on the significance of the issue, a copy may be placed on the public file and the Certification Officer's website.

Access to Accounting Records

3.27 Article 37 of the 1992 Order provides a member of a trade union with a right of access to any accounting records of the union which are available for inspection. Under this Article a union is required to retain such records for a period of six years. Where a member claims that a trade union has failed to comply with his or her request for access to the trade union's accounting records under Article 30 of the 1992 Order the member has the option of applying to the Certification Officer or the High Court under Article 37. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court.

3.28 On application to him, the Certification Officer is required to make such enquires as he thinks fit and, before reaching a decision on the application, provide the applicant and the trade union with an opportunity to be heard. Should a hearing be held, in certain circumstances, expenses incurred by applicants attending the hearings can be reimbursed by the Office. Such hearings are also open to the general public.

3.29 Where the Certification Officer is satisfied that the claim is well-founded he shall make an Order as he considers appropriate for ensuring that the applicant is allowed to -

- (a) inspect the records requested;
- (b) be accompanied by an accountant when making the inspection of those records; and
- (c) take, or is supplied with, such copies of, or of extracts from, the records as he may require.

3.30 Where the Certification Officer requests a person to furnish information to him in connection with enquiries made by him, he shall specify the date by which that information is to be furnished and, unless he considers it inappropriate, shall proceed with his determination of the application notwithstanding that

the information has not been furnished to him by the specified date.

- 3.31 In exercising these functions the Certification Officer is required to ensure that, so far as is reasonably practicable, an application made to him is determined within six months of being made. An Order made by the Certification Officer may be enforced in the same way as an Order of the High Court.
- 3.32 The Office has received a number of enquiries from trade union members, but no formal applications had been received by 31 March 2002.

Branch Funds

- 3.33 Trade unions are required to include details of funds held at branch level. I reported previously that only one trade union, the Irish National Teachers' Organisation (INTO), had not complied with this requirement. Following discussions with the union's representatives they agreed to provide details of Northern Ireland branch funds and I had expected this information would be included in its annual returns from 31 December 2000. This was not done and the matter is now under active consideration to ensure compliance with the law.

This Chapter identifies trade union membership income and expenditure and employers' association income and expenditure at 31 December 2001. It also details jurisdiction for the Certification Officer to determine complaints about the maintenance of trade unions' membership registers.

Financial Information - 2001 Returns

- 4.1 Financial information derived from the annual returns of trade unions and employers' associations is given at Appendices 1-7. That information and the following comments in this Chapter relate to the year ended 31 December 2001, unless otherwise indicated.

Salaries and Benefits

- 4.2 Trade unions are required to include in their annual return to the Certification Officer information about the salaries and benefits paid to certain of their national officers and executive members from the organisation's funds. For the purposes of making returns, benefits are taken to have the same meaning as that applied by the Inland Revenue when calculating "taxable" benefits, pensions and superannuation contributions and redundancy/termination payments. Therefore, benefits with a value of £100 or more in any accounting period are included. Employer pension contributions make up a significant, if not major, proportion of the benefits paid. Employer's national insurance contributions are excluded from the information in Appendix 6.

- 4.3 The General Secretary is usually the highest paid elected official in any trade union. However, in some cases, such as redundancy or retirement, elected officials may receive substantial payments from trade union funds. In those cases where such payments are equal to or exceed the amount paid in salary and benefits to the General Secretary, that additional information is also provided in Appendix 6 of this report.
- 4.4 Employers' associations are not required to provide the Certification Officer with details of officers' salaries and benefits.

Northern Ireland Trade Unions

- 4.5 The following table gives, in the third and fourth columns, the amount paid in salary and benefits to officers of four trade unions headquartered in Northern Ireland. The benefits consist mainly of superannuation contributions. Employer's national insurance contributions are not included.

| UNION | TITLE | 2001 | |
|--|-------------------|---------------|--|
| | | (£) Salary | (£) Benefits excluding NI contribution |
| Belfast Airport Police Association (31/3/02) | Chairman | Nil | Nil |
| Northern Ireland Musicians' Association | NIMA Organiser | 4,067 | 1,038 |
| Northern Ireland Public Service Alliance | General Secretary | 49,124 | 6,632 |
| Ulster Teachers' Union | General Secretary | 43,164 | 3,128 |

Republic of Ireland Trade Unions with NI Members

4.6 The following table gives, in the third and fourth columns, the amount paid in salary and benefits in Irish punts to chief officers of trade unions headquartered in the Republic of Ireland with Northern Ireland members. Pay related social insurance (PRSI) contributions are not included.

| UNION | TITLE | 2001 | |
|---|-------------------|------------------------|-------------------------------------|
| | | (IR£) Salary | (IR£) Benefits excluding PRSI |
| Irish Bank Officials Association ¹ | General Secretary | a) 64,716 b) 12,607 | a) 69,496 b) 25,747 |
| Irish National Teachers Organisation ² | General Secretary | 99,519 | Nil |
| Seaman's Union of Ireland | General Secretary | Nil | Nil |
| Services, Industrial, Professional and Technical Union (SIPTU) ³ | General President | 75,087 | 2,253 |

¹ IBOA – (a) Mr Ciaran Ryan (Gen. Sec. 01/01/01 – 31/10/01) (b) Mr Larry Broderick (Gen. Sec 01/11/01 – 31/12/01).

² INTO operates a defined benefit pension scheme. Contributions are made to the scheme in accordance with recommendations of independent actuaries. The funding of the scheme is based on total salary roll. The current funding level is 6% of subscription income.

³ As well as the benefits listed above SIPTU operates a defined benefit pension scheme. Contributions are made to the scheme in accordance with recommendations of independent actuaries. The funding of the scheme is based on total salary roll. The current funding level is 20%.

GB Trade Unions with NI Members

4.7 The amounts paid in salary and benefits to the chief officers of 96 trade unions headquartered in Great Britain and which have Northern Ireland members are given in Appendix 6. The benefits returned consist mainly of superannuation contributions. Employer's national insurance contributions are excluded from the table.

Membership Register

4.8 Under Article 3(3) of the 1995 Order, a trade union has a duty to maintain a register of the names and addresses of its members, and so far as reasonably practicable to ensure that entries in the register are accurate and kept up-to-date. The 1995 Order provides that a trade union shall allow any member, on request, with reasonable notice, to have information relating to them, which is held on the register, free of charge. The member may also request a copy of any entry on the register, related to him, from the union and this is to be provided either free of charge, or on payment of a reasonable fee.

4.9 Applications that a trade union has failed to comply with the requirements of Article 3(3) can be made to

the Certification Officer or the High Court. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court by the same applicant even if the applicant withdraws his/her application to the Certification Officer.

4.10 Where an application to the Certification Officer is made by a different person under Article 3(3), the Certification Officer is required to have due regard to any declaration, order, observations or reasons made or given by the High Court which are brought to his notice.

4.11 Where the Certification Officer makes a declaration he shall also, unless he considers that to do so would be inappropriate, make an enforcement order imposing on the union one or both of the following requirements :

(a) to take such steps to remedy the declared failure, within such period, as may be specified in the order;

(b) to abstain from such acts as may be so specified with a view to securing that a failure of the same or a similar kind does not occur in future.

4.12 A declaration made by the Certification Officer may be relied on as if it were a declaration made by the High Court.

4.13 An enforcement order made by the Certification Officer may be enforced in the same way as an order of the High Court. There were no applications concerning the maintenance of the register of members' names and addresses during the period of this report.

Trade Unions - Membership, Financial and Benefits Information

4.14 The annual returns submitted by unions to the Certification Officer require the union to provide figures for both total membership under the rules of the union, and for members who pay contributions. There may be significant differences between these sets of figures, usually because figures can include student membership, retired and unemployed members, members on long term sick leave and maternity/child care leave and those on career breaks.

4.15 The total Northern Ireland membership of all trade unions at 31 December 2001 was 241,446. 75% of all NI trade union members belong to GB based trade unions with 19% and 6% respectively being members of NI and ROI based trade unions.

4.16 Trade union income derives mainly from membership subscriptions and investment income. There may also be additional income and assets arising if, for example, a union accepts the transfer of engagements of another union. In 2001 the gross income of Northern Ireland trade unions was approximately £3.3 million; gross expenditure was £3 million. Total assets (net) of these unions amounted to £5 million.

4.17 A summary of statistics concerning the membership and finances for 2001 of Northern Ireland based trade unions, and Republic of Ireland trade unions with Northern Ireland members, is given in Appendix 1. This shows a total of 44,998 members of Northern Ireland unions providing an annual contribution of approximately £3 million; while there were 14,586 Northern Ireland members of Republic of Ireland unions providing an annual contribution of approximately £1.3 million. In 2001 the gross income of the Republic of Ireland unions was

approximately IR £31 million, gross expenditure was approximately IR £32 million Total assets (net) of these unions amounted to IR £45.5 million.

4.18 Financial and membership details of 53 Great Britain based unions with 100 or more Northern Ireland members are given in Appendix 2. This shows a total of 180,671 Northern Ireland members making an annual contribution of £13.6 million. In 2001 the gross income of these unions was approximately £687.9 million; gross expenditure was approximately £664.5 million. Total assets (net) of these unions amounted to £808.8 million.

4.19 Membership details of a further 43 Great Britain based trade unions with less than 100 Northern Ireland members are listed in Appendix 3. These show a total of 1191 Northern Ireland members contributing just over £104,400. In 2001 the gross income of these unions was approximately £35 million, gross expenditure was approximately £34.5 million. Total assets (net) of these unions amounted to approximately £76.8 million.

Employers' Associations - Membership and Financial Information

Northern Ireland

4.20 Employers' associations are not required to provide the Certification Officer with details of officers' salaries and benefits.

4.21 A summary of statistics concerning the membership and finances of 17 Northern Ireland employers' associations for 2001 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2001 the total income of these organisations was approximately £4.2 million; expenditure was approximately £3.8 million. Total assets (net) of these associations amounted to approximately £6.1 million.

Great Britain

4.22 Details of 37 Great Britain based employers' associations with Northern Ireland members is given in Appendix 5. In 2001 Northern Ireland members of these organisations contributed approximately £831,000. The total income of these organisations was approximately £93.3 million; expenditure was approximately £95.4 million. Total assets (net) of these organisations amounted to approximately £175.8 million.

It is a legal requirement that any superannuation scheme maintained by a trade union or employers' association covering members must be subject to periodic actuarial examination and that a copy of the actuary's report must be sent to the Certification Officer. An explanation of the statutory provisions is given in this Chapter together with information on the number of schemes maintained and the number of reports received.

The Statutory Provisions

- 5.1 The 1992 Order requires that any superannuation scheme maintained by a Northern Ireland based trade union or employers' association* for its members must be examined periodically by a qualified actuary and a copy of each actuarial report sent to the Certification Officer. The actuarial examination is required to be made not later than five years after the effective date of the preceding examination, but the Certification Officer has power to direct that, in any particular case, the period of five years may be reduced to such shorter period as he may specify. The Certification Officer also has power to exempt a member's superannuation scheme from actuarial examination in certain circumstances. No trade union or employers' association may maintain a members superannuation scheme unless it also maintains a separate fund for the payment of benefits in accordance with the scheme. A copy of the actuarial report made under the above provisions must be supplied free of charge to any member of the trade union or employers' association on application to the organisation concerned.

Actuarial Reports

- 5.2 The statutory provisions require that the report by the actuary following his examination of any scheme shall state whether in his opinion the premium or contribution rates are adequate, whether the accounting or funding arrangements are suitable and whether the separately maintained superannuation fund is adequate.

Schemes Maintained - Northern Ireland Trade Unions

- 5.3 During the period of this report no trade union based in Northern Ireland operated a superannuation scheme for its members.

Schemes Maintained - GB Based Trade Unions

- 5.4 The following four GB based trade unions maintain superannuation schemes which have Northern Ireland members:

Amalgamated Engineering and Electrical Union - Report Dated 31 December 1997
Graphical, Paper and Media Union (Two schemes: Platepreparers and Lithoprinters)
MSF - Craft Fund
National Union of Rail, Maritime and Transport Workers - Workers Orphan Fund Report Dated 1 September 1998.

- 5.5 The most recent actuarial reports for the AEEU and RMT unions were received by the Certification Officer during the year. The reports from GPMU and MSF are still outstanding, and the Office is in discussion with these unions to ensure compliance with the legislation.

Mergers between trade unions and between unincorporated employers' associations must be conducted under the relevant statutory procedures. The Certification Officer is the statutory authority for approving such mergers. The procedures also allow for members to complain to the Certification Officer about particular aspects of the balloting process. This chapter deals with the statutory background.

The Statutory Provisions

- 6.1 The 1995 Order and the Trade Unions and Employers' Associations (Amalgamations, etc) Regulations 1965 lay down procedures governing two types of merger - *transfers of engagements and amalgamations* - between trade unions and between unincorporated employers' associations. The procedures apply to listed and unlisted organisations. Their main purposes are to facilitate the processes of transfer and amalgamation and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it at no direct cost to themselves.
- 6.2 Under a *transfer of engagements* the transferring organisation ('the transferor') loses its legal identity whilst the organisation to which it transfers ('the transferee') continues in being with its legal identity unchanged. An amalgamation produces a new organisation replacing the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer and the documents must have his approval before a ballot of members can be held to approve the instrument. The statutory fee payable is shown in Appendix 9.
- 6.4 Ballots must be postal† and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a proposed amalgamation or transfer is prohibited; also, the voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed pre-paid envelope and a document giving instructions for the return of the

ballot paper. Other requirements relate to storage, distribution and counting of votes by independent persons and the availability of a union's membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers' associations, the provisions are slightly different. Details can be found in the guidance booklet (para 6.10 below).

- 6.5 In a transfer of engagements, only the members of the transferor organisation vote on the resolution to approve the instrument. An amalgamation requires a favourable vote by the members of each amalgamating organisation. If the required majority of votes recorded in each ballot is in favour of the merger an application to register the instrument may be made to the Certification Officer. Such an application must be preceded by the despatch of a copy of the scrutineer's report to every member of the union or their being notified of its contents by other means. Members must also be told that they will, on request, be provided with a copy of the scrutineer's report - either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a merger.
- 6.6 In the case of both a transfer and an amalgamation, an interval of six weeks must elapse between the application for registration and registration itself; and before the expiry of the six-week period any member of the transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements have not been observed.
- 6.7 The Certification Officer, after giving the parties an opportunity to be heard may dismiss the complaint or, if he finds it justified, he may either make a declaration but no order, or make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the

* In practice the requirements affect trade unions only; the Office is not aware of any schemes maintained by employers' associations.

† Northern Ireland law contains provisions, in relation to voting in a ballot, which provide for reasons of personal safety a trade union member may request his union to send him a voting paper by some means other than by post.

Certification Officer's decision to the Court of Appeal on a point of law.

Mergers Involving GB Trade Unions

- 6.8 Although the merger provisions of the 1995 Order do not extend to Great Britain, the Order does apply with certain modifications to a transfer of engagements or amalgamation between a Northern Ireland union and a union in Great Britain.
- 6.9 Formal documents kept by the Certification Officer relating to mergers under the 1995 Order are available for public inspection. The statutory fee payable is shown in Appendix 9.

Advice on Procedures

- 6.10 The Office will offer advice where needed on the statutory provisions and staff are always prepared to meet officials of organisations proposing to merge to discuss procedures and time-tables. The Office has produced two booklets, one on the statutory requirements for transfers of engagements and amalgamations between trade unions and the other dealing with employers' associations. These explain the merger procedures in detail and set out, with explanatory notes, the matters to be included in an instrument of transfer or amalgamation. Copies may be obtained free of charge from the Office and the Office website.

Applications

- 6.11 Although no formal proposals to enter into a transfer of engagements or an amalgamation were received from any Northern Ireland based union during the period of this report, a number of informal talks were continuing. In addition my staff and legal advisor, together with staff of the GB Certification Office spent a considerable amount of time in discussions involving the Northern Ireland Musicians Association and the Musicians Union; however, the merger talks were put in abeyance.

Complaints

- 6.12 No complaints were received during the period of this report.

Changes of Name

- 6.13 Article 88 of the 1995 Order stipulates that a change of name of a listed trade union or employers' association must be approved by the Certification Officer before it can take effect (see Appendix 9 for the statutory fee). The Northern Ireland Certification Officer did not receive any applications for a name change during the period of this report. However, during the period of this report it came to the Certification Officer's attention that one Northern

Ireland employers' association, the Association of Local Authorities of Northern Ireland changed its name to Northern Ireland Local Government Association (October 2001). My Office will liaise with this body to ensure compliance with Article 88. The GB Certification Officer approved the changes of name of five trade unions with Northern Ireland members; these are listed below :

Great Britain

Trade Unions

From National Association of Probation Officers
To NAPO – The Trade Union and Professional Association for Family Court & Probation Staff (9/5/01)

From Association of First Division Civil Servants
To FDA (26/6/01)

From Guinness Staff Association
To Guinness UDV Staff Association (12/7/01)

From British Actors Equity Association Incorporating the Variety Artists' Association
To Equity (including the Variety Artists' Association (17/10/01)

From ANSA
To Abbey National Group Union (22/1/02)

Employers' Associations

None

In addition, the GB Certification Officer approved the transfer of 4 GB Trade Unions with Northern Ireland members. The largest merger registered during this period was that between the Amalgamated Engineering and Electrical Union (AEEU) and the Manufacturing Science and Finance Union (MSF) which created the new union Amicus. The transfer took effect on 1 January 2002 and involved 1,079,185 members. This was the largest trade union merger since the creation of UNISON in 1993 and created the UK's second largest union.

The 1995 Order enables trade unions and unincorporated employers' associations to establish separate funds in furtherance of political objects as part of their activities. Under the terms of the Order a resolution to adopt political objects must be passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This chapter also explains the statutory provisions relating to the statutory exemption of Northern Ireland members and complaints by trade union members about breaches of political fund rules.

The statutory provisions for Northern Ireland based organisations

General

- 7.1 A trade union or an unincorporated employers' association, whether listed or not, can include the furtherance of political objects among the activities of the organisation. In which case, it must adopt political fund rules providing for the expenditure of funds on such objects. Those rules must be approved by the Certification Officer. A resolution to adopt political objects must be approved by the members in a postal† ballot held under rules which again require approval by the Certification Officer. An independent scrutineer must always be appointed to oversee the requirements of the ballot.
- 7.2 Trade unions and employers' associations which already have a political fund resolution in force and wish to continue to spend money on political objects are required to pass a political fund resolution again by a further ballot of their members (*a review ballot*) at least once every 10 years. The review ballot must also be held in accordance with rules approved by the Certification Officer.

Exemption

"contracting-in"

- 7.3 Unlike trade union members in Great Britain, it is a statutory requirement that members in Northern Ireland must provide a written authority to their trade union before any deduction for political purposes may be made from their membership subscription. This is colloquially referred to as "contracting-in" (see para 7.8).
- 7.4 Where a Northern Ireland trade union member does not "contract-in" or, having "contracted-in" subsequently decides to "contract out", he is exempt

from contributing to the political fund and any such deduction by a trade union, in these circumstances, would be unlawful. Any Northern Ireland trade union member who finds himself or herself in this position may complain to the Certification Officer. Details on how to complain are dealt with below.

- 7.5 Those members not contributing to the political fund must not be excluded from any benefits of the organisation or placed under any disability or disadvantage compared with other members, except in relation to the control or management of the political fund. Contribution to the political fund must not be made a condition for admission to the organisation.
- 7.6 Northern Ireland members wishing to "contract-in" must do so in writing by using an approved application form (Article 59 of the 1995 Order) or apply in a form to the same effect. Unless contributions are collected by a separate levy, those statutorily exempt members of the organisation must be relieved from the payment of the political fund element of the normal periodical contributions. Trade union rules must also provide for each member to know what portion, if any, of his contribution is a contribution to the political fund. These rules must be approved by the Certification Officer. If the rules do not have his approval any deductions would be unlawful and a member may complain to the Certification Officer.
- "contracting-out"
- 7.7 Any Northern Ireland member having initially "contracted in" who wishes subsequently to "contract out" must also do so in writing. Such "notice of withdrawal" may be given to the union by being delivered at the head office or a branch office of the union or being delivered personally or by any

† Northern Ireland law contains provisions, in relation to voting in a ballot, which provide for reasons of personal safety a trade union member may request his union to send him a voting paper by some means other than by post.

authorised agent or by post. Where a member "contracts - out", having initially "contracted - in", the law makes provision for the withdrawal to take effect as from 1st January next, following the giving of that notice to the union and any deduction after that date would be unlawful and a member may complain to the Certification Officer.

Members of GB and ROI -Based Trade Unions

7.8 The statutory requirement that Northern Ireland trade union members must "contract-in" to a political fund in their union applies to every Northern Ireland trade union member, regardless of where his union is headquartered. The requirements and conditions outlined in paras 7.3 to 7.7 therefore apply also to Northern Ireland members of unions headquartered in Great Britain or the Republic of Ireland.

Political Fund Model Rule

7.9 A political fund model rule, covering Northern Ireland members, has been agreed with the GB Certification Officer for use by Great Britain unions with members in Northern Ireland, and is included in the booklet "*Guidance for trade unions and employers' associations wishing to establish a political fund (2000)*" issued by the GB Certification Office. However, approval for its use, or proposed amendment, is required from the Northern Ireland Certification Officer before any lawful political fund deduction may be made regardless of whether the union has a signed authority from a member. GB trade unions should contact the Northern Ireland Certification Office before including it, or amending its existing Northern Ireland political fund rules, in their rule book.

Republic of Ireland

7.10 Only two Republic of Ireland trade unions with NI members operate political funds. The unions concerned, Services, Industrial, Professional and Technical Union (SIPTU) and the Irish National Teachers Organisation (INTO) have given the Certification Officer an assurance that they do not deduct political fund subscriptions from NI members.

Complaints

The Spending of Money on Political Objects without a Political Fund Resolution Being in Force

7.11 The 1995 Order provides that a person who is a member of a trade union and who claims that his or her trade union has spent money on political objects without a political fund resolution being in force, or without approved political fund rules, may apply to

the Certification Officer, under Article 46A, for a declaration that it has done so.

- 7.12 The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court even if the applicant withdraws his/her application to the Certification Officer.
- 7.13 On any such application the Certification Officer is required to make such enquiries as he thinks fit and, before reaching a decision on an application, provide the applicant and the trade union with an opportunity to be heard. Should a hearing be held, in certain circumstances, expenses incurred by applicants (and their necessary witnesses) attending the hearings can be reimbursed by the Office. Such hearings are also open to the general public.
- 7.14 In exercising these functions the Certification Officer is required to ensure that, where reasonably practicable, an application made to him is determined within six months of being made.
- 7.15 Where the Certification Officer requests a person to furnish information to him in connection with his enquiries, he must specify the date by which that information is to be furnished and, unless he considers it inappropriate, shall proceed with his determination of the application notwithstanding that the information has not been furnished to him by the specified date.
- 7.16 The Certification Officer must give reasons for his decision in writing and, where he makes the declaration sought, he may make such order for remedying the breach as he thinks just in the circumstances. Where he makes a declaration he shall specify in it -
- the provisions of Article 45 (restriction on use of funds for political objects) breached, and
 - the amount of the funds applied in breach.
- 7.17 An enforcement order made by the Certification Officer may be enforced, through the Enforcement of Judgements Office, in the same way as an order of the High Court.
- 7.18 An appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law by way of Case Stated.

Breaches of Political Fund Ballot Rules

- 7.19 A person who is a member of a trade union and, where the ballot has been held, was a member at the time it was held, who considers that the union has held a ballot on a political resolution otherwise than in accordance with political fund ballot rules approved by the Certification Officer, or has failed in relation to a proposed ballot on a political fund resolution to comply with political ballot rules so approved, may apply to the Certification Officer for a declaration to that effect and an Enforcement Order.
- 7.20 Such complaints are time-limited and must be made within the period of one year beginning with the day on which the result of the ballot is announced by the union. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court even if the applicant withdraws his/her application to the Certification Officer.
- 7.21 Where an application to the Certification Officer is made by a different person, the Certification Officer is required to have due regard to any declaration, order, observations or reasons made or given by the High Court which are brought to his notice.
- 7.22 On an application under this Article the Certification Officer is required to make such enquiries as he thinks fit and, before reaching a decision on an application, provide the applicant and the trade union with an opportunity to be heard. Should a hearing be held, in certain circumstances, expenses incurred by applicants (and their necessary witnesses) attending the hearings can be reimbursed by the Office. Such hearings are also open to the general public.
- 7.23 In exercising these functions the Certification Officer is required to ensure that, where reasonably practicable, an application made to him is determined within six months of being made.
- 7.24 Where the Certification Officer requests a person to furnish information to him in connection with his enquiries, he may specify the date by which that information is to be furnished and, unless he considers it inappropriate, shall proceed with his determination of the application notwithstanding that the information has not been furnished to him by the specified date.
- 7.25 The Certification Officer must give reasons for his decision in writing and, where he makes the

declaration sought, is required unless he considers it inappropriate, to make an enforcement order imposing one or more of the following requirements -

- to secure the holding of a ballot in accordance with the order;
- to take such other steps to remedy the declared failure as may be specified in the order;
- to abstain from such acts as may be so specified with a view to securing that a failure of the same or similar kind does not occur in future.

7.26 The Certification Officer shall in any order imposing the requirement(s) mentioned in sub paragraph (a) or (b) of paragraph 7.25 specify the period within which the union must comply with the requirements of the Order. Where the Certification Officer makes an Order requiring the union to hold a fresh ballot, he shall unless he considers it inappropriate, require the ballot to be conducted in accordance with the union's political ballot rules and such other provisions as may be made by the Order. An appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law by way of Case Stated.

Unlawful Deductions of Political Fund Contributions from Members - NI, GB and ROI Trade Unions

- 7.27 Any Northern Ireland trade union member who considers that political fund deductions are being deducted without his or her written consent may complain to the Certification Officer. On a complaint being made to him the Certification Officer shall make such enquiries as he thinks fit.
- 7.28 Where the Certification Officer requests a person to furnish information to him in connection with his enquiries, he must specify the date by which that information is to be furnished and, unless he considers it inappropriate, shall proceed with his determination of the application notwithstanding that the information has not been furnished to him by the specified date.
- 7.29 Where, after giving the member and a representative of the union an opportunity of being heard, the Certification Officer considers that a breach has been committed, he may make an order for remedying it. An appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law by way of Case Stated.

Breaches of Political Fund Rules - Northern Ireland Trade Unions

- 7.30 Any member of a NI headquartered union who considers that the political fund rules of his or her trade union are being breached may complain to the Certification Officer. On a complaint being made to him the Certification Officer shall make such enquiries as he thinks fit and shall deal with it in a similar manner to that outlined in paragraph 7.28/29 above.

Breaches of Political Fund Rules - Great Britain Trade Unions

- 7.31 Any Northern Ireland member of a GB headquartered trade union who considers that its political fund rules have been breached, other than in relation to his or her political fund deductions, may complain to the GB Certification Officer, 180 Borough High Street, London, SE1 1LW. Any enquiries should be made to his office: 0207 210 3734.

Advice on Procedures

- 7.32 On request, the Office can give advice on the procedures for establishing political funds and for holding review ballots. Guidance booklets which includes model rules, are available free of charge from the Office. Any trade union or employers' association wishing to ballot its members on a political fund resolution should contact the Office at an early stage.

Northern Ireland Organisations with Political Fund Rules at 31 December 2001

- 7.33 None.

Great Britain based Organisations with Political Fund Rules at 31 December 2001

- 7.34 There were 25 GB based trade unions with Northern Ireland members operating political funds at 31 December 2001. Of these, eighteen had contributing members in Northern Ireland.
- 7.35 The returns show that in 2001, 30,876 Northern Ireland members - representing 13% of the total Northern Ireland trade union membership - contributed £105,582 towards political funds. A detailed list of the eighteen unions, their Northern Ireland membership and their financial contributions is given at Appendix 7. Appendix 8 lists the seven Great Britain unions with Northern Ireland members who did not contribute to political funds in 2001.

Approval of Political Fund Rules/Amendments

- 7.36 No trade unions had political fund rules or rule amendments formally approved during the period of this report. Draft political fund rules were received

from two Great Britain unions and this work is progressing. In addition, during the period of this report the Amalgamated Engineering & Electrical Union and the Manufacturing, Science & Finance Union merged to form a new union, Amicus. Amicus has a political fund resolution in force by virtue of the legislation which provides for mergers involving two or more trade unions already holding a political fund prior to amalgamation. In such cases the law provides that on amalgamation, the amalgamated union will be treated as having passed a political fund resolution, provided that the rules of the union in force immediately after the amalgamation include political fund rules. In this case, Amicus is due to hold a review ballot before July 2003.

The 1995 Order requires that certain officers[†] and all members of a trade union's executive committee must be elected to it by secret postal[‡] ballot; if they remain in that position for more than five years they must be re-elected. This chapter deals with the statutory provisions governing elections. As explained in chapter 9 the Certification Officer now has powers to deal with breaches of a union's own rules governing elections and certain other matters.

The Statutory Provisions

- 8.1 Trade unions must ensure that no-one takes up a position as a member of the union's principal executive committee, president or general secretary, except in limited circumstances, without having been elected to it. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are exceptions in respect of officers facing retirement, amalgamations and newly formed unions. Elections must be by secret postal[‡] ballot of the members of the union, conducted in accordance with the provisions in the 1995 Order.
- 8.2 Individual trade union members have a statutory right to apply to the Certification Officer for a declaration that their trade union has failed to comply with one or more of the relevant provisions of the Order. If after giving the parties an opportunity to be heard, the Certification Officer may make a declaration but no Order or make an Order imposing on the union one or more of the following requirements -
- to hold the election in accordance with the Order;
 - to take such other steps to remedy the declared failure as the Certification Officer may specify in the order; and
 - to abstain from such acts as the Certification Officer specifies with a view to ensuring that a failure of the same, or similar kind, does not occur in the future.
- 8.3 Article 70 of the 1992 Order requires the Certification Officer to make provision about the disclosure or otherwise of the identity of an individual who has made, or is proposing to make any application or complaint. The 1992 Order requires that if the application or complaint relates to

a trade union, the individual's identity is to be disclosed to the union unless the Certification Officer thinks the circumstances are such that it should not be disclosed.

- 8.4 The Certification Officer has made provision under Article 70 of the 1992 Order by which the identity of an individual who proposes to make an application or complaint will not generally be disclosed to the union, unless or until an application or complaint is accepted. Where an application or complaint is accepted, the Certification Officer will generally disclose the individual's identity to the union (and others as the Certification Officer thinks fit) unless he decides that the circumstances are such that it should not be disclosed. The Certification Officer makes that decision on a case by case basis. Fear of denigration will not of itself normally justify non-disclosure. The provision made by the Certification Officer under Article 70 of the 1992 Order is on the Office website www.nicertoffice.com.
- 8.5 Where a hearing is held certain expenses incurred by applicants and their necessary witnesses attending the hearings may be reimbursed by the Office at the discretion of the Certification Officer.
- 8.6 An appeal on any question of law arising in proceedings before or arising from a determination by the Certification Officer, may be made to the Court of Appeal.
- 8.7 If the Certification Officer decides that there has been a breach of the statutory provisions he must state in his declaration any steps which the union has taken or has agreed to take to remedy the breach or prevent such a breach from occurring in the future.
- 8.8 The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once

[†] See paras 1.13 to 1.15 on special register bodies.

[‡] Northern Ireland law contains provisions, in relation to voting in a ballot, which provide for reasons of personal safety a trade union member may request his union to send him a voting paper by some means other than by post.

an application has been made to the Certification Officer the same matter may not be put to the High Court even if the applicant withdraws his/her application to the Certification Officer. Where an application to the Certification Officer is made by a different person, alleging the same failures which had been considered and determined by the High Court, the Certification Officer is required to have due regard to any declaration, order, observations or reasons made or given by the High Court which are brought to his notice.

Applications, Investigations, Hearings and Decisions

8.9 **Gilliland & Wilson v NIMA (D/1/2001)**: During the period of my previous report I investigated a claim that the Northern Ireland Musicians' Association's (NIMA) General Secretary held the post unlawfully, and I held a formal hearing on 18 October 2000. I issued my decision on 23 May 2001 in which I upheld the complaint; in my declaration I said that NIMA had failed to comply with Article 12 of the 1995 Order in that it had not held an election for the post of General Secretary. I further declared that Mr. Hamilton held that post without having been elected to it at an election satisfying Article 12 of the 1995 Order. I also issued an enforcement order requiring the union to hold an election for the post of General Secretary and publish the result before 1 January 2002.

Welsh v NIPSA (D/2/2001): I received another application in which it was claimed that there had been interference in the election ballot for the general council of the Northern Ireland Public Service Alliance (NIPSA) in January 2001 (complaint 1) and the scrutineer had failed to carry out his functions properly (complaint 2).

In seeking to arrange a date for the hearing, my staff were initially advised by the Union's General Secretary that it might not attend nor be represented at the hearing; my staff only learned that NIPSA would be represented shortly before the hearing.

At the hearing I found the Applicant's contribution helpful in my determination of his complaints. In contrast, NIPSA failed to address the legal issues which were the basis of the complaints brought by Mr Welsh. I informed NIPSA that I had expected to hear more legal argument from it on the complaints.

Notwithstanding that NIPSA conceded interference in the ballot at hearing, I found there was no interference in the ballot as follows: "I consider that the phrase 'without interference or constraint' relates to intimidation or other interference with the

voter, to be distinguished from mere persuasion or influence.

There already exists extensive case law on the subject of interference and, in this case, there is no evidence before me of such intimidation or other physical interference or constraint. Accordingly, I refuse to make the declaration sought" (complaint 1)

In relation to complaint 2, I declared that the scrutineer's report prepared following the 2001 election ballot for the general council of NIPSA, did not comply with Northern Ireland law. I made the following order: "I order that the Northern Ireland Public Service Alliance have the scrutineer's report on the election of its general council 2001 prepared in accordance with Article 19 of the 1995 Order, and issued to its members, together with a letter explaining why the initial report issued by the scrutineer on 9 February 2001 did not comply with Northern Ireland law. This shall be done before 23 November 2001".

After the hearing, NIPSA declined to discuss the timing of my order (the invitation had been accepted by the Applicant) despite the fact that it was intended to minimise any confusion in regard to their 2002 election. To the best of my knowledge this is the first case, since this office was established in 1992, where a union failed to cooperate fully with the Certification Officer. It is of course open to those from whom I make enquiries, to decide how they will respond.

8.10 Copies of my decisions are available free of charge from the Certification Office and are available by accessing the Office website.

8.11 In addition, the GB Certification Officer made the following noteworthy decisions in respect of GB headquartered trade unions with Northern Ireland members -

- **Ecclestone v NUJ (D/79-81/01)**. An application made by a member of the National Union of Journalists (NUJ) that the election of the union's President, by a decision of the delegates at the union's Annual Conference, had breached the requirements of the 1992 Act. The complaint was conceded by the union. The Certification Officer declared that the union had breached the requirements of the Act and issued an enforcement order. The enforcement order required the union, by 30 April 2003, to fill the post of President in a manner which satisfies the requirements of the Act and that in the

intervening period, no election for the post of President of the union shall be held that does not satisfy the requirements of the legislation.

- **Petters and Saunders v MU (D/88-90/01)**. In applications made by two members of the Musicians' Union (MU) it was alleged that the union's General Secretary had continued to hold office for a period in excess of five years without being re-elected at an election satisfying the requirements of the Act. One of the applicants also alleged that the Chairperson of the union held the position without ever having been elected at such an election. The Certification Officer declared that the union had breached the 1992 Act by failing to secure that the General Secretary's continuation in office for a period in excess of five years was by virtue of being re-elected at an election satisfying the requirements of the Act. No enforcement order was issued, the General Secretary in question having left office. The union conceded the complaint relating to the Chairperson of the union and the Certification Officer made a declaration and issued an enforcement order. The enforcement order required the Chairperson to cease holding the position of Chairperson forthwith and that no member of the union should occupy the position of Chairperson otherwise than in accordance with the requirements of the Act.

- **Cribb v PAT (D/95/01) and Alexander v PAT (D/92-93/01)**. In two separate applications, complaints were made against the Professional Association of Teachers (PAT). In the first complaint (Cribb v PAT) a member complained that the union had failed to secure that no modification was made to his election address in the Association's election for the position of General Secretary. The Certification Officer refused to make the declaration sought. In Alexander v PAT the applicant alleged that the Association, by issuing a press release with details of its preferred candidate for the post of General Secretary and by posting a similar announcement on the Association's website, had failed to provide equivalent facilities to all candidates in the election. It was also alleged that the union interfered with members right to vote by the issue of a circular shortly before the ballot was due to close. The Certification Officer refused to make either of the declarations sought.

The 1995 Order provides that a member of a trade union who claims that there has been a breach or threatened breach of the rules of a trade union relating to certain matters as set down in the Order, may apply to the Certification Officer for a declaration to that effect. This chapter discusses breach of rule complaints and explains how such applications are dealt with and their outcome.

The Statutory Provisions

- 9.1 Individual trade union members have the right to apply to the Certification Officer if there has been a breach or threatened breach of a trade union's rules relating to any of the matters set out in Article 90A (2) of the 1995 Order. The matters are –
- (a) the appointment or election of a person to, or the removal of a person from, any office;
 - (b) disciplinary proceedings by the union (including expulsion);
 - (c) the balloting of members on any issue other than industrial action;
 - (d) the constitution or proceedings of any executive committee or of any decision-making meeting; and
 - (e) such other matters as may be specified in an order made by the Department for Employment and Learning".
- 9.2 The applicant must be a member of the union, or have been a member at the time of the alleged breach or threatened breach. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court even if the applicant withdraws his/her application to the Certification Officer.
- 9.3 The Certification Officer may refuse to accept an application unless he is satisfied that the applicant has taken all reasonable steps to resolve the claim by the use of any internal complaints procedure of the union.
- 9.4 If the Certification Officer accepts an application he is required to make such enquiries as he thinks fit and, before reaching a decision on the application, provide the applicant and the trade union with an opportunity to be heard. Should a hearing be held, in certain circumstances, expenses incurred by applicants and their witnesses attending the hearings

can be reimbursed by the Office. Such hearings are also open to the public.

- 9.5 The Certification Officer must give reasons for his decision in writing and, where he makes the declaration sought, he is required to make an enforcement order unless he considers that to do so would be inappropriate. The enforcement order may impose on the union one or more of the following requirements –
- (a) to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order; and
 - (b) to abstain from such acts as may be so specified with a view to securing that a breach or threat of the same or similar kind does not occur in future.

Where an Order imposes a requirement on the union as in (a) above, the Order must specify the period within which the union must comply with the requirements of the Order.

- 9.6 An enforcement order made by the Certification Officer may be enforced in the same way as an order of the High Court.
- 9.7 An appeal on any question of law arising in proceedings before or arising from a determination by the Certification Officer, may be made to the Northern Ireland Court of Appeal.
- 9.8 The Certification Officer issued sixteen declarations and four enforcement orders during the period 1 April 2001 to 31 March 2002. A continuing feature of breach of rule trade union complaints is that many of the complaints received and decided by the Certification Officer were multiple applications by one or more members of the union alleging breaches of various union rules.

Applications, Investigations, Decisions and Orders

- 9.9 The Certification Officer issued eight declarations and two enforcement orders in relation to this part during the period of this report. At 31 March 2002, 5 applications against 3 trade unions remain outstanding.

- 9.10 **Irvine v Transport and General Workers Union (T&G) (D/3/2001):** In this case, a member of the T&G alleged breaches of certain rules of the Union, which led to an application to me on 18 December 2000. The breaches of union rules alleged formed five separate complaints about the appointment, election and removal of the secretary of the branch 3/83 and also the constitution or proceedings of that branch.

The union argued that four of the complaints were out of time, and I therefore did not have jurisdiction to hear them, and the fifth was not included in the applicant's application form and accordingly I should not hear it.

In order to decide if the application was made to me within the prescribed time limits I held a jurisdictional hearing on 9 October 2001. At the hearing I made it clear that I intended to hear the fifth complaint because the applicant had referred to it in correspondence which was attached to his application form.

I issued my decision on 14 November 2001, in which I decided I had jurisdiction to hear three of the complaints (including the fifth complaint) and that the other two were out of time.

The union was dissatisfied with my decision to hear the fifth complaint and appealed my decision to Her Majesty's Court of Appeal in Northern Ireland. The case (involved the T&G and the applicant – I was not a party) was heard on 10 October 2002 and the Court of Appeal decided I had not erred in law and upheld my decision.

Under Article 70 of the Industrial Relations (NI) Order 1992, the Certification Officer is empowered to regulate the procedures to be followed on any application or complaint made to him, or where his approval is sought with respect to any matter, unless there is legislation in existence regulating this procedure. The Court of Appeal's ruling made it clear that I had acted properly when I allowed allegations contained in the correspondence attached to the application form to be considered as part of the application. The Court took the view that as the forms and the procedures relating to my hearings were not prescribed, I had discretion in how I dealt with complaints – provided I exercised the rules of natural justice. I delayed the formal hearing to determine the three outstanding complaints until

after the Court of Appeal's ruling: a hearing date is currently being arranged with the parties.

Cammock & Doherty v MSF (D/2002/01): On 24 January 2001 I received six complaints from a senior shop steward and a shop steward, both members of the MSF union (since amalgamated with AEEU to form the new union Amicus). They complained that they had been suspended from office outside the union's rules and procedures by full-time officers of MSF; that the union had also breached its rules by refusing to allow the members' branch to investigate the matter; and had further breached its rules by denying them a right of appeal against their suspensions.

I held a formal hearing, which continued over three separate days, namely 5 December 2001, 6 December 2001 and 11 March 2002.

I issued my decision on 10 July 2002 in which I made six declarations upholding five of the complaints and I issued two enforcement orders requiring the union to lift its (initial and second) suspensions of the applicants. I refused to make the declarations sought in relation to the union's decisions not to allow the applicants' branch to investigate the complaint.

- 9.11 Copies of my decisions are available, free of charge, from my Office and/or by accessing the Office website.
- 9.12 As regards the provisions of the 1999 Order relating to the powers of the Certification Officer, a total of 138 enquiries were received as at 31 March 2002. The analysis of these enquiries is as follows:

| | |
|--|------------|
| General advice on the role of the Certification Officer | 61 |
| Appointment, election or dismissal from any office in the union | 11 |
| Disciplinary proceedings within the union | 8 |
| Balloting of union members (other than industrial action) | 1 |
| Constitution or proceedings of any executive committee or certain other meetings | 10 |
| Inadequate representation of members by their union ¹ | 37 |
| Union benefits or membership issues ¹ | 1 |
| Others | 9 |
| Total | 138 |

¹ These are not matters within the Certification Officer's jurisdiction.

LISTS OF TRADE UNIONS WITH HEADQUARTERS IN NORTHERN IRELAND AND WITH HEADQUARTERS IN THE REPUBLIC OF IRELAND WITH NI MEMBERS - AT 31 DECEMBER 2001 (UNLESS OTHERWISE INDICATED)

| Northern Ireland Unions | Total Members | NI Subscriptions | Total Income | Total Expenditure | Funds at the End of the Year | Total Assets at the End of the Year | Total Liabilities at the End of the Year |
|---|---------------|------------------|--------------|-------------------|------------------------------|-------------------------------------|--|
| | | | | | | | |
| Belfast Airport Police Association (31/3/02)* | 37 | 4850 | 8 | 6 | 27 | 27 | - |
| Northern Ireland Musicians' Association* | 210 | 15724 | 17 | 33 | (12) | 7 | 19 |
| Northern Ireland Public Service Alliance* | 38599 | 2503062 | 2751 | 2493 | 4196 | 4199 | 3 |
| Ulster Teachers Union* | 6152 | 441005 | 482 | 472 | 786 | 796 | 10 |
| TOTALS | 44998 | 2964641 | 3258 | 3004 | 4997 | 5029 | 32 |

| Republic of Ireland Unions | NI Members | Total Members | NI Subscriptions | Total Income | Total Expenditure | Funds at the End of the Year | Total Assets at the End of the Year | Total Liabilities at the End of the Year |
|---|------------|---------------|------------------|--------------|-------------------|------------------------------|-------------------------------------|--|
| | | | | | | | | |
| Irish Bank Officials' Association* | 4755 | 16867 | 600327 | 3084 | 2963 | 9628 | 13581 | 3953 |
| Irish National Teachers' Organisation** | 7500 | 30174 | 512659 | 5612 | 5860 | 8223 | 8304 | 80 |
| Seamen's Union of Ireland†† | 2331 | 247960 | 150864 | 22298 | 22716 | 20605 | 23618 | 3013 |
| Services, Industrial, Professional and Technical Union* | 14586 | 295001 | 1263850 | 30994 | 31539 | 38456 | 45503 | 7046 |

*Denotes a trade union holding a certificate of independence at 31 December 2001.
†† Denotes an unlisted union.

1. Northern Ireland Musicians' Association - Figures taken from draft annual return (1/1/01 - 30/11/01).
2. Irish National Teachers' Organisation - Figures converted from Sterling to Puntis using an exchange rate of IR£1.18 per £ sterling.
3. The Seamen's Union of Ireland has not yet made figures for year ending 31 December 2001 available to the Certification Officer.

G.B. TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2001 (UNLESS OTHERWISE INDICATED)

| | NI | GB | ROI | Elsewhere (incl. Channel Islands) | NI Subscriptions | Total Income | Total Expenditure | Funds at the end of the year | Total Assets at the end of the year | Total Liabilities at the end of the year |
|--|-------|--------|-------|-----------------------------------|------------------|--------------|-------------------|------------------------------|-------------------------------------|--|
| | | | | | | | | | | |
| Abbey National Group Union - ANGU Alliance and Leicester Group Union Of Staff | 260 | 8245 | 6 | 3 | 3121 | 593 | 550 | 572 | 606 | 34 |
| Ambulance Service Union | 107 | 2576 | - | - | 5795 | 234 | 230 | 251 | 264 | 13 |
| Amalgamated Engineering & Electrical Union Association of Teachers & Lecturers | 24148 | 692472 | 11061 | 827 | 1449000 | 44700 | 42342 | 68066 | 79920 | 11854 |
| Association of University Teachers (at 31/8/01) | 1752 | 41825 | 59 | 968 | 2022224 | 11123 | 11043 | 7703 | 10221 | 2518 |
| Bakers, Food and Allied Workers Union | 857 | 27160 | 724 | - | 57346 | 2669 | 2634 | 773 | 1058 | 285 |
| British Association of Dental Nurses | 117 | 4359 | - | 57 | 3094 | 182 | 172 | 112 | 130 | 18 |
| British Association of Occupational Therapists (at 30/9/01) | 665 | 22352 | 92 | 296 | 62084 | 3020 | 3020 | - | 330 | 330 |
| British Dental Association (at 30/9/01) | 722 | 19668 | 57 | 311 | 114000 | 6666 | 6364 | 1982 | 3623 | 1641 |
| British Dietetic Association (at 28/2/02) | 173 | 4663 | 90 | 168 | 27252 | 186 | 225 | 82 | 87 | 5 |
| British Medical Association | 3145 | 105613 | 202 | 3912 | 609847 | 84021 | 78860 | 87542 | 115235 | 27693 |
| Broadcasting, Entertainment, Cinematograph & Theatre Union | 436 | 24162 | 21 | 12 | 65000 (e) | 3771 | 3557 | 1448 | 1845 | 397 |
| Ceramic and Allied Trades Union | 202 | 13592 | - | - | 13194 | 1262 | 1121 | 7638 | 7729 | 91 |
| Chartered Society of Physiotherapy | 967 | 37160 | 214 | 762 | 144731 | 9910 | 9882 | 4457 | 6572 | 2115 |
| Communication Workers Union | 6101 | 273127 | - | 451 | 577541 | 35052 | 30549 | 21677 | 29352 | 7675 |
| Community and Youth Workers Union | 183 | 4167 | 5 | 8 | 5846 | 401 | 437 | 35 | 123 | 88 |
| Community and District Nursing Association (at 31/3/02) | 109 | 3960 | - | 6 | 899 | 370 | 375 | 93 | 146 | 53 |
| Connect - The Union for Professionals in Communication | 495 | 18028 | 8 | 254 | 62737 | 2826 | 3206 | 3844 | 5086 | 1242 |
| Engineers and Managers Association (1/1/01 - 31/10/01) * | 854 | 27501 | 7 | 437 | 83575 | 3427 | 3228 | 7371 | 7847 | 476 |
| Equity (Incorporating the Variety Artists' Association) | 269 | 34942 | 63 | - | 18001 | 3969 | 4928 | 11846 | 15038 | 3192 |
| FDA | 261 | 10109 | - | 64 | 45681 | 1770 | 1775 | 691 | 903 | 212 |
| Fire Brigades Union | 1889 | 50713 | - | - | 242070 | 10504 | 8893 | 8676 | 9178 | 502 |
| G M B | 15972 | 673254 | 50 | - | 1239956 | 49151 | 49804 | 47707 | 52357 | 4650 |
| General Dental Practitioners Association | 135 | 2071 | 10 | 8 | 8216 | 188 | 200 | 145 | 167 | 22 |
| Graphical, Paper and Media Union (at 30/9/01) | 2605 | 192381 | 4822 | 200 | 178181 | 24914 | 25789 | 36364 | 39988 | 3624 |
| Independent Union of Halifax Staff | 1028 | 23131 | 3 | 8 | 29270 | 1610 | 1450 | 1194 | 1838 | 644 |
| Institution of Professionals, Managers & Specialists (1/1/01 - 31/10/01) * | 305 | 74161 | 25 | 1123 | 27910 | 6755 | 6006 | 22856 | 23653 | 797 |
| Manufacturing Science and Finance Union | 8425 | 308611 | 15303 | 352 | 760000 | 27172 | 26426 | 20580 | 24401 | 3821 |

G.B. TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2001 (UNLESS OTHERWISE INDICATED)

| | NI | GB | ROI | Elsewhere (incl. Channel Islands) | NI Subscription Contributions | Total Income | Total Expenditure | Funds at the end of the year | Total Assets at the end of the year | Total Liabilities at the end of the year |
|--|---------------|----------------|--------------|--|-------------------------------------|-----------------|----------------------|---------------------------------------|---|--|
| | | | | | £ | £000s | £000s | £000s | £000s | £000s |
| National Association of Head Teachers | 900 | 38807 | - | 296 | 123000 | 6336 | 6126 | 3785 | 4410 | 625 |
| NAPO - The Trade Union and Professional Association for Family Court and Probation Staff | 116 | 6572 | - | - | 25414 | 1466 | 1323 | 703 | 856 | 153 |
| National Association of Schoolmasters & UWT | 12412 | 239273 | - | 1899 | 908833 | 18047 | 16314 | 22771 | 24047 | 1276 |
| National Association of Teachers in F & HE | 2135 | 64747 | - | 109 | 196530 | 6813 | 7154 | 3722 | 4548 | 826 |
| National Federation of Sub-Postmasters | 527 | 11627 | - | 30 | 32089 | 1711 | 1449 | 3486 | 3738 | 252 |
| National Union of Journalists (at 30/9/01) | 780 | 29734 | 3933 | 601 | 92560 | 4277 | 3968 | 126 | 3227 | 3101 |
| National Union of Knitwear, Footwear & Apparel Trades | 148 | 14899 | - | - | 14241 | 1756 | 2017 | 9027 | 9125 | 98 |
| National Union of Marine, A & ST Officers (NUMAST) | 394 | 17299 | 324 | 870 | 40554 | 2262 | 2289 | 4605 | 4983 | 378 |
| National Union of Rail, Maritime & Transport Workers | 148 | 58665 | 91 | 373 | 19009 | 7488 | 7742 | 17784 | 20167 | 2383 |
| Nationwide Group Staff Union | 197 | 11094 | - | - | 9824 | 733 | 743 | 416 | 446 | 30 |
| Prison Officers Association | 1511 | 31806 | - | - | 196053 | 5249 | 4437 | 855 | 1873 | 1018 |
| Professional Association of Teachers | 716 | 32324 | - | 41 | 8872 | 1775 | 1770 | 572 | 1077 | 505 |
| Public and Commercial Services Union | 1835 | 275222 | 31 | 4835 | 146677 | 36963 | 29695 | 26863 | 28304 | 1441 |
| Retained Firefighters Union | 149 | 4126 | - | - | 11036 | 298 | 270 | 116 | 130 | 14 |
| Royal College of Midwives (31/8/01) | 1287 | 33436 | 45 | 575 | 180973 | 4824 | 4818 | 327 | 329 | 2 |
| Royal College of Nursing of the UK (at 31/3/02) | 11342 | 329481 | 355 | 3014 | 753436 | 17810 | 17810 | - | 7349 | 7349 |
| Secondary Heads Association | 162 | 9927 | - | 64 | 31705 | 2592 | 2433 | 842 | 1555 | 713 |
| Society of Chiropractors and Podiatrists | 276 | 7128 | 125 | 194 | 60450 | 2474 | 2323 | 2435 | 2764 | 329 |
| Society of Radiographers (at 30/9/01) | 435 | 14678 | - | 403 | 66990 | 2991 | 2868 | 322 | 552 | 230 |
| Transport & General Workers Union | 28838 | 789885 | 19019 | 11067 | 2265000 | 71787 | 70033 | 89843 | 94794 | 4951 |
| Transport Salaried Staffs Association | 482 | 29889 | 1370 | - | 52635 | 4014 | 4710 | 18380 | 19663 | 1283 |
| Union of Construction Allied Trades & Technicians | 2018 | 103767 | 14208 | - | 70000 | 5226 | 4650 | 2903 | 4180 | 1277 |
| UNISON | 29500 | 1243200 | - | - | 1601959 | 116720 | 119202 | 92883 | 102751 | 9868 |
| Union of Shop, Distributive & Allied Workers | 7791 | 302546 | - | - | 515224 | 23665 | 23183 | 24102 | 24627 | 525 |
| TOTALS | 180671 | 6582477 | 72323 | 34598 | 13604718 | 687955 | 664507 | 694794 | 808846 | 114052 |

*Engineers & Managers Association amalgamated with the Institution of Professionals, Managers & Specialists on 1/11/01 to form Prospect.

**APPENDIX 3
(see para. 4.19)**

GB TRADE UNIONS WITH LESS THAN 100 NI MEMBERS - AT 31 DECEMBER 2001 (UNLESS OTHERWISE INDICATED)

| Trade Union | Members Based In: | | | | N.I. Subscription Contributions | Total Income | Total Expenditure | Funds at end of Year | Total Assets | Total Liabilities |
|---|-------------------|------|-----|--|---------------------------------------|-----------------|----------------------|----------------------------|-----------------|----------------------|
| | NI | GB | ROI | Elsewhere (incl. Channel Islands) | | | | | | |
| AEGIS - The Aegon UK Staff Association (30/6/02) | 8 | 3198 | - | - | 144 | 54043 | 36295 | 91792 | 92096 | 304 |
| Association of Clinical Biochemists | 47 | 1430 | 46 | 275 | 1180 | 37000 | 37000 | Nil | Nil | Nil |
| Association for College Management | 40 | 3221 | - | 7 | 7200 | 649116 | 609506 | 336666 | 401787 | 65121 |
| Association of Educational Psychologists | 87 | 2481 | 7 | 34 | 11979 | 674000 | 432000 | 1269000 | 1408000 | 139000 |
| Association of HM Inspectors of Taxes | 32 | 2136 | - | - | 1712 | 132000 | 128000 | 478000 | 487000 | 9000 |
| Association of Local Authority Chief Executives | 22 | 320 | - | - | 2250 | 30780 | 30151 | 28883 | 44135 | 15252 |
| Association of Principal Fire Officers (31/3/02) | 6 | 480 | - | 1 | 1056 | 49423 | 44945 | 28808 | 32938 | 4130 |
| Association of Professional Ambulance Personnel | 11 | 2910 | - | 1 | 1266 | 291000 | 270000 | 25000 | 62000 | 37000 |
| Association of Professional Music Therapists | 9 | 467 | 8 | 33 | 616 | 43360 | 36088 | 16671 | 24164 | 7493 |
| Boots Pharmacists' Association (BPA) | 9 | 558 | 3 | 2 | 344 | 18000 | 19000 | 7000 | 8000 | 1000 |
| Britannic Field Staff Association (1/1/01 - 22/3/02) * | 2 | 404 | - | 2 | 240 | 408144 | 408144 | - | 373454 | 373454 |
| Britannia Staff Union | 7 | 2321 | - | 30 | 318 | 129805 | 100319 | 259997 | 263471 | 3474 |
| British Airline Pilots Association | 13 | 8059 | - | - | 5885 | 3755103 | 3800227 | 5615063 | 5886046 | 270983 |
| British Association of Advisors & Lecturers in PE (31/3/02) | 1 | 431 | 1 | - | 75 | 127000 | 117000 | 157000 | 273000 | 116000 |
| British Orthoptic Society | 24 | 1314 | 20 | 36 | 4104 | 23000 | 22751 | 1126 | 3691 | 2565 |
| British Association of Journalists | 11 | 867 | - | 19 | 938 | 85000 | 90000 | 22000 | 24000 | 2000 |
| British Union of Social Work Employees (31/5/02) | 37 | 1842 | - | - | 2220 | 113158 | 102174 | 89634 | 93651 | 4017 |
| CGNU Staff Association | 72 | 3518 | - | 4 | 321 | 211000 | 200000 | 331000 | 345000 | 14000 |
| Gallaher Sales Staff Association | 13 | 201 | - | - | 624 | 10015 | 9372 | 92324 | 92324 | - |
| Guild of Professional Teachers of Dancing | 11 | 951 | 3 | 1 | 275 | 26000 | 27000 | 27000 | 29000 | 2000 |
| Guinness UDV Staff Association | 91 | 440 | - | - | 4996 | 27000 | 31000 | 29000 | 40000 | 11000 |
| Headmasters and Headmistresses' Conference (31/3/02) | 7 | 234 | 2 | 80 | 9100 | 794614 | 793201 | 1033769 | 1843928 | 810159 |
| Hospital Consultants & Specialists Association (30/9/01) | 37 | 2428 | - | - | 4252 | 256577 | 276610 | 105712 | 228835 | 123123 |

| Trade Union | Members Based In: | | | | N.I. Subscription Contributions | Total Income | Total Expenditure | Funds at end of Year | Total Assets | Total Liabilities |
|---|-------------------|---------------|------------|----------------------------------|---------------------------------|-----------------|-------------------|----------------------|-----------------|-------------------|
| | NI | GB | ROI | Elsewhere (inc. Channel Islands) | | | | | | |
| Institute of Journalists | 5 | 820 | 18 | 109 | 900 | 59000 | 62860 | (10028) | 501 | 10529 |
| Iron and Steel Trades Confederation | 29 | 32479 | - | - | 1002 | 9385000 | 5468000 | 40158000 | 40613000 | 455000 |
| Leeds & Holbeck Building Society Staff Association | 6 | 479 | - | - | 108 | 8389 | 6869 | 23755 | 24892 | 1137 |
| Musicians' Union | 48 | 30531 | 59 | 287 | 305 | 3187895 | 5121620 | 8909434 | 13139088 | 4229654 |
| National Association of Co-Operative Officials | 11 | 2397 | - | 15 | 1647 | 433370 | 517957 | 859462 | 10366557 | 177095 |
| National Assn of Educational Inspectors, Advisors and Consultants | 82 | 2917 | - | 20 | 12870 | 585740 | 576120 | 391279 | 430963 | 39684 |
| National Association of Group Secretaries to NFU (30/10/01) | 63 | 538 | - | - | 7800 | 139000 | 126000 | 84000 | 128000 | 44000 |
| National Society for Education in Art & Design (30/9/01) | 27 | 2100 | 5 | 52 | 2048 | 283022 | 266759 | 37049 | 78966 | 41917 |
| Offshore Industry Liaison Committee | 8 | 1490 | 4 | 72 | 960 | 170000 | 156000 | 45000 | 48000 | 3000 |
| Prison Governors Association | 20 | 1009 | - | 3 | 3024 | 148000 | 145000 | 65000 | 73000 | 8000 |
| Prison Services Union | 23 | 4113 | - | - | 731 | 229840 | 234495 | (52818) | 23761 | 76579 |
| Retired Officers Association (30/6/02) | 21 | 1283 | - | 118 | 126 | 21006 | 33204 | 162254 | 178166 | 15912 |
| Royal Society for the Protection of Birds Staff Association (31/3/02) | 14 | 627 | - | - | 125 | 15617 | 10382 | 27604 | 27604 | - |
| Society of Authors Ltd | 28 | 6532 | 31 | 466 | 2100 | 682000 | 683000 | 556000 | 1121000 | 565000 |
| Society of Union Employees (UNISON) | 16 | 288 | - | - | 1296 | 20082 | 13471 | 40056 | 40056 | - |
| UBAC | 15 | 2781 | - | - | 125 | 251918 | 219747 | 193360 | 209312 | 15952 |
| UNIFI | 13 | 153082 | - | 1339 | 281 | 10367000 | 12035000 | 2838000 | 6547000 | 3709000 |
| Union of Finance Staff | 91 | 4671 | - | - | 6775 | 479000 | 514000 | 97000 | 239000 | 142000 |
| WISA - The Union for Woolwich Staff | 63 | 4377 | - | - | 262 | 276000 | 339000 | 431000 | 560000 | 129000 |
| Writers Guild of Great Britain | 11 | 1856 | 18 | 59 | 1205 | 309145 | 320986 | 86955 | 270809 | 183854 |
| TOTALS | 1191 | 294581 | 225 | 3065 | 104485 | 34996162 | 34471253 | 64987808 | 76846195 | 11858388 |

* Britannic Field Staff Association - Removed from the list on 22 March 2002.

NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS - 31 DECEMBER 2001 (UNLESS OTHERWISE INDICATED)

| NI Employers' Associations | | Members | Total Income £ | Total Expenditure £ | Total Assets £ | Total Liabilities £ |
|----------------------------|--|--------------|-------------------|------------------------|-------------------|------------------------|
| 1 | Anglo-North Irish Fish Producers Organisation (at 31/7/01) | 84 | 190643 | 195900 | 786601 | 362782 |
| 2 | Belfast County Vintners' Association (at 31/8/01) | 49 | 945 | 2158 | 15389 | 3778 |
| 3 | Construction Employers Federation Ltd | 439 | 514000 | 523000 | 647000 | 191000 |
| 4 | Engineering Employers Federation NI Association | 140 | 474209 | 446607 | 477348 | 33235 |
| 5 | Hospitality Association of Northern Ireland | - | 4788 | 201 | 2648 | 1708 |
| 6 | The Lough Neagh Fishermen's Association | 378 | 79 | 6 | 4742 | 288 |
| 7 | Northern Ireland Bakery Council (at 31/3/02) | 4 | 21000 | 20000 | 16000 | 13000 |
| 8 | Northern Ireland Fish Producers Organisation Ltd | 139 | 1086676 | 770423 | 2220565 | 419813 |
| 9 | Northern Ireland Grain Trade Association Ltd | 26 | 21676 | 20469 | 10786 | 8635 |
| 10 | Northern Ireland Hotels Federation Ltd (at 31/7/01) | 105 | 174576 | 142890 | 86696 | 43670 |
| 11 | Northern Ireland Local Government Association (at 31/3/02) | 26 | 289000 | 272000 | 107000 | - |
| 12 | Northern Ireland Textiles and Apparel Association Ltd | 50 | 208000 | 208000 | 39000 | 39000 |
| 13 | Northern Ireland Timber Trade Association | 22 | 68440 | 72390 | 54173 | 24108 |
| 14 | Radio, Electrical and Television Retailers Association of NI | 2 | - | - | 10000 | 1000 |
| 15 | Ulster Chemists Association (at 30/9/01) | 469 | 82344 | 59284 | 203070 | 23991 |
| 16 | Ulster Farmers' Union | 11582 | 1075000 | 1056000 | 1396000 | 154000 |
| 17 | Ulster Launderers Association (at 31/10/01) | 5 | 350 | 252 | 2365 | - |
| TOTALS | | 13520 | 4211726 | 3789580 | 6079383 | 1320008 |

GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS - 31 DECEMBER 2001 (UNLESS OTHERWISE INDICATED)

| GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS | NI Members | NI Contributions £ | Total Members (inc. Channel Islands and ROI) | Total Income £ | Total Expenditure £ | Total Assets £ | Total Liabilities £ |
|---|------------|--------------------|--|----------------|---------------------|----------------|---------------------|
| 1 Association of Newspapers and Magazine Wholesalers (31/3/02) | 2 | 8944 | 26 | 652000 | 659000 | 183000 | 148000 |
| 2 British Amusement Catering Trades Association (30/9/01) | 3 | 5219 | 638 | 1083803 | 1067214 | 1475255 | 73840 |
| 3 British Clothing Industry Association Ltd | 7 | 15540 | 122 | 436000 | 836000 | 7208000 | 470000 |
| 4 British Jewellery and Giftware Federation | 12 | 3077 | 2493 | 12233000 | 1305000 | 8665000 | 959000 |
| 5 British Metals Federation (1/1/01-30/6/01) * | 5 | 5900 | 173 | 313000 | 359000 | 357000 | 32000 |
| 6 British Pre-Cast Concrete Federation Ltd | 1 | 11941 | 68 | 383000 | 373000 | 217000 | 113000 |
| 7 Chemical Industries Association (30/6/02) | 1 | - | 168 | 6910000 | 7047000 | 2864000 | 2506000 |
| 8 Cinema Exhibitors' Association | 4 | 2000 | 172 | 259226 | 266584 | 376514 | 26337 |
| 9 Construction Plant Hire Association (30/6/02) | 4 | 2550 | 1778 | 733173 | 599739 | 870375 | 187758 |
| 10 Electrical Contractors' Association | 31 | 50000 | 2078 | 8901000 | 10289000 | 62961000 | 18694000 |
| 11 Engineering Employers' Federation | 1 | 100631 | 16 | 4845000 | 8535000 | 32032000 | 1085000 |
| 12 Federation of Master Builders | 373 | 51511 | 12881 | 3605000 | 3017000 | 4463000 | 1476000 |
| 13 Freight Transport Association | 251 | 52640 | 11088 | 16499000 | 16006000 | 8626000 | 3743000 |
| 14 Glass and Glazing Federation | 13 | 12625 | 521 | 1365000 | 1249000 | 1621000 | 187000 |
| 15 Heating & Ventilating Contractors' Association (28/2/02) | 55 | 70697 | 1408 | 8750000 | 8294000 | 8360000 | 4165000 |
| 16 National Association of Self Employed | 223 | 15721 | 701 | 49000 | 46000 | 69000 | 3000 |
| 17 National Bed Federation | 2 | 1040 | 118 | 224000 | 237000 | 184000 | 70000 |
| 18 National Federation of Master Window and General Cleaners | 22 | 838 | 2294 | 182703 | 149793 | 372640 | 27977 |
| 19 National Federation of Retail Newsagents | 706 | 150500 | 21169 | 4928148 | 5021999 | 4878063 | 1191942 |
| 20 National Federation of Roofing Contractors Limited (31/1/02) | 16 | 6431 | 752 | 678000 | 630000 | 315000 | 106000 |
| 21 National Hairdressers Federation | 15 | 1950 | 5471 | 992153 | 846870 | 1621404 | 515355 |

GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS

| GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS | NI Members | NI Contributions £ | Total Members (inc. Channel Islands and ROI) | Total Income £ | Total Expenditure £ | Total Assets £ | Total Liabilities £ |
|---|-------------|--------------------|--|-----------------|---------------------|------------------|---------------------|
| 22 National Pharmaceutical Association | 310 | 21195 | 4777 | 3428 | 4076 | 6613 | 4325 |
| 23 National Sawmilling Association | 2 | Nil | 18 | 500 | 3600 | 29200 | 700 |
| 24 Producers Alliance for Cinema and Television Ltd (30/9/01) | 21 | 30000 | 974 | 2140000 | 2059000 | 1881000 | 352000 |
| 25 Publishers Association | 3 | 1028 | 155 | 1839000 | 2195000 | 454000 | 471000 |
| 26 Radio, Electrical and Television Retailers' Association (31/10/01) | 1 | 152 | 1447 | 427000 | 511000 | 1026000 | 174000 |
| 27 Retail Motor Industry Federation Ltd | 246 | 104873 | 9330 | 18759000 | 16933000 | 14147000 | 6454000 |
| 28 Scottish Association of Master Bakers | 1 | 155 | 542 | 499360 | 482554 | 1530306 | 228601 |
| 29 Scottish & NI Plumbing Employers' Federation | 113 | 38865 | 851 | 530732 | 480496 | 771008 | 261284 |
| 30 Screen Printing Association (UK)Ltd (1/11/00-31/1/02)** | 5 | 2015 | 193 | 161000 | 129000 | 125000 | 77000 |
| 31 Society of Master Shoe Repairers (31/8/01) | 2 | 144 | 288 | 39238 | 37894 | 24144 | 1572 |
| 32 The Incorporated Guild of Hairdressers, Wigmakers and Perfumers | 1 | 100 | 276 | 13524 | 18658 | 57101 | 22385 |
| 33 The Newspaper Society | 5 | 43293 | 161 | 3583000 | 3514000 | 5395000 | 3345000 |
| 34 Theatrical Management Association | 6 | 5500 | 378 | 550000 | 558000 | 277000 | 178000 |
| 35 Thermal Insulation Contractors Association | 5 | 2735 | 233 | 905000 | 891000 | 850000 | 164000 |
| 36 UK Jute Goods Association | 1 | 10 | 15 | 2748 | 2734 | 8521 | 1435 |
| 37 Vehicle Builders & Repairers Association Ltd | 23 | 11445 | 1245 | 791000 | 776000 | 1477000 | 252000 |
| TOTALS | 2492 | 831265 | 85018 | 93256736 | 95430211 | 175778144 | 47767511 |

* Removed from list on 1/7/01

** Change of financial year end from 31/10/01 to 31/1/02

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS - AT 31
DECEMBER 2001 (unless otherwise indicated)

| NORTHERN IRELAND | OFFICE HELD | SALARY | BENEFITS (excluding NI Contributions) |
|---|--|------------------------|--|
| Belfast Airport Police Association (31/3/02) | Chairman | Nil | Nil |
| Northern Ireland Musicians' Association | NIMA Organiser | 4067 | 1038 |
| Northern Ireland Public Service Alliance | General Secretary | 49124 | 6632 |
| Ulster Teachers' Union | General Secretary | 43164 | 3128 |
| REPUBLIC OF IRELAND | OFFICE HELD | (IR£) Salary | (IR£) Benefits excluding PRSI |
| Irish Bank Officials Association †† † | General Secretary | (a)64716 (b)12607 | 69496 25747 |
| Irish National Teachers' Organisation†† | General Secretary | 99519 | Nil |
| Seamans' Union of Ireland Services, Industrial, Professional and Technical Union (SIPTU) †† | General Secretary General President | 75087 | 2253 |
| GREAT BRITAIN | OFFICE HELD | SALARY £ | BENEFITS (excluding NI Contributions) £ |
| Abbey National Group Union - ANGU | General Secretary | 1846 | 4243 |
| AEGIS – The Aegon UK Staff Association (30/6/02) | General Secretary | Nil | Nil |
| Alliance & Leicester Group Union of Staff † | General Secretary | 6233 | Nil |
| Amalgamated Engineering & Electrical Union ² | General Secretary | 74730 | 35038 |
| The Ambulance Service Union † | General Secretary | 1000 | Nil |
| Association of Clinical Biochemists | General Secretary | Nil | Nil |
| Association for College Management ³ | General Secretary | (a) 24312 (b) 38667 | 2153 5425 |
| Association of Educational Psychologists | General Secretary | 43434 | 4827 |
| Association of HM Inspectors of Taxes | General Secretary | Nil | Nil |
| Association of Local Authority Chief Executives† | Honorary Secretary | 1500 | Nil |
| Association of Principal Fire Officers (31/3/02) | General Manager | Nil | Nil |
| Association of Professional Ambulance Personnel | General Secretary | Nil | Nil |
| Association of Professional Music Therapists† | Chairperson | 1800 | Nil |
| Association of Teachers & Lecturers | General Secretary | 93390 | 22224 |
| Association of University Teachers (31/8/01) | General Secretary | 69985 | 12312 |
| Bakers, Food & Allied Workers Union | General Secretary | 33260 | 8300 |
| Boots Pharmacists' Association (BPA) | General Secretary | 5000 | Nil |
| Britannia Staff Union ⁴ | General Secretary | Nil | Nil |
| Britannic Field Staff Association ⁵ | National Secretary | 53303 | 79065 |
| British Airline Pilots Association | General Secretary | 87028 | 24000 |
| British Association of Advisors & Lecturers in PE (31/3/02) | General Secretary | 12993 | Nil |
| British Association of Dental Nurses | Executive Secretary | 19250 | 1431 |
| British Association of Journalists | General Secretary | 16999 | 544 |
| British Association of Occupational Therapists (30/9/01) ⁶ | Chairman | 9068 | Nil |
| British Dental Association (30/9/01) | Chief Executive | 88681 | 9685 |
| British Dietetic Association (28/2/02) | General Secretary | Nil | Nil |
| British Medical Association | General Secretary | 51927 | Nil |
| British Orthoptic Society | General Secretary | Nil | Nil |
| British Union of Social Work Employees (31/5/02) | General Secretary | 6300 | 802 |

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS - AT 31
DECEMBER 2001 (unless otherwise indicated)

| GREAT BRITAIN | OFFICE HELD | SALARY £ | BENEFITS (excluding NI Contributions) £ |
|---|-------------------|----------------------|--|
| Broadcasting, Entertainment, Cinematograph & Theatre Union | General Secretary | 46374 | 9321 |
| Ceramic & Allied Trades Union | General Secretary | 35083 | 19253 |
| Chartered Society of Physiotherapy | Chief Executive | 72645 | 12204 |
| CGNU Staff Association | General Secretary | 58859 | 7528 |
| Communication Workers Union ⁷ | General Secretary | (a)58749 (b)40866 | 40893 7212 |
| Community & District Nursing Association(31/3/02) | Vacant | Nil | Nil |
| Community and Youth Workers Union | General Secretary | 35761 | 2861 |
| Connect – The Union for Professionals in Communication ⁸ | General Secretary | 66000 | 16917 |
| Engineers & Managers Association (1/1/01 – 31/10/01) | General Secretary | 63161 | 16825 |
| Equity (Incorporating the Variety Artistes' Association) | General Secretary | 64572 | 14898 |
| FDA | General Secretary | 64024 | 13316 |
| Fire Brigades Union | General Secretary | 50896 | 31280 |
| Gallaher Sales Staff Association | General Secretary | Nil | Nil |
| General Dental Practitioners Association † | General Secretary | 25235 | Nil |
| GMB | General Secretary | 67000 | 19000 |
| Graphical Paper & Media Union (30/9/01) | General Secretary | 67899 | 13281 |
| Guinness UDV Staff Association | None | Nil | Nil |
| Guild of Professional Teachers of Dancing † | General Secretary | 7000 | Nil |
| Headmasters & Headmistresses' Conference (31/3/02) | General Secretary | 70497 | 5716 |
| Hospital Consultants & Specialists Association (30/9/01) | Admin Director | 36533 | 5306 |
| Independent Union of Halifax Staff ⁹ | General Secretary | 83830 | 14313 |
| Institute of Journalists | General Secretary | 22460 | Nil |
| Institution of Professionals Managers & Specialists (1/1/01 – 31/10/01) | General Secretary | 63209 | 9043 |
| Iron and Steel Trades Confederation | General Secretary | 55478 | 14293 |
| Leeds & Holbeck Building Society Staff Association | General Secretary | Nil | Nil |
| Manufacturing Science & Finance Union | General Secretary | 76637 | 9986 |
| Musicians' Union ¹⁰ | General Secretary | 39167 | Nil |
| National Association of Co-Operative Officials and Consultants | General Secretary | 55799 | 10355 |
| National Association of Educational Inspectors, Advisors and Consultants | General Secretary | 51714 | Nil |
| National Association of Group Secretaries to the NFU ¹¹ | General Secretary | Nil | 5540 |
| National Association of Head Teachers | General Secretary | 92385 | 15182 |
| NAPO – The Trade Union and Professional Association for Family Court and Probation Staff | General Secretary | 44311 | 8402 |
| NASUWT | General Secretary | 75382 | 21575 |
| National Association of Teachers in F & HE | General Secretary | 53178 | 10237 |
| National Federation of Sub-Postmasters | General Secretary | 62702 | 17821 |
| National Society for Education in Art & Design (30/9/01) | General Secretary | 38953 | Nil |
| National Union of Journalists (30/9/01) | General Secretary | 52554 | 3228 |
| National Union of Knitwear, Footwear and Apparel Trades | General Secretary | 38690 | 12749 |
| NUMAST | General Secretary | 60628 | 12489 |
| National Union of Rail Maritime & Transport Workers | General Secretary | 35090 | 2710 |
| Nationwide Group Staff Union | General Secretary | 65004 | 12559 |
| Offshore Industry Liaison Committee | General Secretary | 26124 | Nil |
| Prison Service Union | General Secretary | 38580 | 8553 |
| Prison Governors Association | General Secretary | Nil | Nil |
| Prison Officers Association | General Secretary | 52434 | 13581 |
| Professional Association of Teachers | General Secretary | 39083 | 4204 |

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS - AT 31 DECEMBER 2001 (unless otherwise indicated)

| GREAT BRITAIN | OFFICE HELD | SALARY | | BENEFITS (excluding NI Contributions) | |
|--|---------------------------|-----------|-------|--|---|
| | | £ | £ | £ | £ |
| Public and Commercial Services Union ¹² | Joint General Secretaries | (a) 62149 | Nil | | |
| | Secretaries | (b) 5312 | 1147 | | |
| | General Sec Elect | (c) 51931 | 11833 | | |
| Retained Firefighters Union | General Secretary | 30229 | 3023 | | |
| Retired Officers Association (30/6/02)† | General Secretary | 1400 | - | | |
| Royal College of Midwives (31/8/01) ¹³ | General Secretary | 79231 | 20362 | | |
| Royal College of Nursing of UK (31/3/02) ¹⁴ | General Secretary | 41349 | 47839 | | |
| Royal Society for the Protection of Birds (31/3/02) | General Secretary | Nil | Nil | | |
| Secondary Heads Association | General Secretary | 68550 | 9104 | | |
| Society of Authors Ltd | General Secretary | 75000 | 34810 | | |
| Society of Chiropractors and Podiatrists | Chief Executive | 49629 | 3970 | | |
| Society of Radiographers (30/9/01) | General Secretary | 20880 | Nil | | |
| Society of Union Employees (UNISON) | General Secretary | Nil | Nil | | |
| Transport & General Workers Union | General Secretary | 73765 | 15575 | | |
| Transport Salaried Staffs Association | General Secretary | 54025 | Nil | | |
| UBAC | General Secretary | 40196 | 9912 | | |
| UCATT | General Secretary | 53735 | 11176 | | |
| UNIFI ¹⁵ | General Secretary | (a)48589 | 8889 | | |
| | | (b)68301 | 13906 | | |
| Union of Finance Staff | General Secretary | 66412 | 3818 | | |
| UNISON | General Secretary | 73834 | 10336 | | |
| USDAW | General Secretary | 66895 | 16691 | | |
| WISA – The Union for Woolwich Staff | General Secretary | Nil | Nil | | |
| Writers Guild of Great Britain | General Secretary | 40000 | Nil | | |

† Indicates the payment of an honorarium

†† Please refer to page 11

Notes

- ¹ Irish Bank Officials Association (a) Mr Ciaran Ryan (General Secretary 1/1/01 – 31/10/01). (b) Mr Larry Broderick (General Secretary 1/11/01 – 31/12/01).
- ² AEEU - The General Secretary's benefits include a bridging loan of £13,719.
- ³ Association for College Management (a) Mr J Mowbray (General Secretary 1/1/01 – 31/5/01). (b) Mr P Pendle (General Secretary 1/5/01 – 31/12/01).
- ⁴ Britannia Staff Union - The General Secretary's salary is met by Britannia Building Society.
- ⁵ Britannia Field Staff Association - The National Secretary's benefits include a redundancy payment of £67,729. The Treasurer received a salary of £48,614 and benefits of £65,387 (includes a redundancy payment of £54,868).
- ⁶ British Association of Occupational Therapists – Payments made to the Chairman's employer in respect of the Chairman's services.
- ⁷ Communication Workers Union (a) Mr W Hayes (General Secretary 1/1/01 – 30/6/01). (b) Mr D C Hodgson (General Secretary 1/7/01 – 31/12/01).
- ⁸ Connect. The General Secretary benefits from a Life Assurance and Disability Scheme which covers all employees. In 2001 the total annual premium paid by the union was Life Assurance; £13,007; and Disability; £13,009.
- ⁹ Independent Union of Halifax Staff - The General Secretary's salary includes a bonus of £8982.
- ¹⁰ Musicians' Union – The Union's General Secretary, Mr Kay, was paid £39,167 for the 10 month period 1 January to 31 October 2001. Mr Kay had been suspended from office, by the Union's Executive Committee in January 2001, consequently no expenses or other payments were made to him.
- ¹¹ National Association of Group Secretaries to the NFU - The Administrative Officer received a salary of £15,500.
- ¹² Public & Commercial Services Union - (a) Mr B Reamsbottom (b) Mr John Sheldon - salary & benefits are for the period 1/1/01-31/1/01. (c) Mr Mark Serwotka (General Secretary Elect) – salary & benefits are for the period 1/2/01 -31/12/01.
- ¹³ The Royal College of Midwives is a special register body and as such 74% of the General Secretary's salary of £79,231 and benefits of £20,362 are in respect of trade union activities.
- ¹⁴ The Royal College of Nursing of the United Kingdom is a special register body and as such 40% of the General Secretary's salary of £103,372 is in respect of trade union activities. The General Secretary also received a total of £57,238 in benefits, of which £15,665 is in respect of trade union activities. This sum is made up of £6,266 superannuation (at 40%) and £41,573 other benefits (at 100%).
- ¹⁵ UNIFI - (a) Mr E Sweeney (b) Mr R Murphy

**APPENDIX 7
(see para. 7.35)**
LIST OF GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE "CONTRACTED IN" TO POLITICAL FUNDS - 31 DECEMBER 2001 (unless otherwise indicated)

| | NI Members | NI Contributions £ |
|--|---------------|--------------------------|
| Amalgamated Engineering and Electrical Union | 4356 | 23000 |
| Association of Her Majesty's Inspectors of Taxes | 26 | 78 |
| Association of University Teachers (31/8/01) | 541 | 498 |
| Communication Workers' Union | 3173 | 16510 |
| Connect - The Union for Professionals in Communication | 149 | 480 |
| Fire Brigades Union | 678 | 2486 |
| GMB | 52 | 281 |
| Graphical Paper and Media Union (30/9/01) | 184 | 880 |
| Institution of Professionals, Managers & Specialists | 75 | 38 |
| MSF | 1006 | 1057 |
| National Association of School Masters and Union of Women Teachers | 2845 | 1636 |
| National Association of Teachers in Further and Higher Education | 412 | 494 |
| National Union of Knitwear, Footwear & Apparel Trades | 148 | 518 |
| National Union of Rail Maritime and Transport Workers | 77 | 484 |
| Prison Officers' Association | 1507 | 2713 |
| Transport and General Workers' Union | 13189 | 45468 |
| Transport Salaried Staffs' Association | 74 | 283 |
| Union of Shop Distributive and Allied Workers | 2384 | 8678 |
| TOTALS | 30876 | 105582 |

LIST OF GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO DO NOT CONTRIBUTE TO
POLITICAL FUNDS - 31 DECEMBER 2001 (unless otherwise indicated)

Bakers, Food and Allied Workers Union

Broadcasting, Entertainment, Cinematograph & Theatre Union

Ceramic & Allied Trades Union

Iron and Steel Trades Confederation

Musicians' Union

Union of Construction, Allied Trades and Technicians

UNISON

STATUTORY FEES APPLICABLE FROM 14 SEPTEMBER 1997
Fees are calculated to represent the full cost of providing each service

| | Current Fee |
|--|-------------|
| Application for entry in the list of trade unions | £55 |
| Application for entry in the list of employers' associations | £55 |
| Application for approval of a change of name | £50 |
| Application for a certificate of independence | £760 |
| Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation | £1,005 |
| Inspection of merger documents | £35 |

LIST OF CERTIFICATION OFFICE FORMS

TITLE Form No:

| | |
|---|----------|
| Application for entry in the list of trade unions | CO(NI)1 |
| Application for entry in the list of employers' associations | CO(NI)2 |
| Application for approval of a change of name | CO(NI)3 |
| Declaration in support of an application of a change of name | CO(NI)4 |
| Application for a certificate of independence | CO(NI)5 |
| Application for formal approval of instrument of transfer of engagements | CO(NI)6 |
| Application for formal approval of a notice to members in connection with a transfer of engagements | CO(NI)7 |
| Application for formal approval of an instrument of amalgamation | CO(NI)8 |
| Application for formal approval of a notice to members in connection with an amalgamation | CO(NI)9 |
| Application for the registration of an instrument of transfer of engagements | CO(NI)10 |
| Statutory declaration on behalf of the transferor organisation in support of the registration of an instrument of transfer of engagements | CO(NI)11 |
| Statutory declaration on behalf of the transferee organisation in support of the registration of an instrument of transfer of engagements | CO(NI)12 |
| Application for registration of an instrument of amalgamation | CO(NI)13 |
| Statutory declaration in support of an application for the registration of an instrument of amalgamation | CO(NI)14 |
| Application for the approval of amendment(s) to political fund rules | PF(NI)1 |
| Application for approval of rules for political fund | PF(NI)2 |
| Application for approval of rules for political fund ballot or political fund | PF(NI)4 |
| Return of result of political fund ballot | PF(NI)5 |

CERTIFICATION OFFICE PUBLICATIONS

The following Certification Office booklets are available free of charge on request:

1. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions and employers' associations.*
2. *Guidance for trade unions wishing to apply for a certificate of independence.*
3. *Guidance for trade unions and employers' associations wishing to establish a political fund.*
4. *A guide to political fund review ballots.*
5. *Financial Irregularities in Trade Unions and Employers' Associations*
6. *Annual Reports of the Certification Officer.*
7. *Equality Scheme*
8. *D/1/2000 – Gilliland & Wilson v. NIMA – Failure to properly appoint a scrutineer in an election for the post of President in 1999.*
9. *D/2/2000 – Thompson v T&G – Breach of trade union rules regarding the appointment or election of a person, or the removal of a person from, any office.*
10. *D/1/2001 – Gilliland & Wilson v NIMA – Failure to hold an election for the post of General Secretary*
11. *D/2/2001 – Welsh v. NIPSA – Alleged interference in the 2001 election ballot for general council and that the scrutineer had failed to carry out his function in accordance with legislation.*
12. *D/3/2001 – Irvine v T&G – Jurisdictional Hearing. Breach of trade union rules regarding the appointment or election of a person to, or the removal of a person from, any office; and the constitution or proceedings of any executive committee of any decision-making meeting.*
13. *D/2002/01 – Cammock & Doherty v T&G - Breach of trade union rules regarding the appointment or election of a person to, or the removal of a person from, any office; disciplinary proceedings by the union (including expulsion); and the constitution or proceedings of any executive committee of any decision-making meeting.*
14. *D/2002/02 – McKay v T&G – Jurisdictional hearing. Breach of trade union rules regarding the appointment or election of a person to, or the removal of a person from, any office; and the constitution or proceedings of any executive committee of any decision-making meeting.*
15. *D/2002/03 – McKay v T&G – Jurisdictional hearing. Breach of trade union rules regarding the appointment or election of a person to, or the removal of a person from, any office; and the constitution or proceedings of any executive committee of any decision-making meeting.*

**FIRST ANNUAL REPORT TO THE EQUALITY COMMISSION
(1 APRIL 2001 – 31 MARCH 2002)**

SUMMARY

The Northern Ireland Certification Office's Equality Scheme was approved by the Equality Commission on 5 July 2001.

This first report constitutes the Office's Review of its Equality Scheme and progress on its implementation for the period 1 April 2001 to 31 March 2002. It sets out the range of activities and initiatives that the Office has introduced and developed to promote equality of opportunity and good relations.

Key points of note are:

- Publication of the Office's Scheme and initiation of a process of consultation;
- The identification of the Office's 15 core policy areas for screening purposes;
- The Office has linked into the Equality Implementation Group established by the Labour Relations Agency, the body responsible for providing the Office's staffing, premises and funding etc, to facilitate progressing the requirements of the Scheme; and
- The promotion of good relations through staff training.

**Mr S McElrea
Certification Officer**

8th August 2002