

FOR ARCHIVE
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Northern Ireland
Certification Officer
For Trade Unions and
Employers' Associations

Annual Report

of the
Certification Officer for Northern Ireland

2003

Covering period 1 April 2002 to 31 March 2003

Northern Ireland
Certification Officer

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NIA 20/03

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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 2002 to 31 March 2003.

S McELREA
Certification Officer for Northern Ireland

24 April 2004

DISCLAIMER

This document provides general guidance only and must 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 care has been taken in its compilation and preparation to ensure accuracy, the Certification Office cannot accept responsibility for errors/omissions.

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S McELREA
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	Page		Page
INTRODUCTION	(i)	5. SUPERANNUATION SCHEMES	13
EQUALITY STATEMENT	(iv)	The Statutory Provisions	13
CHAPTER		Actuarial Reports	13
1. LISTS OF TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS	1	Schemes Maintained - Northern Ireland Trade Unions	13
Entry in the Lists, its Significance and their Inspection by the Public	1	Schemes Maintained - GB Based Trade Unions	13
Removal from the Lists	1	6. MERGERS	14
Additions to the Lists	1	The Statutory Provisions	14
Special Register Bodies	1	Mergers Involving GB Trade Unions	15
Unlisted Organisations	2	Advice on Procedures	15
Definitions of a Trade Union and an Employers' Association	2	Applications	15
2. TRADE UNION INDEPENDENCE	3	Complaints	15
The Statutory Provisions	3	Changes of Name	15
Determining Criteria	3	7. POLITICAL FUNDS	16
Procedure	3	The statutory provisions for Northern Ireland based organisations -	16
Applications/Decisions	3	General	16
GB Certification Officer Decisions on Trade Unions with Northern Ireland Members	4	Exemption	16
3. ANNUAL RETURNS AND ACCESS TO ACCOUNTING RECORDS	5	Members of GB and ROI - Based Trade Unions	17
The Statutory Provisions	5	Political Fund Model Rule	17
Late Submission of Annual Returns	6	Republic of Ireland	17
Prosecutions	6	Complaints	17
Northern Ireland Resident Address	6	- The Spending of Money on Political Objects without a Political Fund	17
Public Inspection of Annual Returns	6	Resolution Being in Force	17
Statement to Members	6	- Breaches of Political Fund Ballot Rules	17
Financial Affairs of Trade Unions and Employers' Associations - Use of Statutory Powers	7	- Unlawful Deductions of Political Fund Contributions from members - NI, GB and ROI Trade Unions	18
Investigations	8	- Breaches of Political Fund Rules - Northern Ireland Trade Unions	18
Access to Accounting Records	8	- Breaches of Political Fund Rules - Great Britain Trade Unions	18
Branch Funds	9	Advice on Procedures	19
4. FINANCIAL AND MEMBERSHIP INFORMATION AND MEMBERSHIP REGISTER	10	Northern Ireland Organisations with Political Fund Rules at 31 December 2002	19
Financial Information - 2002 Returns	10	GB Based Organisations with Political Fund Rules approved by the NI Certification Officer at 31 December 2002	19
Salaries and Benefits	10	GB Organisations with ballot rules approved for the first time during 2002-2003	19
Northern Ireland Trade Unions	10	GB Organisations with mandate for a political fund but political fund rules not yet approved	19
Republic of Ireland Trade Unions with NI members	11	GB Organisations with new political fund rules approved for the first time during 2002-2003	19
GB Trade Unions with NI members	11	GB Amendments to rules	19
Membership Register	11	8. SECRET POSTAL BALLOTS FOR TRADE UNION ELECTIONS	20
Trade Unions - Membership Financial and Benefits Information	12	The Statutory Provisions	20
Employers' Associations - Membership and Financial Information		Applications, Investigations, Hearings and Decisions	21
- Northern Ireland			
- Great Britain	12		

9. BREACH OF TRADE UNION RULE COMPLAINTS	22
The Statutory Provisions	22
Applications, Investigations, Decisions and Orders	22

APPENDICES

1. Lists of Trade Unions with Headquarters in Northern Ireland and with Headquarters in the Republic of Ireland with NI Members at 31 December 2002
2. GB Trade Unions with 100 or more NI Members at 31 December 2002
3. GB Trade Unions with less than 100 NI Members at 31 December 2002
4. Northern Ireland Employers' Associations at 31 December 2002
5. GB Employers' Associations with NI Members at 31 December 2002
6. Salaries and Benefits of the Chief Officers of all Trade Unions with NI Members at 31 December 2002
7. List of 18 GB Trade Unions with NI Members who have "contracted in" to the Political Fund at 31 December 2002
8. List of 6 GB Trade Unions with NI members who do not Contribute to the Political Fund at 31 December 2002
9. Statutory Fees Applicable from 14 September 1997
10. List of Certification Office Forms
11. Certification Office Publications
12. Annual Report to the Equality Commission

This report deals with my activities for the period 1 April 2002 to 31 March 2003. It is the eleventh Annual Report to be published since the post of Certification Officer was established in 1992. My statutory 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 2001 Annual Report), by the Employment Relations (Northern Ireland) Order 1999.

My functions, which are explained more fully in the following chapters, 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 & 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 or election of a person to any office or removal of an office holder; disciplinary proceedings including expulsion; balloting of members (other than in respect of industrial action) and the constitution or proceedings of an executive committee or decision making meeting.

The complexity and volume of work on complaints by trade union members continues to grow and has now become my core activity; 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. During this period comment was made both by the Better Regulation Task Force and some trade unions on my lack of powers relating to the disposal of weak or vexatious cases. The Department for Employment and Learning included this issue in a consultative document (published in 2003) arising out of its review of the Employment Relations (Northern Ireland) Order 1999.

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. The 1999 Order 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 (if these exist) 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 eight declarations and three enforcement orders were issued by me. Following a jurisdictional hearing in July 2002, involving six breaches of union's rules, I decided I had the legal power to hear only one of the complaints. The prosecution of 1 trade union for failure to submit an annual return was under active consideration. The office also received 215 enquiries in this period and dates for two further formal hearings were arranged for June and July 2003. A further eight applications containing multiple complaints are currently being processed by my office.

In my last report I recorded that 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 & 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.

Following that judgement and in further correspondence and discussions with my office, both parties confirmed they were content for the complaints to be determined by me without a formal hearing. Correspondence between my office and the parties continued until June 2003 and I made my decision on 9 October 2003 (D/1-5/2003). I will discuss it more fully in my next annual report: the decision can be viewed on the office website www.nicertoffice.com.

In my last report I highlighted my ongoing investigation into the financial affairs of the Hospitality Association of Northern Ireland (HANI).

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 and my office was awarded costs. I published the inspectors' final report to me on this matter on 4 September 2003 and this can be viewed on the office website. Further details are contained in 3.25 of my report.

In March 2003 my office received a letter from the Office of the Parliamentary Commissioner for Administration (The Parliamentary Ombudsman) regarding a complaint they had received concerning the financial irregularity investigation I had undertaken into HANI. Following enquiries by the Ombudsman's office I was informed that the administration of my enquiry had been properly conducted and that there was no basis to justify the Ombudsman's intervention.

My investigations into the financial affairs of the Northern Ireland Musicians' Association (NIMA) continued throughout

this period. My office has passed papers to the Fraud Squad relating to the person who held himself out as a Chartered Accountant and audited NIMA's annual returns from 1992 to 2000. For further details see paragraph 3.26.

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 (DEL).

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 2003 was £121,506. My salary at 31 March 2003 was £14,631 excluding Employers NI contribution, for a two-day week. This sum is not pensionable and is taxed under PAYE. On 31 March 2003 there were three staff in post in the Certification Office. In response to the increasing workload experienced by my office, DEL commissioned a review of my administrative support needs in August 2003 and this will shortly result in additional resources being allocated to me, which I greatly welcome. The statutory fees to be paid for certain items of work undertaken by the Office are reviewed periodically and any increase normally becomes effective from 1 April. During the period ending 31 March 2003 there was no increase in the fees, which are set out in Appendix 10 and are available on the office website, www.nicertoffice.com.

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 payments amounting to £645 were made, assistance with legal costs is not available.

COMPLAINTS AND HEARINGS

My Office receives many enquiries and requests for guidance from trade unions, employers' associations, their members and the general public. Often it 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.

In this reporting year the office website established itself as a well used source of information and guidance. During the 2 year period from March 2001/03 there have been over 17,000 individual visits to the site, with approximately 3,000 documents downloaded. Among the more popular sections of the site are the areas containing my decisions and orders and my report on my investigation into the financial affairs of HANI. All of the office's publications are available on the site and can be downloaded or printed. In addition work has commenced to create links with the list of trade unions and employers' associations on the site. The office website can be found at www.nicertoffice.com

The information available on the website includes:-

- My last four Annual Reports;
- My report of the Investigation into the Financial Affairs of the Hospitality Association for Northern Ireland.
- 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 then.

Comments on the website are welcome.

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.

EQUALITY STATEMENT

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 2002/2003 Annual Report to the Equality Commission is given in Appendix 12.

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 www.nicertoffice.com.

- 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 During 1 April 2002 - 31 March 2003, the GB Certification Officer removed the following two 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

- 1) CGNU Staff Association
- 2) WISA - The Union for Woolwich Staff

Employers' Associations

British Metals Federation

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 organisation which has Northern Ireland members to his list.

Trade Unions

Associated Chiropodists and Podiatrists Union

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 As 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 public inspection along with those of listed organisations.

Definitions of a Trade Union and an Employers' Association

1.17 These were given in full in my 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 -

- (a) is not under the domination or control of an employer or a group of employers or of one or more employers' associations; and
- (b) 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 keeps 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. (The Certification Officer must take into account any relevant information submitted by third parties.) A notice that an application has been received is published in the Belfast Gazette at the time. He is required to give his reasons if he refuses a certificate of independence. 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.

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. The granting of a certificate by the Certificate Officer, or its refusal, is conclusive evidence for all purposes that the union is, or as the case may be, is not independent.

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. Other considerations, such as the effect the issue of a certificate might have on employment relations, may not be taken into account.

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 Previously I reported concerns about the independence of, the Northern Ireland Musicians' Association (NIMA) which has been the subject of an ongoing investigation under my powers to investigate the financial affairs of trade unions.

I have decided that the matter of NIMA's independence be held in abeyance until I have completed my investigations into its financial affairs. Please refer to 3.26 for further details.

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 Decisions on Trade Union 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

One application was determined during this period. The applicant was from Prospect (formed from a merger of the Institution of Professionals, Managers and Specialists and the Engineers and Managers Association). A certificate of independence was granted on 23 July 2002.

Certificates refused

None

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

CGNU Staff Association
WISA - the Union for Woolwich Staff

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 giving union members a right of 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). The Certification Officer is also empowered to require trade unions and employers associations to provide such other documents relating to those accounts and such further particulars as the Certification Officer may require.
- 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 an annual return before 1 June in the calendar year following that to which the annual return relates. 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. For most organisations (approximately 80% of trade unions and 70% of employers' associations) the financial year coincides with the calendar year end ending on 31st December.
- 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, whether it has maintained a satisfactory system of control over all of its transactions and whether the accounts to which the report refers are in agreement with the accounting records (Article 10).
- 3.8 The annual return must include a copy of the registered 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 2003, three 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, 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 registered 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 one organisation (the Lough Neagh Fishermans' Association) submitted its return 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 require the production of documents and an explanation of them, 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 141 annual returns from trade unions and employers' associations. By the end of December 2002 all but 3 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).
- 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 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.
- 3.24 Not all the information received by my Office is of sufficient merit to warrant any approach to the body concerned. Where an approach is warranted, the

matter is frequently resolved either through correspondence between the Office and the parties concerned or by means of informal meetings with the body or the individual, or a combination of these methods.

Investigations

3.25 My investigation into the financial affairs of the Hospitality Association of Northern Ireland (HANI) has been ongoing. I appointed a chartered forensic auditor as the principal inspector to investigate HANI and her final report to me was passed to the DPP's office on 18 April 2000. Following a direction by the DPP to the Chief Constable, the Police Service of Northern Ireland undertook a separate investigation and 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 published the Inspector's final report on this matter on 4 September 2003 together with my comments and observations and this can be viewed on the office website.

A copy of the report was also given to the Institute of Chartered Accountants in Ireland for it to consider if it wished to take disciplinary action against HANI's auditors. HM Customs & Excise was also provided with a copy, in relation to VAT matters.

3.26 I reported previously about my enquiries into the Northern Ireland Musicians' Association (NIMA) after I received several complaints alleging financial irregularities. 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 a further interim report to me in April 2002 which said, *inter-alia*, that the person who held himself out as a Chartered Accountant and signed off NIMA's statutory returns decided to cooperate with the inspector's investigation and agreed to pay the cost of having NIMA's accounts and annual returns properly completed by a chartered accountant and registered auditor, in accordance with the 1992 Order, for the period 1992 - 2000.

Once the union became aware of the true position it appointed T Murphy & Co as its auditors (April 2002).

The work undertaken to prepare revised NIMA accounts and annual returns (for the period 1992 - 2000) took over 6 months to complete and these are available for inspection at the Office on NIMA's public file.

My office reported the matter of the person holding himself out, and carrying on business as a chartered accountant to the Institute of Chartered Accountants. It decided that it could take no action against him as he was not a member of the Institute, however, it advised my office that it wrote to him asking him to desist from this practice.

My office has passed the papers in this matter to the Fraud Squad.

Following this case, my Office has introduced a new checking procedure whereby auditors are asked to provide their registration numbers with their appropriate Institute or Chartered Association.

3.27 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

3.28 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.

3.29 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.

3.30 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.

3.31 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.

3.32 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.

Branch Funds

3.33 The Office received one enquiry from a member involving a number of T&G branches in Northern Ireland. The matter was ongoing between my Office and the parties during the period of the report. A particular concern for me is an admission by the union's independent auditor (in correspondence to the union) in relation to the management of branch funds that "no records are kept".

3.34 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 this information is now being provided.

This Chapter identifies trade union membership income and expenditure and employers' association income and expenditure at 31 December 2002. It also details jurisdiction for the Certification Officer to determine complaints about the maintenance of trade unions' membership registers.

Financial Information - 2002 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 2002, unless otherwise indicated.

Salaries and Benefits - Trade Unions

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, 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.

Employers' Associations

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 five trade unions headquartered in Northern Ireland. The benefits consist mainly of superannuation contributions. Employer's national insurance contributions are not included.

			2002
UNION	TITLE	(£) Salary	(£) Benefits excluding NI Contribution
Belfast Airport Police Association (31/3/03)	Chairman	Nil	Nil
Lough Neagh Fishermen's Association	Secretary	Nil	Nil
Northern Ireland Musicians' Association	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary	49,652	6,703
Ulster Teachers' Union	General Secretary	44,903	9,920

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 Euros 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.

			2002
UNION	TITLE	(Euro) Salary	(Euro) Benefits excluding PRSI
Irish Bank Officials Association	General Secretary	81,714	33,904
Irish National Teachers Organisation ¹	General Secretary	84,732	Nil
Seaman's Union of Ireland	General Secretary	Nil	Nil
Services, Industrial, Professional and Technical Union (SIPTU) ²	General Secretary	99,153	2,500

¹ 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.
² 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 trade unions headquartered in Great Britain and which have Northern Ireland members are included 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 was 1 application concerning the maintenance of the register of members' names and addresses being considered 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 2002 was 227,292, 73% of all NI trade union members belong to GB based trade unions with 21% 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 2002 the gross income of Northern Ireland trade unions was approximately £3.3 million; gross expenditure was £3.1 million. Total assets (net) of these unions amounted to £5 million.
- 4.17 A summary of statistics concerning the membership and finances for 2002 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 46,752 members of Northern Ireland unions providing an annual contribution of approximately £3 million; while there were 14,662 Northern Ireland members of Republic of Ireland unions providing an annual contribution of approximately €1.8 million. In 2002 the gross income of the Republic of Ireland unions was approximately €41 million, gross expenditure was approximately €41 million. Total assets (net) of these unions amounted to €63 million.
- 4.18 Financial and membership details of 54 Great Britain based unions with 100 or more Northern Ireland members are given in Appendix 2. This shows a total of 164,906 Northern Ireland members making an annual contribution of £14.1 million. In 2002 the

gross income of these unions was approximately £694 million; gross expenditure was approximately £528 million. Total assets (net) of these unions amounted to £831 million.

- 4.19 Membership details of a further 38 Great Britain based trade unions with less than 100 Northern Ireland members are listed in Appendix 3. These show a total of 972 Northern Ireland members contributing just over £86,000. In 2002 the gross income of these unions was approximately £39 million, gross expenditure was approximately £39 million. Total assets (net) of these unions amounted to approximately £72 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 15 Northern Ireland employers' associations for 2002 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2002 the total income of these organisations was approximately £4.2 million; expenditure was approximately £4 million. Total assets (net) of these associations amounted to approximately £7 million.

Great Britain

- 4.22 Details of 34 Great Britain based employers' associations with Northern Ireland members is given in Appendix 5. In 2002 Northern Ireland members of these organisations contributed approximately £914,884. The total income of these organisations was approximately £98.3 million; expenditure was approximately £105.7 million. Total assets (net) of these organisations amounted to approximately £173.3 million.

It is a legal requirement that any superannuation scheme maintained by a trade union or employers' association for the benefit of 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' association¹ 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 or her examination of any scheme shall state whether in the opinion of the actuary 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 three GB based trade unions maintain superannuation schemes which have Northern Ireland members:

Amicus (2 schemes)
Graphical, Paper and Media Union (Two schemes: Platepreparers and Lithographers)
National Union of Rail, Maritime and Transport Workers - Workers Orphan Fund

Three reports, two from the Graphical Paper and Media Union (GPMU) and one from the National Union of Rail, Maritime and Transport Workers (RMT) were received during this period and were submitted to the Government Actuaries Department for comment. The report on the RMT Orphan Fund had been due by 31 December 2001 but was only received on 5 March 2003. A report on one of the funds maintained by Amicus was due by 31 December 2002 but remains outstanding.

¹ In practice the requirements affect trade unions only; the Office is not aware of any schemes maintained by employers' associations.

Mergers between trade unions and between unincorporated employers' associations must be conducted under the relevant statutory procedures; these procedures 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 postal¹ 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 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.

The Proposed merger involving the Northern Ireland Musicians' Association and the GB headquartered Musicians' Union has not been taken forward as the latter withdrew its proposals.

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 previous reporting period 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 proposes to liaise with this body to ensure compliance with Article 88. The GB Certification Officer approved the changes of name of three trade unions with Northern Ireland members; these are listed below:

Great Britain Trade Unions

From	Independent Union of Halifax Staff
To	Accord (3/5/02)
From	Guinness UDV Staff Association
To	Diageo Staff Association (9/7/03)
From	Association of Her Majesty's Inspectors of Taxes
To	Union of Senior Revenue Officials (11/10/02)

Employers' Associations

None

In addition, the GB Certification Officer approved the transfer of 2 GB Trade Unions with Northern Ireland members. The largest merger registered during this period was that between the CGNU Staff Association and Amicus. The transfer took effect on 9 January 2003 and involved 3,025 members.

¹ 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.

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 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 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.

⁴ 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.

- 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 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 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 2002

- 7.33 None.

Great Britain based Organisations with Political Fund Rules, approved by the Northern Ireland Certification Officer, at 31 December 2002

- 7.34 There were 24 GB based trade unions with Northern Ireland members operating political funds at 31 December 2002. Of these, 18 had Northern Ireland members "contracting in".
- 7.35 The returns show that in 2002, 29,870 Northern Ireland members - representing 13% of the total Northern Ireland trade union membership - contributed £101,158 towards political funds. A detailed list of the 18 unions, their Northern Ireland membership and their financial contributions is given at Appendix 7. Appendix 8 contains details of those 6 Great Britain unions with Northern Ireland members who did not contribute to the unions' political funds in 2002.

GB Organisations with Ballot Rules Approved for the First Time During 2002 - 2003

- 7.36 Rules for a ballot on establishing a political fund were approved for Prospect and the ballot was in progress at the end of the reporting period.

GB Organisations with mandates for a Political Fund but Political Fund Rules Not Yet Approved

- 7.37 In December 1997, the trade union, the Society of Radiographers balloted its members and the resolution to establish a political fund was approved. The Society of Radiographers is a special register body and incorporated. Draft political fund rules were received from the society but an application for formal approval of the political fund rules was not received during the reporting period. The society has been in touch with the Certification Officer concerning the resolution.

GB Organisations with New Political Fund Rules Approved for the First Time During 2002 - 2003

- 7.38 None

GB Amendments to Rules

- 7.39 Amendments to political fund rules require the Certification Officer's approval. Such approval is

given provided that the amendments have been adopted in accordance with, and satisfy the requirements of, Article 59 of the 1995 Order. One trade union had amendments approved in this way during the period 1 April 2002 - 31 March 2003; the Union of Shop, Distributive and Allied Workers (USDAW).

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. The 1995 Order also requires the Certification Officer to give the applicant and the trade union concerned an opportunity to be heard. All hearings are heard in public. 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.
- 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 Appeals 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 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 During this period I had no hearings in respect of ballots and elections.
- 8.10 The GB Certification Officer made the following noteworthy decisions in respect of GB headquartered trade unions with Northern Ireland members -

Ecclestone v NUJ (D/19-20/02). Application made by a member of the National Union of Journalists (NUJ) that the union had breached the 1992 Act by not allowing members to vote without interference from or constraint imposed by the union in the election of the union's General Secretary. The Certification Officer refused the declaration sought.

Adams v POA (D/21-22/02). In an application made by a member of the Prison Officers Association (POA) it was alleged that the applicant had been unreasonably excluded from standing as a candidate in the election for the position of National Chair. The Certification Officer made the declaration sought and issued an enforcement order. He ordered that a further election be held for the position of National Chair in accordance with the requirements of the 1992 Act, the result of that election to be declared no later than 9 August 2002.

Taylor v MU (D/26-28/02). In an application by a member of the Musicians' Union the Certification Officer refused to make the declaration sought that the union had breached section 48(6) of the 1992 Act relating to the modification of a candidate's election address.

Hill v BFAWU (D31/02). In an application by a member of the Bakers, Food and Allied Workers Union the Certification Officer issued a declaration that the union had breached section 46(1) of the 1992 Act by failing to secure that its General Secretary held his position by virtue of having been elected at an election satisfying the requirements of the 1992 Act. The union conceded that it had not held such an election since the relevant legislation had come into effect in 1985 but gave evidence that an election had been held by the date of the hearing. The Certification Officer issued an enforcement order requiring the union to treat that election as having effect on 9 August 2002 and the General Secretary's term of office as having commenced on that date, rather than

the 1 January 2003 as the union had previously intended.

Beaumont v Amicus (D/3-8/03). The applicant made three complaints that the union had breached section 48(6) of the 1992 Act relating to the use by a candidate in an election to the union's National Executive Committee of a web-site address in her election address. The Certification Officer refused to make the declarations sought in each of the three complaints.

[†] 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.

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 Learning⁴.
- 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. All hearings before the Certification Officer are held in 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 A continuing feature of breach of rule trade union complaint 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 three enforcement orders during the period of this report. At 31 March 2003, 9 applications against 2 trade unions remained outstanding.
- 9.10 **Cammock & Doherty v MSF (D/2002/01):** In my last report I recorded that I was considering 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.

Following the three day hearing 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 in respect of the applicants. I refused to make the declarations sought in relation to the union's decision not to allow the applicants' branch to investigate the complaint.

McKay v T&G (D/2002/02): In this case the applicant claimed there have been six separate breaches of the union's rules, centring on its failure to convene a meeting of the Irish Regional Committee (IRC). He claimed this prevented discussion and investigation into the suspension of two senior officers, resulting, inter-alia, in no proper consultation or appeal.

I decided at the outset not to accept two of the complaints for the reasons that one was out of time and the other related to a rule whose provisions apply only in the Republic of Ireland.

I held a jurisdictional hearing (18 July 2002) following which I decided (9 October 2002) to dismiss a further three of the complaints because Article 90A(5) of the 1995 Order prevents me from accepting an application regarding disciplinary proceedings against an employee of the union.

At the hearing the union accepted I had jurisdiction to hear the complaint in relation to the alleged failure to convene a meeting of the IRC - thus leaving only one complaint to be heard.

McKay v T&G (D/2002/03): I held the formal hearing (18 October 2002) to determine the one remaining complaint - that the union had refused to convene a meeting of the IRC despite requests by a majority of its members.

I issued my decision (29 November 2002) and made a declaration upholding the complaint. I made a second declaration that the IRC meeting held in August 2001, was constitutional and issued an enforcement order requiring the union to pay in full, the expenses of the IRC members who attended it.

⁴ These are not matters within the Certification Officer's jurisdiction.

- 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 215 enquiries were received as at 31 March 2003. The analysis of these enquiries is as follows:
- | | |
|--|-----|
| General advice on the role of the Certification Officer | 72 |
| Appointment, election or removal from any office in the union | 23 |
| Disciplinary proceedings by the union | 19 |
| Balloting of union members (other than industrial action) | 4 |
| Constitution or proceedings of a union's executive or certain other meetings | 16 |
| Inadequate representation of members by their union | 48 |
| Union benefits or membership issues ¹ | 11 |
| Others | 22 |
| Total | 215 |

This is an increase of 77 enquiries on the corresponding period in 2001 - 2002.

- 9.13 Not all enquiries made could result in applications to the Certification Officer. For example, the Certification Officer has no jurisdiction regarding inadequate representation of members by their unions or in relation to the provision (or otherwise) of union benefits or membership.
- 9.14 The Great Britain Certification Officer made the following noteworthy decisions in respect of Great Britain headquartered trade unions with Northern Ireland members:
- **Graham v MSF (D/17-18/02):** In this case a member of the Community Practitioners and Health Visitors Association Section of the Manufacturing Science and Finance Union (MSF) complained that the union had breached its rules relating to the refusal by the Association of a written demand for a Special General Meeting and in respect of the actions of the Association's Standing Orders Committee. The Certification Officer refused to make the declarations sought in respect of both complaints.

- **Ecclestone v NUJ (D/19-20/02).** The Certification Officer refused to make the declaration sought that the National Union of Journalists had breached its rules by permitting a candidate to stand for the position of General Secretary knowing him to be more than three months in arrears of contributions.
- **Adams v POA (D/21-22/02).** The Certification Officer declared that the Prison Officers Association had breached its rules by deciding that the applicant was ineligible to stand for election as the National Chair. No enforcement order was made in respect of this breach of rule.
- **Saunders v MU (D/23/02).** In a complaint made by a member of the Musicians' Union, the Certification Officer declared that the union had breached its rules by failing to circulate to branches the Executive Committee proposals to alter the rules of the union before a ballot vote of the membership on the proposals. In issuing an enforcement order the Certification Officer ordered the union to treat as void and ineffective the alterations of rule approved by the ballot vote of the membership and that the rules that prevailed prior to that purported alteration should prevail until the rules of the union are altered in accordance with the rules of the union.
- **Taylor v MU (D/26-28/02).** The Certification Officer refused to make two declarations sought that the Musicians' Union had breached its rules by (a) not providing to the applicant a copy of his opponent's election address before the amended address was circulated with the ballot papers and (b) by not processing the applicant's disciplinary complaint against his opponent in accordance with the rules.
- **Johnson and Daly v MU (D/29-30/02).** In complaints made by two members of the Musicians' Union the Certification Officer refused to make the declarations sought that the union had breached its rules by failing to process the applicant's complaints against members of the union's Executive Committee.
- **Downing v TGWU (D/32-33/02).** The Assistant Certification Officer refused to make the declarations sought by the applicant that the Transport and General Workers Union had breached its rules in respect of the members' right to stand for a branch position and in respect of the balloting process in a branch election.

- **Murphy v GMB (D/34-41/02).** The applicant made a series of eight complaints relating to matters within the Lancashire region of the GMB. The Certification Officer upheld a complaint that the union had breached its rules in respect of the conduct of the election to the Regional Council in 2001, but refused to make any of the other declarations sought. The Certification Officer decided that it was not appropriate to make an enforcement order having regard to the nature of the breach and its impact on the result of the election.
- **Beaumont v Amicus (D/3-8/03).** The applicant made three complaints that the union had breached its rules relating to canvassing at the time of an election. The Certification Officer made the declarations sought in two of the complaints made, but did not consider that it was appropriate to issue any enforcement orders.
- **Kay v Musicians Union (D/9-11/03).** The applicant made three complaints. Two related to elections within the union, and the third related to the union's disciplinary proceedings. The Certification Officer refused to make any of the three declarations sought. The applicant did not appear at the hearing.

APPENDIX 1 (SEE PARA 4.17) - LISTS OF TRADE UNIONS WITH HEADQUARTERS IN NORTHERN IRELAND AND WITH HEADQUARTERS IN THE REPUBLIC OF IRELAND WITH NI MEMBERS - AT 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)

Northern Ireland Unions	Total Members	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	Total
Belfast Airport Police Association (31/03/03)*	43	4940	8	5	31	31	-	-
Lough Neagh Fishermen's Association (31/12/03)	115	1762	5	3	2	-	-	-
Northern Ireland Musicians' Association (31/12/01)*	210	15724	17	33	(12)	7	19	19
Northern Ireland Public Service Alliance*	40149	2585250	2789	2615	4279	4312	33	33
Ulster Teachers Union*	6235	441005	511	536	793	802	9	9
TOTALS	46752	3048681	3330	3192	5093	5152	61	61

Republic of Ireland Unions	NI Members	Total Members	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	Total
Irish Bank Officials' Association*	4919	16829	1028771	4536	3788	12924	17352	4428	4428
Irish National Teachers' Organisation* ¹	7500	30822	729430	6766	6399	9422	10089	1	1
Seamen's Union of Ireland**?									
Services, Industrial, Professional & Technical Union*	2243	246911	27949	29882	30750	26120	35536	9416	9416
TOTALS	14662	294562	1786150	41184	40937	48466	62977	13845	13845

* Denotes a trade union holding a certificate of independence at 31 December 2002.

** Denotes an unlisted union.

? Union has not yet provided figures for year ending 31 December 2002 to the Certification Officer.

¹ Irish National Teachers' Organisation - Figures converted from sterling to Euros using an exchange rate of €1.37 per £ sterling.

APPENDIX 2 (SEE PARA 4.18) - G.B. TRADE UNIONS WITH 100 OR MORE NI MEMBERS
- AT 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)

	NI	GB	ROI	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£000's	£000's	£000's	£000's
Abbey National Group Union - ANGU	305	8610	5	4	13667	600	530	643	692
ACCORD	1252	22492	5	23	82000	1805	1480	1519	2071
Alliance & Leicester Group Union of Staff	102	2736	-	-	6594	240	269	229	240
Ambulance Service Union	205	1224	-	-	14443	94	68	33	35
AMICUS	32943	1000735	26701	1172	1949000	71290	67463	97357	118071
Association of Educational Psychologists	104	2597	9	31	14620	676	411	1534	1649
Association of Teachers & Lecturers	5149	196202	264	970	214131	11643	11541	7805	10301
Association of University Teachers (31/8/02)	1786	43491	-	-	151713	4605	4452	4367	5683
Bakers, Food & Allied Workers Union	987	27293	749	-	64310	2808	2886	695	1022
British Association of Dental Nurses	127	4822	15	57	3398	195	180	126	138
British Association of Occupational Therapists (30/9/02)	672	22957	102	542	56804	3412	3412	-	144
British Dental Association (30/9/02)	762	20033	57	38	182118	7241	7441	1878	3767
British Dietetic Association (28/2/03)	184	4809	89	179	29902	245	257	69	78
British Medical Association	3227	106707	199	3578	756900	84178	80374	87460	116486
Broadcasting, Entertainment, Cinematograph & Theatre Union	461	24571	20	12	73480	4065	4052	1460	4704
Ceramic & Allied Trades Union	202	12295	-	-	12762	1113	1159	7624	7706
Chartered Society of Physiotherapy	1015	38631	222	683	162428	10717	10865	4309	6150
Communication Workers Union	6012	259582	-	473	572028	34761	29442	19442	28250
Community Youth Workers Union	116	3962	-	7	6510	432	430	37	84
Connect - The Union for Professionals in Communication	519	18231	7	304	68202	3004	3213	3633	4604
Diageo Staff Association	106	496	-	-	5819	31	29	31	44
Equity (Incorporating the Variety Artists' Association)	273	35077	60	-	18001	3851	4654	10893	14687
FDA	249	10559	-	75	46257	1964	1956	901	1145
Fire Brigades Union	1688	50822	-	-	242874	10864	12434	6879	7735
GMB	16050	687857	63	-	1268813	49023	52317	42406	52487
General Dental Practitioners Association	136	2101	8	8	8216	186	178	154	164
Graphical, Paper and Media Union (30/9/02)	2289	163771	4025	194	180462	23660	20142	34644	37062
Musicians Union	103	30896	56	257	9400	3372	4487	7663	11979
National Association of Head Teachers	916	39150	-	279	125200	6327	6149	4103	4667
NAPO - The Trade Union & Professional Association for Family Court & Probation Staff	115	7143	-	-	26211	1530	1364	819	899
National Association of Educational Inspectors Advisors and Consultants	106	3253	-	14	17510	767	752	406	487
National Association of Schoolmasters & UWT	10322	253783	-	1114	997014	19712	18086	24340	26363

G.B. TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)

	NI	GB	ROI	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£000's	£000's	£000's	£000's
National Association of Teachers in F & HE	2101	64107	-	111	200854	6926	7167	3481	4257
National Federation of Sub-Postmasters	524	12094	-	21	37832	1348	1404	2942	3160
National Union of Journalists (at 30/9/02)	844	30141	4262	651	199035	4651	4207	229	3141
National Union of Knitwear, Footwear & Apparel Trades	107	12364	-	-	8917	1517	1604	9252	9341
National Union of Marine, A & ST Officers (NUMAST)	395	17507	300	931	40666	2558	2694	4495	5012
National Union of Rail, Maritime & Transport Workers	129	62863	92	-	16099	7669	6278	15200	18523
Nationwide Group Staff Union	207	11426	-	-	11242	784	777	423	490
Prison Officers Association	1561	31755	-	-	196686	5472	4474	926	1907
Professional Association of Teachers	644	33480	-	39	8818	1837	1780	630	1101
Public and Commercial Services Union	1592	279010	26	4954	133514	21818	28794	21667	22963
Prospect	1161	102801	12	1506	136900	12855	13387	27582	28316
Retained Firefighters Union	270	4307	-	-	9633	319	354	81	96
Royal College of Midwives (at 31/8/02)	1298	33811	44	562	193094	5176	5164	339	353
Royal College of Nursing of the UK (at 31/3/03)	11952	344329	123	3335	673723	19259	19259	-	7237
Secondary Heads Association	162	10431	-	68	29608	2760	2602	1001	1684
Society of Chiropractors and Podiatrists	292	7300	121	175	70500	2661	2379	2796	2997
Society of Radiographers (at 30/9/02)	471	15235	-	322	75360	3294	2960	672	890
Transport & General Workers Union	27953	779639	17099	10660	2310000	72658	70687	91510	96892
Transport Salaried Staffs Association	505	30448	1392	-	55588	4224	5760	16777	18364
Union of Construction Allied Trades & Technicians	1550	102142	11315	-	63	5359	4968	3307	6175
UNISON	34874	1254126	-	-	1894000	120132	126110	91213	102026
Union of Shop, Distributive & Allied Workers	8097	313054	-	-	474670	23856	23985	25905	26440
TOTALS	164906	7497937	67434	40371	14157589	693544	528449	693887	830959

APPENDIX 3 (SEE PARA. 4.19) – G.B. TRADE UNIONS WITH LESS THAN 100 NI MEMBERS
– AT 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)

	NI	GB	ROI	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
AEGIS – The Aegon Staff Association (at 30/6/03)										
	9	2674	-	-	147	54000	30000	116000	116000	-
Association of Clinical Biochemists										
	48	1405	48	297	1123	-	-	-	-	-
Association for College Management										
	33	3546	-	-	5400	667000	665000	339000	407000	68000
Association of Local Authority Chief Executives										
	26	308	-	-	2250	31212	40006	20088	34429	14340
Association of Principal Fire Officers										
	5	481	-	2	989	53229	36566	45471	57923	12452
Association of Professional Ambulance Personnel										
	7	2779	-	2	836	286000	294000	18000	68000	50000
Association of Professional Music Therapists										
	9	497	6	34	616	49000	44000	23000	36000	13000
Boots Pharmacists' Association (BPA)										
	8	562	1	2	320	20510	20536	6099	7759	1660
Britannia Staff Union										
	7	2345	-	-	318	127625	109241	278381	280948	2567
British Airline Pilots Association										
	14	7985	-	-	6534	3793128	3782900	5625291	5927963	302672
British Association of Advisors & Lecturers In PE (at 31/3/03)										
	2	469	1	-	150	126000	129000	154000	237000	83000
British Association of Journalists										
	12	927	-	25	995	96000	113000	5000	7000	2000
British Orthoptic Society										
	29	1017	26	-	4959	26000	26533	593	3158	2565
British Union of Social Work Employees (at 31/5/02)										
	37	1842	-	-	2220	113158	102174	89634	93651	4017
Community and District Nursing Association (at 31/3/03)										
	73	3908	6	-	899	370704	367420	103839	129047	25208
Gallagher Sales Staff Association										
	13	189	-	-	624	9650	11134	90840	90840	-
Guild of Professional Teachers of Dancing										
	14	941	3	1	420	31000	34000	24000	27000	3000
Headmasters and Headmistresses' Conference (at 31/3/03)										
	7	234	2	70	10080	825000	846000	692000	1512000	820000
Hospital Consultants & Specialists Association (at 30/9/02)										
	49	2671	-	-	4652	279601	291674	93639	196584	102945
Institute of Journalists										
	7	806	18	124	900	69000	63554	4582	-	4582
Iron & Steel Trades Confederation										
	24	29856	-	-	928	5703000	5654000	40286000	40593000	40286000
Leeds & Holbeck Building Society Staff Association										
	5	453	-	-	82	9148	6238	26665	27489	824
National Association of Co-operative Officials										
	20	2327	-	16	3276	448261	424679	883044	970240	87196

G.B. TRADE UNIONS WITH LESS THAN 100 NI MEMBERS
– AT 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)

	NI	GB	ROI	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
National Association of Group Secretaries to NFU (at 30/10/02)										
	68	538	-	-	7690	130000	134000	78000	127000	49000
National Society for Education in Art & Design (at 30/9/02)										
	19	2212	5	54	1704	287493	292618	31924	68022	36098
Offshore Industry Liaison Committee										
	7	1576	3	70	840	181252	186574	39126	43652	4526
Prison Governors Association										
	20	1090	-	3	2880	151000	166000	52000	59000	7000
Prison Service Union										
	41	4408	-	-	3444	227000	207000	(39000)	19000	58000
Retired Officers Association (at 30/6/03)										
	20	1202	-	114	120	18397	65969	114682	116682	2000
Royal Society for the Protection of Birds Staff Association (at 31/3/03)										
	19	665	-	-	175	13825	9186	32244	32244	-
Society of Authors										
	32	6840	57	466	2100	736000	716000	550000	1159000	609000
Society of Union Employees (UNISON)										
	20	274	-	-	1458	20874	7872	53058	53058	-
UBAC										
	15	2720	-	-	714	274314	220658	209751	219601	9850
UNIFI*										
	15	146155	-	1437	1161	11402	11541	5214	8183	2969
UNION of Finance Staff										
	85	4565	-	-	6775	551000	518000	130000	234000	104000
Union of Senior Revenue Officials WISA – The Union for Woolwich Staff (01/01/02 – 31/05/02)*										
	37	2124	-	5	6849	132000	147000	464000	465000	1000
Writers Guild of Great Britain										
	70	4188	-	-	285	100000	120000	411000	569000	158000
	12	1975	17	72	1357	348041	321988	113008	304430	148362
TOTALS										
	972	248754	192	2794	86070	39242906	39393217	56667365	72161025	12270281

*WISA – The Union for Woolwich Staff merged with UNIFI on 01/06/2002

APPENDIX 4 (SEE PARA. 4.21) – NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS
– 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)

NI Employers' Associations	Members	Total Income £	Total Expenditure £	Total Assets £	Total Liabilities £
1 Anglo-North Irish Fish Producers Organisation (at 31/7/02)	84	160207	54990	807122	313235
2 Construction Employers Federation Ltd	413	538000	539000	673000	212000
3 Engineering Employers' Federation NI Association	131	568110	517174	540241	51727
4 Federation of the Retail Licensed Trade NI	1017	219770	215560	597275	-
5 The Hospitality Association ¹					
6 Northern Ireland Bakery Council (at 31/3/02)	4	21000	20000	16000	13000
7 Northern Ireland Fish Producers Organisation Ltd	112	833267	764960	2160030	483689
8 Northern Ireland Grain Trade Association	32	25505	21792	13921	8149
9 Northern Ireland Hotels Federation Ltd	95	233000	196000	140000	58000
10 NI Local Government Association	26	223000	220000	209000	99000
11 Northern Ireland Textiles & Apparel Association Ltd	39	157000	157000	20000	21000
12 Northern Ireland Timber Trade Association	16	57127	72249	19889	4946
13 Ulster Chemists Association (at 30/9/02)	476	83485	61501	207490	182671
14 Ulster Farmers' Union	11481	1140000	1073000	1478000	185000
15 Ulster Launderers Association (at 31/10/02)	5	350	221	2494	-
TOTALS	13931	4259821	3913447	6884462	1632417

¹ Return outstandingAPPENDIX 5 (SEE PARA. 4.22) G.B. EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS
– AT 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)

GB EMPLOYERS' ASSOCIATION 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 (31/3/03)	2	11370	26	615000	605000	127000	83000
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	506000	847000	6902000	368000
4 British Jewellery and Giftware Federation (31/12/01)	12	3077	2493	1223000	1305000	8665000	959000
5 British Pre-Cast Concrete Federation Ltd	1	11215	70	421000	421000	252000	147000
6 Chemical Industries Association (30/06/02)	1	-	168	6910000	7047000	2864000	2506000
7 Cinema Exhibitors' Association	5	2640	161	291591	283226	377760	19218
8 Construction Plant Hire Association	8	2957	1260	757716	814923	1057914	432504
9 Electrical Contractors' Association (31/12/01)	31	50000	2078	8901000	10289000	62961000	18694000
10 Engineering Employers Federation	1	108043	14	5249000	9647000	30061000	1389000
11 Federation of Master Builders	382	131449	12843	3687000	3240000	4572000	1455000
12 Freight Transport Association	220	70443	11072	18321000	19290000	7894000	3815000
13 Glass and Glazing Federation	13	10600	516	1309000	1266000	1758000	55000
14 Heating and Ventilating Contractors' Association	53	91907	1398	9767000	8904000	9723000	4665000
15 National Association of Self Employed (1/1/03-30/4/03)	191	3876	559	13000	16000	66000	36000
16 National Bed Federation	3	1097	104	176000	1687000	179000	53000
17 National Federation of Master Window And General Cleaners	16	613	2199	103708	197944	269642	11686
18 National Federation of Retail Newsagents	783	185000	21067	4928148	5021999	4878063	1191942
19 National Federation of Roofing Contractors Limited	16	8102	771	721000	663000	377000	128000
20 National Hairdressers Federation	12	-	5481	96426	834191	34900	1160178

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 £
21 National Pharmaceutical Association	291	-	4594	3372	3499	4739	2489
22 National Sawmilling Association	1	-	9	-	25700	3400	7000
23 Producers Alliance for Cinema and Television Ltd	18	30000	902	2040000	2153000	1617000	197000
24 Publishers Association	3	980	148	2259000	2132000	610000	515000
25 Radio Electrical and Television Retailers' Association	6	1032	1472	396949	480261	933540	116337
26 Retail Motor Industry Federation Ltd	224	72556	9492	21544000	20500000	15811000	7171000
27 Scottish Association Of Master Bakers	1	136	519	501478	455532	1488007	201340
28 Scottish and NI Plumbing Employers' Federation	109	43446	810	526380	509952	849536	45962
29 Screen Printing Association (UK) Ltd	4	-	157	90000	113000	85000	58000
30 The Newspaper Society	5	36936	151	3706000	3706000	4839000	2713000
31 Theatrical Management Association	6	5610	364	594000	581000	377000	257000
32 Thermal Insulation Contractors Association	8	3386	201	859000	941000	849000	235000
33 UK Jute Goods Association (31/12/01)	1	10	15	2748	2734	8521	1435
34 Vehicle Builders and Repair Association Ltd	19	7644	1148	722000	705000	1427000	185000
TOTALS	2456	914884	83026	98325319	105755175	173397277	48947931

APPENDIX 6 (SEE PARA. 4.5-4.7) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)

NORTHERN IRELAND	OFFICE HELD	SALARY	BENEFITS (excluding NI Contributions)
Belfast Airport Police Association (31/3/03)	Chairman	Nil	Nil
Lough Neagh Fishermen's Association			
Northern Ireland Musicians' Association (31/12/01)	NIMA Organiser	4067	1038
Northern Ireland Public Service Alliance	General Secretary	49652	6703
Ulster Teachers' Union	General Secretary	44903	9920
REPUBLIC OF IRELAND	OFFICE HELD	SALARY €'s	BENEFITS (excluding PRSI) €'s
Irish Bank Officials Association ^{††}	General Secretary	81714	33904
Irish National Teachers' Organisation ^{††}	General Secretary	84732	Nil
Seamans' Union of Ireland	General Secretary		
Services, Industrial, Professional and Technical Union (SIPTU) ^{††}	General Secretary	99153	2500
GREAT BRITAIN	OFFICE HELD	SALARY £'s	BENEFITS (excluding NI Contributions) £'s
Abbey National Group Union – ANGU	General Secretary	1556	6153
AEGIS – The Aegon UK Staff Association (30/6/03)	General Secretary	Nil	Nil
Accord	General Secretary	79579	14914
Alliance & Leicester Group Union of Staff [†]	General Secretary	6868	Nil
The Ambulance Service Union	General Secretary	Nil	1010
AMICUS [†]	Joint General Secretaries	(a) 78882 (b) 72358 (c) 6578	(a) 10162 (b) 131252 (c) 2260
Association of Clinical Biochemists	General Secretary	Nil	Nil
Association for College Management	General Secretary	59088	8225
Association of Educational Psychologists	General Secretary	45343	4937
Association of Local Authority Chief Executives	General Secretary	Nil	2000
Association of Principal Fire Officers	General Secretary	Nil	Nil
Association of Professional Ambulance Personnel	General Secretary	Nil	Nil
Association of Professional Music Therapists	Chairperson	Nil	2363
Association of Teachers & Lecturers ²	General Secretary	96846	94364
Association of University Teachers (31/8/02)	General Secretary	57940	10919
Bakers, Food & Allied Workers Union	General Secretary	34091	9784
Boots Pharmacists' Association (BPA)	General Secretary	5000	Nil
Britannia Staff Union	General Secretary	Nil	Nil
British Airline Pilots Association	General Secretary	77654	34930
British Association of Advisors & Lecturers in PE (31/3/03)	General Secretary	23891	Nil
British Association of Dental Nurses	Chief Executive	21046	1431
British Association of Journalists	General Secretary	17000	544
British Association of Occupational Therapists (30/9/02)	Chairman	8538	Nil
British Dental Association (30/9/02)	Chief Executive	91790	9150
British Dietetic Association (28/2/03)	General Secretary	Nil	Nil
British Medical Association	President	14770	Nil
British Orthoptic Society	General Secretary	Nil	Nil

**SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS
- AT 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)**

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(excluding NI Contributions) £'s
British Union of Social Work Employees (31/5/02)	General Secretary	6300	802
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	47811	13776
Ceramic & Allied Trades Union	General Secretary	33195	23498
Chartered Society of Physiotherapy	Chief Executive	74436	12954
Communication Workers Union	General Secretary	72210	43301
Community & District Nursing Association (31/3/03)	Director	7436	333
Community & Youth Workers Union	General Secretary	32781	2622
Connect - The Union for Professionals in Communication	General Secretary	66000	17288
Diageo Staff Association	Chairman	Nil	Nil
Equity (Incorporating the Variety Artistes' Association)	General Secretary	62300	14228
FDA	General Secretary	68250	13786
Fire Brigades Union	General Secretary	52569	29232
Gallaher Sales Staff Association	General Secretary	Nil	Nil
General Dental Practitioners Association [†]	General Secretary	Nil	25235
GMB	General Secretary	70000	19000
Graphical Paper & Media Union (30/9/02)	General Secretary	69935	14139
Guild of Professional Teachers of Dancing [†]	General Secretary	7250	Nil
Headmasters & Headmistresses' Conference (31/3/03)	General Secretary	76593	808
Hospital Consultants & Specialists Association (30/9/02)	General Secretary	36432	6182
Institute of Journalists	General Secretary	22460	Nil
Iron & Steel Trades Confederation	General Secretary	61146	13766
Leeds & Holbeck Building Society Staff Association	General Secretary	Nil	Nil
Musicians' Union	General Secretary	2026	799
National Association of Co-operative Officials	General Secretary	57251	10680
National Association of Educational Inspectors, Advisors & Consultants	General Secretary	55436	Nil
National Association of Group Secretaries to the NFU	General Secretary	Nil	7380
National Association of Head Teachers	General Secretary	97004	16862
NAPO - The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	46710	8971
NASUWT	General Secretary	77956	8943
National Association of Teachers in F & HE	General Secretary	54582	10643
National Federation of Sub-Postmasters	General Secretary	61638	18062
National Society for Education in Art & Design (30/9/02)	General Secretary	40381	Nil
National Union of Journalists [‡] (30/9/02)	General Secretary	(a) 21470 (b) 32488	1074 1963
National Union of Knitwear, Footwear & Apparel Trades	General Secretary	39360	16469
NUMAST	General Secretary	64406	12887
National Union of Rail, Maritime & Transport Workers	General Secretary	52433	10057
Nationwide Group Staff Union	General Secretary	69072	16777
Offshore Industry Liaison Committee	General Secretary	27163	Nil
Prison Governors Association	General Secretary	Nil	Nil
Prison Officers Association	General Secretary	52877	12934
Prison Service Union	General Secretary	32600	10036
Professional Association of Teachers	General Secretary	57313	6505
Public and Commercial Service Union [†]	Joint General Secretaries	(a) 29215 (b) 62597	37825 29371

**SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS
- AT 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)**

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(excluding NI Contributions) £'s
PROSPECT (1/11/01 - 31/12/02) [‡]	Joint General Secretaries	(a) 91590 (b) 62268	14491 154601
Retained Firefighters Union	General Secretary	32586	3141
Retired Officers Association (30/6/03)	Treasurer	2000	Nil
Royal College of Midwives [§] (30/8/02)	General Secretary	84677	21762
Royal College of Nursing [†] (31/3/03)	General Secretary	44664	8794
Royal Society for the Protection of Birds	Chairperson	750	Nil
Staff Association (31/3/03)	General Secretary	74536	14346
Secondary Heads Association	General Secretary	76500	37773
Society of Authors	Chief Executive	(a) 46965 (b) 2642	3757 211
Society of Chiropractors and Podiatrists [§]	Chief Executive	29323	1016
Society of Radiographers (30/9/02)	General Secretary	Nil	Nil
Society of Union Employees (UNISON)	General Secretary	76242	14323
Transport & General Workers Union	General Secretary	55567	Nil
Transport Salaried Staffs Association	General Secretary	40244	5288
UBAC	General Secretary	55251	15187
UCATT	General Secretary	49474	13677
UNIFI	General Secretary	68005	5818
Union of Finance Staff	General Secretary	80078	13060
UNISON	General Secretary	68671	18557
Union of Shop, Distributive & Allied Workers	General Secretary	Nil	Nil
Union of Senior Revenue Officials	General Secretary	Nil	Nil
WISA - The Union of Woolwich Staff	General Secretary	40000	4060
Writers Guild of Great Britain	General Secretary		

[†] Indicates a payment of an honorarium

[‡] Please refer to page 17

Notes

¹ AMICUS (a) Mr Roger Lyons (Joint General Secretary). (b) Sir Ken Jackson (Joint General Secretary 1/1/02 - 30/11/02). (c) Mr D Simpson (Joint General Secretary 1/12/02 - 31/12/02).

² Association of Teachers & Lecturers - The General Secretary's benefits include a termination payment of £72,635.

³ National Union of Journalists (a) Mr J Foster General Secretary up to 31 January 2002, (b) Mr J. Dear, General Secretary, from 1 February 2002.

⁴ Public and Commercial Service Union (a) Mr B Reamsbottom (b) Mr M Serwotka.

⁵ PROSPECT (a) P Noon (b) Mr D A Cooper (1/1/02 - 31/7/02). D A Cooper's benefits include a redundancy payment of £83,565.

⁶ The Royal College of Midwives' General Secretary is also the Company Secretary of the RCM Trust, which is a subsidiary company of the RCM. The salary and benefits quoted are in respect of both her duties.

⁷ The Royal College of Nursing of the United Kingdom is a special register body and as such all of the amounts quoted equate to 40% of the totals relating to the General Secretary. The remaining 60% have been attributed to the RCN's Charitable Trust.

⁸ Society of Chiropractors and Podiatrists (a) Ms Hilary De Lyon (Chief Executive 1/1/02 - 1/11/02). (b) Dr Christina Townsend (16/12/02 - 31/12/02)

APPENDIX 7 (SEE PARA. 7.35) – LIST OF GB UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE
“CONTRACTED IN” TO POLITICAL FUNDS – 31 DECEMBER 2002 (UNLESS OTHERWISE INDICATED)

	NI Members	NI Contributions £
AMICUS	4838	18240
Association of University Teachers (31/8/02)	412	427
British Orthoptic Society	29	4959
Communication Workers Union	3108	16189
CONNECT	68	220
Fire Brigades Union	666	2210
GMB	44	238
Graphical, Paper and Media Union (30/9/02)	159	982
Iron and Steel Trades Confederation	1	6
National Association of Schoolmasters and Union of Women Teachers	2725	1567
National Association of Teachers in Further And Higher Education	96	516
National Union of Knitwear, Footwear and Apparel Trades	107	396
National Union of Rail, Maritime and Transport Workers	59	184
Prison Officers Association	1557	2802
Transport and General Workers Union	13336	42535
Transport Salaried Staffs Association	78	308
Union of Senior Revenue Officials	31	93
Union of Shop, Distributive and Allied Workers	2556	9286
TOTALS	29870	101158

APPENDIX 8 (SEE PARA 7.35) – LIST OF GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO
DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2002 (unless otherwise indicated)

Bakers, Food and allied Workers Union

Broadcasting, Entertainment, Cinematograph and Theatre Union

Ceramic and Allied Trade Union

Musician's Union

Union of Construction Allied Trades and Technicians

UNISON

APPENDIX 9 – 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 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

APPENDIX 10 – 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 organization in support of the registration of an instrument of transfer of engagements	CO(NI)11
Statutory declaration on behalf of the transferee organization 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 amendments(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

APPENDIX 11 – 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. *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.*
16. *D/1-5/2003 – Irvine 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.*
17. *D/1-8/2004 – Sweeney v UNISON – Breach of trade union rules regarding the appointment or election of a person, or the removal of a person from any office.*

APPENDIX 12 – ANNUAL REPORT TO THE EQUALITY COMMISSION FOR NORTHERN IRELAND (2002-2003)

SUMMARY

In 2002/2003 the Northern Ireland Certification Office (NICO) has continued with its commitment towards progressing its Equality Scheme.

Organisationally the office has designated its most senior member of staff (office manager) to oversee and take responsibility for the implementation of the statutory duties under Section 75. It participates in a programme of training for all its staff.

The office is committed to providing information in alternative formats, on request. During this period there were no requests for information in such formats.

A complaints monitoring mechanism has been established under the responsibility of the Office Manager: no complaints were received under the terms of Section 75, in this period.

The office encountered difficulties in processing its screening process, however despite this, it agrees with the Equality Commission that time to screen properly is time well spent and it continues to work constructively with the Commission to explore the most effective ways of taking this forward.

The NICO is a very small quasi-judicial office (three full-time staff with a budget of some 150k p.a.) but nevertheless accepts its statutory responsibilities.

It sees the necessity to allocate more time to progress the Equality Agenda and has sought to obtain additional resources (through an independent staff inspection currently in progress).

S McElrea
Certification Officer for Northern Ireland

31st July 2003