

Northern Ireland  
Certification Officer  
For Trade Unions and  
Employers' Associations

Annual Report  
of the  
Certification Officer for Northern Ireland

2010-2011

(Covering Period 1 April 2010 to 31 March 2011)

10 - 16 Gordon Street  
Belfast BT1 2LG  
Tel: 028 90 237773  
Fax: 028 90 232271  
Email: [info@nicertoffice.org.uk](mailto:info@nicertoffice.org.uk)  
Web: [nicertoffice.org.uk](http://nicertoffice.org.uk)



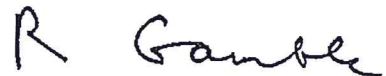
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**CERTIFICATION OFFICER FOR NORTHERN IRELAND  
ANNUAL REPORT FOR THE YEAR ENDED 31 MARCH 2011**

Laid before the Northern Ireland Assembly under paragraph 69(7) of the Industrial Relations  
(Northern Ireland) Order 1992 by the Department for Employment and Learning

Mr Alan Shannon  
Permanent Secretary  
Department for Employment and Learning  
Adelaide House  
39-49 Adelaide Street  
BELFAST  
BT2 8FD

Article 69(7) of the Industrial Relations (NI) Order 1992 requires the Certification Officer, as soon as reasonably practicable after the end of each financial year, to make a report of his activities during that year to the Department for Employment and Learning. I have pleasure in submitting my report for the period 1 April 2010 to 31 March 2011.



Roy Gamble  
*Certification Officer for Northern Ireland*

11 August 2011

Mr Jim McCusker  
Chairman  
Labour Relations Agency  
2-8 Gordon Street  
BELFAST  
BT1 2LG

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## INTRODUCTION

*This is the nineteenth Annual Report to be published since the post of Certification Officer for Northern Ireland was established in 1992. It deals with my activities during the period 1 April 2010 to 31 March 2011.*

*The statutory functions of the Certification Officer are contained in the Industrial Relations (Northern Ireland) Order 1992 as amended and in the Trade Union and Labour Relations (Northern Ireland) Order 1995 as amended.*

The Certification Officer's functions, which are explained more fully in the following chapters, include:

Under the 1992 Order -

*Articles 5 and 6 - maintaining lists of trade unions and employers' associations, and determining the independence of trade unions;*

*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; investigating the financial affairs of trade unions and employers' associations; ensuring that statutory requirements concerning the appointment and duties of auditors and the actuarial examination of members' superannuation schemes are observed; and dealing with complaints that a trade union has failed in its duty to secure that positions in the union are not held by certain offenders;*

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

Under the 1995 Order -

*Article 5 - dealing with complaints by members that a trade union has failed to maintain an accurate register of members;*

*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 its president, general secretary and members of its executive committee;*



*Articles 45 to 72* - ensuring observance by Northern Ireland based trade unions of the statutory procedures governing the setting up, operation and review of political funds, approving the “contracting-in” rule and amendments for Northern Ireland members of trade unions based elsewhere (including Great Britain and the Republic of Ireland), and dealing with complaints about breaches of political fund rules or the conduct of political fund ballots, or the application of general funds for political objects;

*Articles 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

*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, or removal of a person from, any office; 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.

Under Article 70ZA of the 1992 Order (inserted by the Employment Relations (Northern Ireland) Order 2004) the Certification Officer has power to strike out any application or complaint made to him on specified grounds, for example that it is scandalous, vexatious or has no reasonable prospect of success, or that there has been excessive delay in proceeding with it. He must give the party against whom a striking out order is to be made an opportunity to show why it should not be made.

Recorded membership of Northern Ireland trade unions decreased by 716 since the last reporting period. Northern Ireland membership of Republic of Ireland unions decreased by 314 while that of Great Britain unions decreased by 5, 644.

There were no removals from or additions to the list of Northern Ireland unions during the year. One Northern Ireland employers’ association was removed from the list – the Federation of the Retail Licensed Trade (Chapter 1, paragraph 9). There were no removals from or additions to the list of Republic of Ireland unions with Northern Ireland members. Two Great Britain unions with Northern Ireland members ceased to exist as the result of transfers of engagements (see Chapter 6, paragraph 6.2 for an explanation of this term). Details are in Chapter 6.

During the year 13 breaches of rule complaints, made by five trade union members, were determined. In one case, the union member appealed to the Northern Ireland Court of Appeal against the Certification Officer's decisions on three complaints. The Court upheld the decisions on two of the complaints but reversed the decision on the third. Details of all these cases are in chapter 9. Three complaints made by one trade union member were being processed by the Office at 31 March 2011.

My Office completed its annual self-assessment for the "Northern Ireland Data Protection Review" conducted by the Northern Ireland Department of Finance and Personnel. This is primarily concerned with the control of confidential data held by public authorities. The Freedom of Information Act publication scheme was also revised, to comply with changes to the statutory requirements.

No requests were received under the Freedom of Information Act 2000.

During the year my Office applied to the Commissioners of the Equality Commission for an exemption, mainly on the grounds of our small size and limited resources, from the statutory duty to produce a Disability Action Plan. I am grateful to the Commissioners for granting this exemption.

## **FINANCE AND SUPPORT SERVICES**

The Labour Relations Agency (LRA) is responsible under Article 69 of the 1992 Order for providing me with finance and support services but this in no way affects my independence of both the LRA and its sponsor, the Department for Employment and Learning, in the performance of my duties.

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 2011 was £166,680. My salary at 31 March 2011 was £20,318 excluding Employers NI contribution, for a two-day week. This sum is not pensionable and is taxed under PAYE.

At 31 March 2011 the Office had a complement of four staff, but on average throughout the year only three of these posts were filled. Mr John Bennett continued to hold his appointment as Assistant Certification Officer for Northern Ireland. Over the year about 55% of the Office's resources were allocated to work connected with Annual Returns from Trade Unions and Employers' Associations, 45% to complaints and trade union finances, and the remainder to various matters including trade union political funds, independence, mergers, website development, statutory obligations and staff training.

The Certification Officer may make payment towards the expenses incurred by complainants and their witnesses in attending hearings to determine complaints. The scheme governing such payments is published in the “Documents” section of the Office website – [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk). During the period of this report no expenses were paid. Assistance with legal costs is not available.

## **ADVICE AND CONTACTS FOR INFORMATION**

The 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 the Certification Officer by an individual member.

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

However, the Office will assist where it can and guidance booklets covering different aspects of the Certification Officer’s responsibilities are available on the website ([www.nicertoffice.org.uk](http://www.nicertoffice.org.uk)) and free of charge on request from the Office. These are listed in Appendix 11 to this report. Some of them were revised and updated in the course of the year. Requests for the booklets and for further information on any aspect of the Certification Officer’s duties should be made to the Certification Office, 10-16 Gordon Street, Belfast BT1 2LG, telephone 028 9023 7773, fax 028 9023 2271, e-mail: [info@nicertoffice.org.uk](mailto:info@nicertoffice.org.uk) For those with hearing difficulties a text phone is available – 028 9023 8411.

All of the Office’s forms listed in Appendix 10 and all of the documents in Appendix 11 can be accessed in the Documents section of the website, as can the annual returns of Northern Ireland trade unions and employers’ associations and of Republic of Ireland trade unions with Northern Ireland members. The information on the website was improved and corrected during the year, and some new material (including the Office’s publication scheme under the Freedom of Information Act) was added. Comments on the website are welcome.

## **EQUALITY STATEMENT**

The Office of the Certification Officer for Northern Ireland is defined as 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 that Act.

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

A five-year review of the scheme was submitted to the Commission in 2007

A copy of the Scheme is on the Office website.

## CHAPTER 1

### LISTS OF TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

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

#### **Entry in the lists and its significance**

- 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. As required by Article 5(9) the current lists are included in this report (Appendices 1 and 4). They are available for inspection, free of charge, at the Office.
- 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 (given in full at paragraphs 1.19 and 1.20 below), he must enter its name in the relevant list. 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, or by a decision of his to remove its name from that list, may appeal to the High Court on a point of law only (Article 5(8) of the 1992 Order, as amended by the Employment Relations (Northern Ireland) Order 2004).
- 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. A certificate of independence, in turn, is essential for any union that wishes to apply for statutory recognition to conduct collective bargaining with an employer on behalf of its members (see paragraph 2.6 below).
- 1.5 Listed trade unions and listed unincorporated employers' associations enjoy certain procedural advantages in connection with the devolution of property following a change of trustees under Article 7 of the 1992 Order. There are other benefits of listing which are shared by trade unions and both incorporated and unincorporated employers' associations. Being on the list is 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). It is also (non-conclusive)

evidence that an organisation is a trade union or employers' association. Finally, the name of a trade union or employers' association is protected by the provision that no organisation shall be entered in the relevant list 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 for listing must be made on the appropriate form, CO(NI)1, and be accompanied by the statutory fee (Appendix 9). The form can be obtained on request from the Certification Office, or downloaded from the office website [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk)
- 1.7 On the amalgamation of two or more listed organisations, the amalgamated organisation is automatically listed from the date when the instrument of amalgamation takes effect. Within six weeks of that date (or such longer period as the Certification Officer may specify), the rules of the organisation, a list of its officers and the address of its head or main office must be sent to the Certification Officer. If any of these requirements is not met, the organisation must be removed from the list.

#### **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 or 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 on a point of law to the High Court against removal of a name from a list (see paragraph 1.3). 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 There were no removals from the list of Northern Ireland trade unions in 2010-2011. One organisation, the Federation of the Retail Licensed Trade NI, was removed from the list of employers' associations. Following investigation by the Office, the Certification Officer concluded that the organisation no longer regulated relations between employers and trade unions or workers and therefore did not satisfy the statutory definition of an employers' association.
- 1.10 During the period of this report, the Great Britain Certification Officer removed three trade unions with Northern Ireland members from his list. These were:
- Association for College Management
  - Community and District Nursing Association

- Diageo Staff Association

The Association for College Management and the Community and District Nursing ceased to exist as a result of mergers, having transferred their engagements to the Association of Teachers and Lecturers and the GMB respectively. The Diageo Staff Association ceased to exist as a trade union.

The GB Certification Officer maintains a schedule of trade unions which are known to him but which have not applied to be entered on his list. In 2010/11 no trade union with Northern Ireland members was removed from this schedule.

No employers' association with Northern Ireland members was removed from the Great Britain Certification Officer's list or schedule.

#### **Additions to the lists**

- 1.11 There were no additions to the Northern Ireland lists during the period of this report. The Office held discussions with the Irish Congress of Trade Unions (ICTU), which has not hitherto been entered in the Certification Officer's list of trade unions or a schedule of unlisted unions. ICTU accepted, however, that it does satisfy the statutory definition of a trade union as set out in Article 3(1)(b)(i) of the 1992 Order (reproduced at paragraph 1.19 below). It has undertaken to submit annual returns to the Certification Officer for the year 2011 and subsequent years. It has not applied to be listed.
- 1.12 No trade union with Northern Ireland members was added to the Great Britain Certification Officer's list or to his schedule of unlisted unions during the period.

No employers' association with Northern Ireland members was added to the Great Britain Certification Officer's list or schedule.

#### **Special Register bodies**

- 1.13 Under Great Britain law (the Industrial Relations Act 1971) a special register was established for organisations which were either companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members. These were usually professional bodies.

- 1.14 Subsequent legislation (the Trade Union & Labour Relations Act 1974) provided that trade unions were no longer allowed to have corporate status, but an exception was made for bodies already on the special register. Bodies which are removed from the special register for any reason are not subsequently allowed to re-enter it.
- 1.15 The statutory requirements affecting trade unions in the Trade Union and Labour Relations Act 1992 take account of the corporate status of special register bodies and their other activities. These bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary; but the voting members of the executive must be elected in accordance with the statutory provisions. Great Britain-headquartered special register bodies with Northern Ireland members are as follows:

Association for Clinical Biochemistry  
British Association of Occupational Therapists Ltd  
British Dental Association  
British Dietetic Association  
British Medical Association  
Chartered Society of Physiotherapy  
Headmasters and Headmistresses' Conference  
Royal College of Midwives  
Royal College of Nursing of the United Kingdom  
Society of Authors Ltd  
Society of Chiropodists and Podiatrists  
Society of Radiographers

There are no Northern Ireland-headquartered special register bodies.

### **Changes of name**

- 1.16 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 Certification Officer did not receive any applications for a name change during the period of this report.



1.17 The Great Britain Certification Officer approved the change of name of three trade unions with Northern Ireland members:

	<b>Effective Date</b>
<i>From:</i> Lloyds TSB Group Union	
<i>To:</i> Lloyds Trade Union	6 September 2010
<i>From:</i> Gallaher Sales Staff Association	
<i>To:</i> Sales Staff Association	24 November 2010
<i>From:</i> Independent Pilots Federation	
<i>To:</i> Independent Pilots Association	17 January 2011

He also approved the change of name of two employers' associations with Northern Ireland members:

<i>From:</i> British Clothing Industry Association Ltd	
<i>To:</i> UK Fashion and Textile Association Ltd	10 June 2009
<i>From:</i> National Hairdressers Federation	
<i>To:</i> National Hairdressers Federation Ltd	1 January 2011

### **Unlisted organisations**

1.18 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 some which meet the statutory definition but have not sought listing, and others of which this Office is unaware. Being unlisted does not relieve an organisation of its statutory responsibilities, including the requirement to make an annual return. Returns from unlisted bodies must be made available for public inspection in the same way as those from listed organisations. An unlisted trade union may not apply for a certificate of independence or for statutory recognition as a body entitled to conduct collective bargaining (see paragraph 2.6 below).

### **Definitions of a trade union and an employers' association**

1.19 The definition of a trade union given in Article 3 of the 1992 Order is as follows:

3.-(1) *In this Order 'trade union' means an organisation (whether permanent or temporary) which either –*

- (a) *consists wholly or mainly of workers of one or more descriptions and is an organisation whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers' associations; or*
- (b) *consists wholly or mainly of –*
- (i) *constituent or affiliated organisations which fulfil the conditions specified in sub-paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions); or*
  - (ii) *representatives of such constituent or affiliated organisations;*
- and in either case is an organisation whose principal purposes include the regulation of relations between workers and employers or between workers and employers' associations, or include the regulation of relations between its constituent or affiliated organisations.*

1.20 The definition of an employers' association given in Article 4 of the 1992 Order is as follows:

4.-(1) *Subject to paragraph (2), in this Order "employers' association" means an organisation (whether permanent or temporary) which either -*

- (a) *consists wholly or mainly of employers or individual proprietors of one or more descriptions and is an organisation whose principal purposes include the regulation of relations between employers of that description or those descriptions and workers or trade unions; or*
- (b) *consists wholly or mainly of -*
- (i) *constituent or affiliated organisations which fulfil the conditions specified in sub-paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions); or*
  - (ii) *representatives of such constituent or affiliated organisations;*
- and in either case is an organisation whose principal purposes include the regulation of relations between employers and workers or between employers and trade unions, or include the regulation of relations between its constituent or affiliated organisations.*

-(2) *References in this Order to an employers' association include references to a combination of employers and employers' associations.*

## CHAPTER 2

### TRADE UNION INDEPENDENCE

*A trade union which is on the Certification Officer's list of trade unions may apply for a certificate of independence. Independence is defined as meaning independence from an employer or group of employers. 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 (see Chapter 1) before it can apply for a certificate of independence. The Certification Officer keeps a public record of all such applications and of all decisions reached. A notice that an application has been received is published in the Belfast Gazette at the time. The Certification Officer may not take a decision on any application until at least one month after it has been entered in the record and he must take into account relevant information submitted by any person. He is required to give his reasons if he refuses a certificate of independence. A union whose application is refused has a right of appeal to the High Court on a point of law.

2.3 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.

- 2.4 The Certification Officer may withdraw a certificate at any time if, in his opinion, the trade union concerned is no longer independent. A trade union aggrieved by a decision to withdraw its certificate has a right of appeal to the High Court on a point of law.
- 2.5 When a new union is formed by the amalgamation of two or more listed unions, it is automatically entered on the list; and if each of the amalgamating unions held a current certificate of independence, the new union is automatically issued with a certificate of independence. Both the listing and the certificate are effective from the date on which the instrument of amalgamation takes effect. The new union must send a copy of its rules, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 9) within six weeks of the date on which the amalgamation takes effect, or such longer period as the Certification Officer may specify. If it fails to meet any of these requirements, its name will be removed from the list and its certificate of independence withdrawn.
- 2.6 Where a question as to the independence of a particular union arises in proceedings before the courts, the 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 until the Certification Officer decides that question. The granting of a certificate by the Certification Officer, or its refusal, is conclusive evidence for all purposes that the union is, or is not, independent. Only a union that has a certificate of independence may seek statutory recognition to be entitled to conduct collective bargaining on behalf of a group of workers (paragraph 6 of Schedule 1 to the Employment Relations (Northern Ireland) Order 1999).

### **Criteria of independence**

- 2.7 The principal criteria used by the Certification Officer to determine whether or not an applicant union satisfies the statutory definition are history, membership base, organisation and structure, finance, employer-provided facilities and negotiating record. These are explained further in the Office's booklet *Guidance for trade unions wishing to apply for a certificate of independence*, which is available on request from the Office and is on the website. The Certification Officer reaches his decision strictly on the basis of the statutory definition, having regard to the criteria as a whole. Other considerations, such as the effect the issue of a certificate might have on employment relations, may not be taken into account.

## **Procedure**

- 2.8 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.

## **Applications/Decisions**

- 2.9 During the period of this report no certificates of independence were issued and none were refused or withdrawn.

## **Great Britain Certification Officer decisions on trade unions with Northern Ireland members**

- 2.10 No certificates of independence were issued by the Great Britain Certification Officer in respect of Great Britain-based unions with members in Northern Ireland, but three were cancelled. The cancelled certificates were those of the Diageo Staff Association, which ceased to exist, and of the Community and District Nursing Association and the Association of College Management, which ceased to exist on merging with the GMB and the Association of Teachers and Lecturers respectively.

## CHAPTER 3

### ANNUAL RETURNS AND ACCESS TO ACCOUNTING RECORDS

*This chapter deals with the requirements for trade unions and employers' associations to keep proper accounting records and to submit annual returns to the Certification Officer. 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 – see paragraphs 1.19 and 1.20 above) 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 Organisations headquartered in Northern Ireland, and those headquartered in Great Britain which have Northern Ireland members, must submit an annual return to the Certification Officer in the form prescribed, unless they have been in existence for less than 12 months. (Organisations consisting wholly or mainly of representatives of constituent or affiliated organisations are exempt from this duty). 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). At 31 March 2011 five Republic of Ireland-based trade unions were listed as having Northern Ireland members. The Office is not aware of any Republic of Ireland-based employers' associations with Northern Ireland members.
- 3.3 The period to be covered by annual returns is the calendar year, and they are to be submitted before 1 June of the following year. However, the Certification Officer may, if he considers it appropriate in any particular case, direct that the return is to cover a 12-month period other than the calendar year, and may specify a date other than 1 June before which a return must be

sent to him. This is usually done if the normal period or date would cause serious inconvenience to the organisation concerned. For most organisations (approximately 80% of trade unions and 70% of employers' associations) the financial year is the calendar year.

3.4 The returns must cover all funds maintained for trade union and employers' association purposes, and include revenue and other accounts and a balance sheet which give a true and fair view of the matters to which they relate. A summary sheet must also be completed. The Certification Officer may require trade unions and employers' associations to provide such other documents relating to those accounts and such further particulars as he may specify. Any changes in the organisation's officers, or in the address of its head office, must be shown on the return, which must be accompanied by a copy of the rules in force at the end of the period it covers, whether or not those rules were altered during the period.

3.5 The annual return must include a copy of the auditor's report on the accounts. Under Schedule 1 to the 1992 Order a person is qualified to act as auditor to a trade union or employers' association if he or she is eligible for appointment as a company auditor under Article 28 of the Companies (Northern Ireland) Order 1990. 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 Order if its receipts and payments do not in aggregate exceed £5,000, the value of its assets is less than £5,000 and it has fewer than 500 members. If any one of these conditions is not satisfied, it must use an auditor eligible under the Companies Order. A body corporate may act as an auditor of a trade union or an unincorporated employers' association. The auditor has a duty to carry out such investigations as will enable an opinion to be formed on whether proper accounting records have been kept, whether a satisfactory system of control has been maintained and whether the accounts are in agreement with the accounting records (Article 10). The 1992 Order sets out the rights of auditors, including access to information and the entitlement to attend and speak at general meetings of the organisation. The auditor must state in the report whether, in his or her opinion, the accounts give a true and fair view of the matters to which they relate. If, in the auditor's opinion, the statutory requirements have not been satisfied or the accounts are not in agreement with the accounting records, or if all necessary information and explanations have not been supplied, the auditor must state these facts in the report by way of qualification. Most qualifications are of a minor technical nature and the Office takes appropriate steps to ensure that they are not required in future.

- 3.6 None of the returns received in this reporting year contained a qualified opinion by the auditors.
- 3.7 In order to avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (paragraphs 1.13 - 1.15 above) or an employers' association incorporated under the Companies Orders to submit with its return a copy of its accounts prepared under the Companies Orders, instead of the accounts prescribed in the return form. There must, however, be no significant diminution in the degree of disclosure, the period covered must be the same and a summary sheet must be completed. Notwithstanding anything in the Companies Orders, an auditor's report complying with the requirements of the 1992 Order is still required.
- 3.8 With the exceptions already noted, the duties imposed by Articles 10 and 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, but does not generally undertake prosecutions for other offences, such as theft or fraud. Any evidence of such offences in the affairs of a trade union or employers' association that came to the notice of the Certification Officer would normally be referred to the appropriate prosecuting authorities.

#### **Late submission of annual returns**

- 3.9 The 1992 Order requires an organisation to submit an annual return to the Certification Officer before 1 June following the calendar year to which the return relates. (For most organisations the calendar year is also the financial year). In this reporting period the Office anticipated the receipt of a total of 131 annual returns from trade unions and employers' associations. All but 28 of these returns were received by June 2011. The Office continues to seek full compliance with the statutory requirements, and will take appropriate steps to improve the performance of organisations which consistently submit late returns. In this reporting period approximately 79% of returns were submitted on time.



## **Prosecutions**

3.10 There were no prosecutions during the period of this report for failure to submit a return.

## **Authorised Northern Ireland resident**

3.11 Every trade union or employers' association carrying on business in Northern Ireland which has its head or main office outside Northern Ireland must provide the Certification Officer each year 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.

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

## **Public inspection of annual returns**

3.13 Copies of the annual returns and the rules of trade unions and employers' associations with Northern Ireland members from 1992 onwards are available for public inspection at the Certification Office. While the returns provide detailed and comprehensive financial information, a one-page financial summary is also included for ease of interpretation.

3.14 The Office carried out a review to establish whether certain Great Britain-headquartered trade unions and employers' associations, which were not sending annual returns to it, had Northern Ireland members and were therefore required by statute to submit such returns. As a result the organisations listed below are now sending annual returns to the Office. Information drawn from these returns can be found at Appendices 3 and 5 to this report.

### ***Trade Unions***

Immigration Service Union

Independent Pilots Federation

Lloyds Trade Union

The Retail Book, Stationery and Allied Trades Employees' Association

Solidarity

Union of Country Sports Workers

United Road Transport Union

### ***Employers' Associations***

The Association of British Orchestras

The Association of Circus Proprietors

BFM Ltd

British Ceramic Confederation

The British Precast Concrete Federation Ltd

British Printing Industries Federation

Builders Merchants Federation  
Dairy UK Ltd  
Engineering Construction Industry Association  
Fencing Contractors Association Ltd  
National Employers Organisation for Local Government Services

### Statement to members of a trade union

3.15 Trade unions headquartered in Northern Ireland 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 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 the president, the general secretary and each member of the executive.

The statement must give the name and address of the auditor, set out the auditor's report in full and not contain anything which is inconsistent with the contents of the annual return.

3.16 The statement must also tell members how they can complain should they be concerned that some irregularity is occurring or has occurred in the financial affairs of the trade union. Article 11A(6) of the 1992 Order specifies exactly what the statement must say on this matter, and the prescribed wording 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.”*

3.17 It is not a requirement that the statement to members be distributed individually; 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” (Article 11A(2)).

3.18 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. The Office will endeavour to ensure that full compliance with the Order is maintained

#### **Financial affairs of trade unions and employers’ associations - use of statutory powers**

3.19 Under the 1992 Order (Articles 12A to 12E) the Certification Officer has power to investigate the financial affairs of trade unions and employers’ associations. He 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 specify the date by which these are to be provided. In addition, he may appoint inspectors to investigate the organisation’s financial affairs and to report to him on them. Under Article 12B(2) he may appoint inspectors only if there are circumstances suggesting one or more of the following:

- (a) *that the financial affairs of the trade union or employers’ association have been or are being conducted fraudulently or unlawfully;*
- (b) *that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management;*
- (c) *that the organisation concerned has failed to comply with a duty under the Order relating to its financial affairs; or*
- (d) *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 such circumstances and the Certification Officer must then consider whether it is appropriate to exercise his powers to give a direction and/or appoint an inspector.

3.20 Information suggesting that one or more of the situations described in the previous paragraph has occurred may come to the Certification Officer’s attention from a variety of

sources including, for example, members who query information supplied by a trade union in its statement to members, or have evidence of some other kind. In addition, the Certification Office staff monitor the media for references which suggest that such situations may exist in the financial affairs of a trade union or employers' association.

- 3.21 Not all the information received by the Office is of sufficient merit to warrant an approach to the body concerned. Where an approach is warranted, the matter may often be resolved through correspondence or informal meetings, or both.
- 3.22 No enquiries into the financial affairs of a trade union or employers association were in progress during this reporting period. The Certification Officer did not have occasion to use his powers to require any trade union or employers' association to produce documents.
- 3.23 During the year the Great Britain Certification Officer made enquiries (carried over from the previous year) into the financial affairs of three Great Britain-based trade unions with Northern Ireland members, the GMB, UNISON and the Association of Professional Ambulance Personnel. The enquiries into UNISON were concluded satisfactorily. The actions of the other two unions continue to be monitored in respect of the issues raised. The Certification Officer did not find it necessary to use his powers to require documents to be produced by any trade union during this period.

#### **Access to accounting records**

- 3.24 Article 37 of the 1992 Order gives members of a trade union a right of access to any accounting records which the union has available for inspection (under this Article unions have a duty to keep records available for six years). A member who claims that a trade union has failed to comply with his or her request for access to its accounting records may apply 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.
- 3.25 On application to him, the Certification Officer is required to make such enquires as he thinks fit and give the applicant and the trade union an opportunity to be heard. So far as is reasonably practicable, applications are to be determined within six months of being made. An applicant's expenses in attending a hearing may in certain circumstances be reimbursed by the Office.

3.26 Where the Certification Officer is satisfied that the claim is well-founded he is required to make such an order as he considers appropriate for ensuring that the applicant -

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

An order made by the Certification Officer may be enforced in the same way as an order of the High Court.

- 3.27 Where the Certification Officer requests a person to furnish information in connection with enquiries made by him under Article 37, he must specify the date by which he is to receive the information and may proceed to determine the application if the information has not been provided by that date.
- 3.28 No applications concerning access to accounting records were received in the period of this report.
- 3.29 The Great Britain Certification Officer received two applications in respect of Great Britain unions with Northern Ireland members, the National Union of Journalists and UCATT. The complaint against the NUJ was withdrawn by the applicant. That against UCATT was still under investigation at the end of the reporting period.
- 3.30 Article 10 and Article 37 of the 1992 Order do not define “accounting records”. However, in Great Britain, where identical provisions apply (Sections 28 to 30 of the Trade Union and Labour Relations (Consolidation) Act 1992), the Certification Officer has considered this matter in three cases: *Mortimer v Amicus* (D/1/03), *Foster v Musicians Union* (D/13-17/03) and *Lee v NASUWT* (D/3/06). His decisions on these cases are available on his website: [www.certoffice.org](http://www.certoffice.org)

## CHAPTER 4

### FINANCIAL AND MEMBERSHIP INFORMATION AND MEMBERSHIP REGISTER

*This chapter is about the membership, income and expenditure of trade unions and employers' associations in the year ending 31 December 2010. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.*

#### **Information from 2010 returns**

- 4.1 Appendices 1-7 give information derived from annual returns of trade unions and employers' associations submitted to the Certification Office by June 2011. That information and the following comments in this chapter relate to organisations whose financial year ended on 31 December 2010, unless otherwise indicated.

#### **Trade Unions - salaries and benefits**

- 4.2 Trade unions are required to include in their annual return information about the salaries and benefits paid from their funds to certain of their national officers and executive members. For the purposes of the returns, "benefits" means benefits designated taxable by the Inland Revenue, pension/superannuation contributions, and redundancy/other termination payments. Benefits with a value of £100 or more in any accounting period are included.
- 4.3 Appendix 6 gives details of the salary and benefits paid by trade unions with Northern Ireland members to their general secretary. The information covers trade unions headquartered in Northern Ireland, the Republic of Ireland and Great Britain. There is no requirement on unions to provide information about the salary or benefits of employees other than the general secretary, even if (as may occasionally happen) they are paid more than the general secretary. Employer's pension contributions make up a significant proportion of the benefits paid. Employer's national insurance contributions are excluded from the information in Appendix 6.

### **Trade unions - membership register**

- 4.4 Under Article 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 up-to-date. A trade union must allow any member, on request, with reasonable notice, to ascertain from the register free of charge whether there is an entry on it relating to him or her. The member may request from the union a copy of any such entry, and this is to be provided either free of charge, or on payment of a reasonable fee.
- 4.5 An application that a trade union has failed to comply with the requirements of Article 3 may be made to the Certification Officer or the High Court, but the same applicant may not apply to both in respect of the same alleged failure.
- 4.6 Where the Certification Officer makes a declaration, he is required, unless he considers that to do so would be inappropriate, to make an enforcement order imposing on the union one or both of the following:
- (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.
- 4.7 A declaration made by the Certification Officer may be relied on as if it were a declaration made by the High Court. An enforcement order made by the Certification Officer may be enforced in the same way as an order of the High Court.

### **Trade Unions - membership and financial information**

- 4.8 The annual returns of trade unions must provide figures for both total membership and members who pay contributions. There may be significant differences between these two figures, usually because total membership figures can include student members, retired and unemployed members, members on long-term sick leave and maternity/childcare leave and those on career breaks.

- 4.9 The total Northern Ireland membership of all trade unions at 31 December 2010 was recorded as 237,971. 72% of all Northern Ireland trade union members belong to Great Britain-based trade unions with 22% and 6% respectively being members of Northern Ireland and Republic of Ireland based trade unions.<sup>1</sup>
- 4.10 Trade union income derives mainly from membership subscriptions and investments. There may also be additional income and assets arising if, for example, a union accepts the transfer of engagements of another union. In 2010 the total income of Northern Ireland-based trade unions was £5 million, total expenditure was £4.8 million, and net assets were £2.8 million.
- 4.11 Appendix 1 gives a summary of membership and finance statistics, for Northern Ireland trade unions and Republic of Ireland trade unions with Northern Ireland members for the year 2010. This shows a total of 51,866 members of Northern Ireland unions providing an annual contribution of £4.8 million; while there were 13,646 Northern Ireland members of Republic of Ireland unions providing an annual contribution of €2.3 million. In 2010 the total income of the Republic of Ireland unions was €83.4 million, total expenditure was €65.9 million and net assets were €131.9 million.
- 4.12 Financial and membership details of 42 Great Britain unions with 100 or more Northern Ireland members are given in Appendix 2. In 2010, 171,366 Northern Ireland members of these unions contributed £15.7 million. The total income of these unions in the year was £509.6 million, total expenditure was £298 million and net assets were £259 million.
- 4.13 Membership details of a further 42 Great Britain-based trade unions with under 100 Northern Ireland members are listed in Appendix 3. This records a total of 1,093 Northern Ireland members contributing £153,029. In 2010 the total income of these unions was £22.6 million, total expenditure was £22.9 million and net assets were £53.6 million.

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<sup>1</sup> *Correction: The 2009-2010 Annual Report gave the number of Northern Ireland members of Great Britain unions with 100 or more members as 191,939. The number was in fact 178,103.*



## **Employers' associations - membership and financial information**

- 4.14 Employers' associations are not required to provide the Certification Officer with details of officers' salaries and benefits.
- 4.15 A summary of statistics on the membership and finances of 9 Northern Ireland employers' associations for 2010 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2010 the total income of these organisations was £5.97 million, expenditure was £6 million and net assets were £9.9 million.
- 4.16 Details of 37 Great Britain employers' associations with Northern Ireland members are given in Appendix 5. In 2010 these organisations received contributions amounting to £1.2 million from their Northern Ireland members. Their total income was £60.7 million, expenditure was £59 million, and net assets were £70.5 million.

## CHAPTER 5

### SUPERANNUATION SCHEMES

*It is a legal requirement that any superannuation scheme maintained by a trade union or an employers' association for the benefit of members be actuarially examined at least every five years and a copy of the actuary's report 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 Schedule 1 to the 1992 Order requires that any superannuation scheme maintained by a Northern Ireland based trade union or employers' association<sup>1</sup> 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 if it applies only to a small number of members or for any other special reasons. 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 trade union or employers' association must supply a copy of any actuarial report made under Schedule 1 free of charge to any member on request.
- 5.2 Schedule 1 requires that the report by the actuary following his or her examination of any scheme shall state whether in his or her opinion the premium or contribution rates are adequate, whether the accounting or funding arrangements are suitable and whether the separately maintained superannuation fund is adequate.

#### Schemes maintained - Northern Ireland

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

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

### **Schemes maintained – Great Britain**

5.4 Three Great Britain based trade unions which have Northern Ireland members maintained members' superannuation schemes at 31 March 2010:

GMB

National Union of Rail, Maritime and Transport Workers

Unite the Union (5 schemes)

No Great Britain-based employers' association operated a members' superannuation scheme.

5.5 In addition the Great Britain Certification Officer was informed by Unite the Union of the British Aerospace Senior Staff Association Superannuation Fund, which it maintains.

Following enquiries made by the Great Britain Certification Officer he now expects to receive an actuarial valuation report on this scheme during the reporting year 2011-2012.

### **Actuarial reports**

5.6 The Great Britain Certification Officer received no actuarial reports during this period.

## CHAPTER 6

### MERGERS

*Mergers between trade unions and between unincorporated employers' associations must be conducted under the relevant statutory procedures, which include a ballot of members. The 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, as amended, lay down procedures governing two types of merger between trade unions and between unincorporated employers' associations. The procedures apply, with certain modifications, to mergers between Northern Ireland organisations and organisations in Great Britain and to both listed and unlisted organisations. Their main purposes are to facilitate the merger process 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.
- 6.2 The two types of merger are a *transfer of engagements* and an *amalgamation*. Under a transfer of engagements a transferring organisation loses its legal identity whilst the organisation to which it transfers 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 who must approve them before a ballot of members on the merger proposal can be held. The statutory fee payable for approval of the instrument is shown in Appendix 9.
- 6.4 Ballots must be postal<sup>1</sup> 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. The voting paper sent to a member may not

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<sup>1</sup>The 1995 Order provides that a trade union member may for reasons of personal safety request his union to send him a voting paper by some means other than post.

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 voting 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 (see paragraph 6.9 below).

- 6.5 In a transfer of engagements, only the members of the transferring organisation vote on the instrument of transfer. In an amalgamation, the members of each amalgamating organisation vote. If the required majority of votes recorded in the ballot is in favour of the transfer or amalgamation, an application to register the instrument may be made to the Certification Officer. Before making such an application, the union must send a copy of the scrutineer's report to every member, or notify them 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 transfer or amalgamation.
- 6.6 An interval of six weeks must elapse between the application for registration of an instrument and registration itself; and before the expiry of the six-week period any member of a 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 has not been observed. If, after giving the parties an opportunity to be heard, the Certification Officer finds the complaint justified, he must make a declaration to that effect, and he may 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.
- 6.7 Article 82A of the 1995 Order provides for automatic listing of a new organisation formed by the amalgamation of organisations on the list at the time of amalgamation (see paragraph 1.7), and for automatic issue of a certificate of independence to a new union formed by amalgamation of unions which held a certificate at the time of amalgamation (see chapter 2, paragraph 2.5).
- 6.8 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**

6.9 Certification Office staff will offer advice on the statutory provisions and are always prepared to meet officials of organisations considering a merger to discuss procedures and time-tables. The Office has produced two booklets on the statutory requirements for transfers of engagements and amalgamations, one for trade unions and the other for 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.

### **Mergers proposed or completed.**

6.10 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.

### **Mergers of Great Britain unions with Northern Ireland members**

6.11 Two Great Britain unions with Northern Ireland members completed mergers in 2010/11. They were the Association of College Management, which transferred its engagements to the Association of Teachers and Lecturers, and the Community and District Nursing Association, which transferred its engagements to the GMB.

## CHAPTER 7

### POLITICAL FUNDS

*The 1995 Order enables trade unions and unincorporated employers' associations to establish separate funds for the furtherance of political objects. They can only do so if a resolution adopting the political objects has been 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 explains the statutory provisions, including those relating to the exemption of Northern Ireland members and to complaints by trade union members about breaches of political fund rules.*

#### The statutory provisions for Northern Ireland organisations

##### *General*

- 7.1 A trade union or an unincorporated employers' association, whether listed or not, can include the furtherance of political objects among its objects. A resolution to adopt political objects ("a political resolution") must be passed by the members in a postal<sup>1</sup> ballot held under rules ("political ballot rules") which have been approved by the Certification Officer. An independent scrutineer must be appointed to oversee the ballot. If political objects are adopted, rules governing the expenditure of funds on them must also be adopted. These "political fund rules" must be approved by the Certification Officer.
- 7.2 Trade unions and employers' associations are required to periodically renew their authority to spend money on political objects. They must pass a political resolution by ballot of their members ("a review ballot") at least once in every 10 years. Each new ballot must be held in accordance with rules approved by the Certification Officer.

##### *Exemption*

###### *"Contracting-in"*

- 7.3 Unlike members of trade unions and employers' associations in Great Britain, members in Northern Ireland must provide a written authority (Article 59(1) of the 1995 Order) to their organisation before any contribution to the political fund may be taken from them, whether by way of deduction from their normal membership subscription or through a separate levy. This statutory requirement is colloquially known as "contracting-in". The rules of trade unions and employers' associations must provide for each member to know what portion, if any, of his or her normal contribution is a contribution to the political fund. These rules must be approved by the Certification Office

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<sup>1</sup> See footnote to Chapter 6

7.4 A member who does not “contract-in” to the political fund is exempt from contributing to it and any deduction or levy for that purpose would be unlawful. Any Northern Ireland member of a trade union or employers’ association who believes an unauthorised deduction or levy has been made may complain to the Certification Officer.

7.5 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.

*“Contracting-out”*

7.6 Any member who having initially “contracted-in” to a political fund wishes subsequently to “contract-out” of it must give a written “notice of withdrawal”( Article 59(2) of the 1995 Order). This may be delivered at the head office or a branch office of the organisation by the member in person or by any authorised agent or by post. The withdrawal takes effect from the 1 January next following the giving of the notice. If any deduction is made after that date the member may complain to the Certification Officer.

**Great Britain and Republic of Ireland organisations**

7.7 The statutory requirement that Northern Ireland members of trade unions and unincorporated employers’ associations must “contract-in” to a political fund applies regardless of where their organisation is headquartered. The requirements and conditions outlined in paragraphs 7.3 to 7.6 therefore apply also to Northern Ireland members of trade unions and employers’ associations headquartered in Great Britain or the Republic of Ireland.

7.8 Two Republic of Ireland trade unions with Northern Ireland 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 take political fund contributions from Northern Ireland members.



## **Political fund model rule for Great Britain organisations**

7.9 A political fund model rule covering Northern Ireland members has been agreed with the Great Britain Certification Officer for use by Great Britain based unions. It is included in the booklet "*Guidance for trade unions and employers' associations wishing to establish a political fund*" issued by the Great Britain Certification Office. Approval for use of the model rule, and for any proposed amendment of it, must be obtained from the Northern Ireland Certification Officer before any lawful political fund contribution may be levied on a Northern Ireland member, even if the member has provided a written authority. Great Britain trade unions and employers' associations which are intending to adopt or amend the model rule should contact the Northern Ireland Certification Office in advance.

## **Complaints**

- 7.10 Any member of a trade union or employers' association who considers that its political fund rules have been breached may complain to the Certification Officer. If, after investigating the complaint, the Certification Officer considers that a breach has occurred, he may make an order requiring the organisation to remedy it.
- 7.11 A member may complain to the Certification Officer if a political fund ballot has been held, or is proposed to be held, in a way that does not comply with the approved political ballot rules. Any complaint must be made within the period of one year beginning with the day on which the result of the ballot is announced.
- 7.12 A member who claims that money has been spent on political objects without a political fund resolution being in force or without approved political fund rules may apply to the Certification Officer for a declaration to that effect. If the Certification Officer makes a declaration he may also make such order for remedying the breach as he thinks just in the circumstances. Appeals against decisions of the Certification Officer may be made to the Court of Appeal on a question of law.
- 7.13 As mentioned earlier, Northern Ireland members who consider that political fund contributions are being taken from them without their written authority may complain to the Certification Officer. If he upholds a complaint, the Certification Officer may make an order to remedy the breach. Appeal is as in paragraph 7.12 above.

7.14 Northern Ireland members of a Great Britain headquartered trade union or employers' association who consider that its political fund rules have been breached, other than in relation to their political fund contributions, may complain to the Great Britain Certification Officer, 22<sup>nd</sup> Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. Enquiries should be made to his office, tel:- 0207 210 3734, e-mail:- info@certoffice.org.

#### **Advice on procedures**

7.15 On request, the Office will give advice on the procedures for establishing political funds and for holding review ballots. Guidance booklets which include model rules are available free of charge from the Office. A 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**

7.16 No Northern Ireland organisation had political fund rules in force at 31 March 2010.

#### **Great Britain organisations with political fund rules approved by the Northern Ireland Certification Officer**

7.17 There were 20 Great Britain trade unions with Northern Ireland members operating political funds at 31 March 2011. Of these, 17 had Northern Ireland members "contracting-in".

7.18 The 2011 returns show that 34,368 Northern Ireland members of these trade unions - representing some 14.4% of the total Northern Ireland trade union membership - contributed £127,875 towards political funds. A list of the 17 unions, showing the number of Northern Ireland members and the amount of their financial contributions, is given at Appendix 7. The three Great Britain unions whose Northern Ireland members did not contribute to their political funds in 2010 are listed in Appendix 8.

#### **Great Britain organisations with new political fund rules approved for the first time in this reporting period**

7.19 No new political funds were approved in 2010-2011.

#### **Amendments to rules of Great Britain organisations**

7.20 Amendments to the political fund rules of Great Britain organisations require the approval of the Great Britain Certification Officer. To the extent that they relate to the contributions of Northern Ireland members, they also require the approval of the Northern Ireland Certification

Officer. Two Great Britain unions with Northern Ireland members had amendments approved during 2010-2011 by both Certification Officers. They were the GMB and Unite the Union.

**Political fund review ballots held by Great Britain organisations**

7.21 During the reporting period no Great Britain union with Northern Ireland members held a review ballot (see paragraph 7.2).

**Political fund complaints by Northern Ireland members to the Great Britain Certification Officer.**

7.22 There were no such complaints in this reporting period.

## CHAPTER 8

### SECRET POSTAL BALLOTS FOR TRADE UNION ELECTIONS

*The 1995 Order requires that certain officers and all members of a trade union's executive committee must be elected by secret postal<sup>1</sup> ballot. No one may continue to hold one of those positions for more than five years without being re-elected. This Chapter deals with the statutory provisions governing elections. As explained in Chapter 9, the Certification Officer also has powers to deal with breaches of a union's own rules governing elections and certain other matters.*

#### The statutory provisions

- 8.1 A trade union must ensure that no one takes up a position as a member of its principal executive committee or as its president or general secretary, without having been elected to that position. 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 amalgamations, special register bodies, newly formed unions and officers nearing retirement. Elections must be by secret postal ballot of the members of the union, conducted in accordance with the provisions in the 1995 Order (Articles 12 to 28).
- 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. After giving the applicant and the union an opportunity to be heard, the Certification Officer may make or refuse the declaration asked for. Where he makes a declaration he must also, unless he considers it inappropriate, make an order imposing on the union one or more of the following requirements -
- (a) to hold the election in accordance with the order;
  - (b) to take such other steps to remedy the declared failure as may be specified in the order;
  - (c) to abstain from such acts as may be specified with a view to ensuring that a failure of the same or a similar kind does not occur in future.

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<sup>1</sup> See footnote to Chapter 6.

### **Disclosure of applicant's identity, hearings, appeals etc**

- 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.
- 8.4 The Certification Officer has accordingly made provision that the identity of an individual who makes or is proposing to make an application or complaint relating to a trade union will not generally be disclosed to the union unless or until the application or complaint is accepted. When an application or complaint is accepted, the Certification Officer will generally disclose the individual's identity to the union (and to such others as he thinks fit), unless he decides that the circumstances are such that it should not be disclosed. The Certification Officer makes that decision on a case by case basis. Fear of denigration will not of itself normally justify non-disclosure. The provision made by the Certification Officer under Article 70 of the 1992 Order is on the Office website:- [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk).
- 8.5 When a hearing is held on any application or complaint, expenses incurred by applicants and their necessary witnesses in attending the hearing may in certain circumstances be reimbursed by the Office at the discretion of the Certification Officer. All hearings before the Certification Officer are held in public.
- 8.6 Appeals on any question of law arising in proceedings before, or 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 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 have 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 and decisions**

- 8.9 During the period covered by this report the Certification Officer made no decisions relating to trade union elections.
- 8.10 The Great Britain Certification Officer made the following decisions relating to elections in Great Britain trade unions with Northern Ireland members –

**Dooley v UCATT (D/44-49/10-11).** The claimant alleged that the Union breached the Trade Union and Labour Relations (Consolidation) Act 1992 in relation to the 2009 General Secretary election. The Certification Officer declared that the Union had breached section 50(1) of the Act by not giving all its members equally the entitlement to vote in the election, and sections 49(5A)(a) and 52(5) by not supplying the scrutineer with a copy of the register of names and addresses of the members and not issuing members with a required statement when notifying them of the election result. Two other complaints by the claimant were dismissed. Having found that the Union had wrongfully excluded some 73,000 members from the entitlement to vote, the Certification Officer made an enforcement order that the election be treated as void and that the General Secretary must stand down from the office forthwith. The Union lodged an appeal against the decision. In a judgement given after the end of the reporting period, the Employment Appeal Tribunal rejected the appeal.

**Dawes v Royal College of Nursing (D/42-43/10-11)**

See summary in Chapter 9 below.

**McDermott v UNISON (D/1-8/10-11)**

See summary in Chapter 9 below

The full text of these decisions is available on the Great Britain Certification Office website: [www.certoffice.org](http://www.certoffice.org).

## CHAPTER 9

### APPLICATIONS CONCERNING BREACHES OF TRADE UNION RULES

*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 set out in Article 90A(2) the 1995 Order may apply to the Certification Officer for a declaration to that effect. This chapter explains breach of rule applications and how they are dealt with.*

#### The statutory provisions

- 9.1 Individual trade union members have the right to apply to the Certification Officer if they believe 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;
  - (e) such other matters as may be specified in an order made by the Department for Employment and Learning.
- 9.2 The applicant must be a member of the union, or have been a member at the time of the alleged breach or threatened breach. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court.
- 9.3 The Certification Officer may refuse to accept an application if he is not 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 must 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. Article 70ZA of the 1992 Order gives the Certification Officer the power to strike out certain applications or complaints.

9.5 The Certification Officer must give reasons for his decision in writing and, where he makes a declaration that there has been a breach or threatened breach of rule, 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 both 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, it must specify the period within which the union is to comply with the requirement.

9.6 An order made by the Certification Officer may be enforced (by any person who is a member of the union and was a member at the time the order was made) in the same way as an order of the High Court.

9.7 An appeal may be made to the Court of Appeal on any question of law arising in proceedings before, or from a determination by, the Certification Officer. Appeal is by way of notice of appeal and rehearing, under Order 59 of the Rules of the Supreme Court (Northern Ireland) 1980.

### **Applications and decisions**

9.8 During the period of this report the Certification Officer determined 13 complaints on four applications by trade union members.

9.9 **Torley and McKay v Unite the Union (D/1-2/2010).** The applicants claimed that two of the Union's rules had been breached in connection with the removal of a firm of solicitors from the Union's panel in Northern Ireland. The firm itself had taken an action against the Union in the High Court over its removal and the Certification Officer's hearing was deferred until after that action was concluded in March 2010. In his decision issued on 27 July 2010 the



Certification Officer dismissed both complaints, one on the ground that it was not within his jurisdiction.

- 9.10 **Bell v CWU (D/3-5/2010)**. The applicant's three breach of rule complaints concerned procedure at the Union's 2007 Annual Conference, an alleged act of discipline taken against him by the Union following that conference, and the alleged failure of the Union to act on a complaint made by him against three of its officers. Mr Bell also took an action against the Union in the Industrial and Fair Employment Tribunals on related matters and as a result the Certification Officer's hearing was not held until June 2010. The Certification Officer refused the declarations sought on all three complaints. These decisions were appealed by the applicant to the Court of Appeal, which delivered its judgment just after the end of this reporting period (on 4 April 2011). The Court upheld the Certification Officer's decisions on the first two complaints, but on the third it reversed his decision and granted Mr Bell the declaration he sought. It made an enforcement order requiring the Union to refer his complaint against the three officers to its National Disciplinary Committee within 14 days.
- 9.11 **Broadbent v POA (D/6-9/2010)**. Mr Broadbent made four complaints of breaches of the Union's rules in Branch elections held in 2009. The Certification Officer upheld one of the complaints (concerning the length of time for which the election notice was posted) but did not consider it appropriate to make an enforcement order. He refused to make the declarations sought on the other three complaints.
- 9.12 **Rice v Unite the Union (D/10-13/2010)**. Mr Rice claimed that four breaches of the Union's rules had occurred in the course of elections held in 2009 for positions on the Belfast Area Activists Committee, the Irish Executive Committee and the Ireland Region Political Committee. The Certification Officer upheld one of the complaints (concerning the election to the Political Committee of an ineligible person) but did not make an enforcement order. He refused the declarations sought on the other three complaints.
- 9.12 Copies of the Certification Officer's decisions are available free of charge from the Office, and are published on the Office website - [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk).
- 9.13 The Certification Officer does not have power to determine every kind of complaint that a union member may wish to make. For example, he has no jurisdiction regarding inadequate

representation of members by their union or regarding the provision of union benefits or membership.

- 9.14 The Great Britain Certification Officer made the following decisions in cases of alleged breach of rule by Great Britain trade unions with Northern Ireland members. The full text of these decisions is available free from the Certification Office, 22<sup>nd</sup> Floor, Euston Tower, 286 Euston Road, London NW13JJ and is published on that Office's website [www.certoffice.org](http://www.certoffice.org).

**McDermott v UNISON (D/1-8/10-11).** The claimant alleged various breaches of the Union's rules and a breach of statute in relation to his removal from the NEC and to certain elections in 2009. The Certification Officer refused to make the declarations sought.

**Searle v UNISON (D/17-22/10-11).** The claimant alleged six breaches of union rules in the election of stewards at the Croydon branch and in disciplinary proceedings taken by the union. The Certification Officer declared that there had been two breaches of rules relating to the elections. He did not make an enforcement order.

**Morgan v UNISON (D/24-29/10-11).** Six complaints were made of alleged breaches of union rule in relation to the holding of the 2010 AGM and elections of stewards and health and safety representatives at an East Midlands branch. The complaints were not upheld.

**Parkhill v Unite the Union (D/30/10-11).** The union was alleged to have breached a rule by making payment to its political fund a condition of admission to the union. The Certification Officer refused to make the declaration sought.

**Owen v Unite the Union (D/31-33/10-11).** The claimant alleged three breaches of rule in disciplinary proceedings taken against him by the union. The Certification Officer refused the declarations sought.

**August v UNISON (D/34-35/10-11).** The claimant complained of breaches of rule in the election of a shop steward in her workplace. The Certification Officer declared that the rules had been breached, but did not consider it appropriate to make an enforcement order.

**Dooley v UCATT (D/36-40/10-11).** The claimant alleged that the Union breached its rules in relation to the 2009 General Secretary election. In a preliminary hearing the Certification Officer dismissed the complaints as having been made out of time.

**Kruger v Unite the Union (D/41/10-11).** The claimant sought a declaration that the union breached a rule by not allowing him to stand in the election for Operating Convenor to the London Advisory Committee. The Certification Officer refused the declaration.

**Dawes v Royal College of Nursing (D/42-43/10-11).** The claimant alleged that the Union breached its rules and section 47(1) of the 1992 Act by removing him from membership, which resulted in his being removed as a Council member and barred from standing in the 2010 election for the position of Deputy President. The Certification Officer refused to make the declarations sought.

**APPENDIX 1 (SEE PARA 4.11) - (a) LIST OF NORTHERN IRELAND TRADE UNIONS (b) REPUBLIC OF IRELAND TRADE UNIONS WITH NI MEMBERS  
(AT 31 DECEMBER 2010 UNLESS OTHERWISE INDICATED)**

(a) List of Northern Ireland Unions	NI Members	Total Members (inc.ROI)	NI Subscription Contributions £'s	Total Income £'s	Total Expenditure £'s	Funds at the End of the Year £'s	Total Assets at the End of the Year £'s	Total Liabilities at the End of the Year £'s
Belfast Airport Police Association *	24	24	3,150	5,298	4,161	28,015	28,368	353
Lough Neagh Fishermen's Association *	62	62	230	230	388	6,582	6,582	-
Northern Ireland Public Service Alliance *	45,659	45,659	4,169,327	4,338,205	4,153,229	1,817,831	3,492,304	1,674,473
Ulster Teachers Union *	6,121	6,205	624,093	659,009	667,589	958,443	974,745	16,302
<b>TOTALS</b>	<b>51,866</b>	<b>51,950</b>	<b>4,796,800</b>	<b>5,002,742</b>	<b>4,825,367</b>	<b>2,810,871</b>	<b>4,501,999</b>	<b>1,691,128</b>
(b) Republic of Ireland Unions	NI Members	Total Members	NI Subscription Contributions €'s	Total Income €000's	Total Expenditure €000's	Funds at the 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
Irish Bank Officials' Association *	5,237	21,997	1,244,974	6,785	4,953	35,836	38,691	2,855
Irish National Teachers' Organisation* <sup>1</sup>	6,598	40,080	997,254	16,546	13,278	11,999	22,615	10,557
Services, Industrial, Professional & Technical Union *	1,597	232,123	84,835	39,407	36,947	35,544	51,160	15,616
IMPACT	60	63,566	14,690	20,571	10,564	48,511	52,867	4,356
Independent Workers Union *	154	1,252	3,552	127	136	-	43	43
<b>TOTALS</b>	<b>13,646</b>	<b>359,018</b>	<b>2,345,305</b>	<b>83,436</b>	<b>65,878</b>	<b>131,890</b>	<b>165,376</b>	<b>33,427</b>

\*Denotes a trade union holding a Certificate of Independence at 31 December 2010

<sup>1</sup> Irish National Teachers' Organisation – Figures converted from sterling to Euros using an exchange rate of €1.16 per £ sterling.

APPENDIX 2 (SEE PARA 4.12) - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the 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
ACCORD	1,485	27,253	105	59	115,647	2,966	2,807	3,658	4,004	346
Advance	367	6,622	2	12	15,276	714	689	894	972	78
Aspect	157	4,030	-	19	38,912	1,294	1,334	84	236	152
Association of Educational Psychologists	129	3,153	10	49	19,905	607	967	1,744	1,914	169
Association of School & College Leaders <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Association of Teachers & Lecturers	4,459	196,397	719	1,014	269,754	15	14	9	12	3
Bakers, Food & Allied Workers Union	612	21,515	420	-	62,983	3,138	3,276	661	1,974	2,635
British Airline Pilots Association <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
British Association of Occupational Therapists (Sept 10)	868	27,668	106	347	58,416	5,778	5,778	-	266	266
British Dental Association (Sept 10)	898	22,740	54	358	269,555	15,765	16,112	1,115	7,515	6,400
British Dietetic Association (Feb 10)	290	6,010	-	8	69,600	415	397	244	244	-
British Medical Association	5,213	135,792	171	3,252	1,311	130,577	24	109	158	49
Broadcasting, Entertainment, Cinematograph & Theatre Union	511	24,819	44	1	61,320	5,187	4,582	(645)	5,058	5,703
Chartered Society of Physiotherapy	1,762	47,035	332	1,131	414,604	13,171	12,929	7,328	12,705	5,377
Communication Workers Union	4,791	203,447	-	476	593,694	33,139	23,067	23,492	35,213	11,721
Equity (Incorporating the Variety Artists' Association)	324	36,177	-	-	33,930	6,023	6,205	8,526	14,108	5,582
FDA	315	18,010	-	96	59,546	3,585	3,240	894	3,015	2,121
Fire Brigades Union	1,711	41,595	-	-	322,433	12,937	12,671	4,472	6,806	2,334

<sup>1</sup> Union had not provided figures for year ending 31 December 2010 by June 2011

APPENDIX 2 - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the 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
Hospital Consultants & Specialists Association	132	3,251	-	28	25,080	610,337	550,614	697,071	714,069	16,998
GMB	12,351	589,796	65	-	1,237,000	74,863	53,512	27,165	57,693	30,528
Musician's Union	232	29,639	30	163	40,732	8,741	7,260	14,605	15,725	1,120
National Association of Head Teachers	921	37,041	-	1,758	220,638	8,304	7,521	5,690	6,072	382
National Association of Schoolmasters Union of Women Teachers (NASUWT)	12,802	311,697	-	2,311	1,645,707	31,674	28,883	29,714	38,725	9,010
National Federation of Sub-Postmasters	276	6,238	-	28	37,608	1,429	1,483	3,585	3,998	42
National Union of Journalists	951	28,271	3,756	857	152,366	5,534	5,875	802	5,542	4,739
Nationwide Group Staff Union	159	11,643	-	-	12,088	1,111	1,147	650	735	85
Nautilus International	341	15,022	295	987	64,780	6,271	6,958	5,954	7,237	1,283
POA	1,550	33,450	-	-	252,500	5,994	5,723	4,634	5,495	861
Prospect	1,626	115,378	25	4,144	125,500	17,737	10,870	33,393	34,365	972
Public and Commercial Services Union	2,323	289,445	21	302	243,306	51,101	34,779	13,837	21,151	7,314
Royal College of Midwives	1,519	37,502	37	417	386,618	9,832	9,860	477	501	24
Royal College of Nursing of the UK (Mar 10)	13,418	392,952	407	3,024	1,019,672	31,801	31,801	-	8,873	8,873
Society of Chiropractors and Podiatrists	401	8,367	136	217	134,200	3,795	3,847	4,046	4,459	413
Society of Radiographers	758	20,487	22	233	179,646	4,998	4,724	2,021	2,831	810
Transport Salaried Staffs' Association <sup>1</sup>	-	-	-	-	-	-	-	-	-	-

<sup>1</sup> Union had not provided figures for year ending 31 December 2010 by June 2011

APPENDIX 2 - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the 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
Union of Construction Allied Trades & Technicians	1,427	98,157	10,975	-	57,775	6,985	5,738	12,022	14,917	2,895
UNISON	36,605	1,337,895	-	-	2,865,424	186,973	151,202	125,259	253,420	128,161
Unite the Union	40,496	1,414,154	31,594	28,962	2,636,389	155,901	187,758	78,659	209,658	130,999
Union of Shop, Distributive & Allied Workers	14,832	384,027	-	-	1,180	40,808	37,021	18,693	47,060	28,367
Unity	66	4,529	-	-	5,860	901	970	7,836	7,938	14
University and College Union	4,111	117,892	17	42	615,263	18,197	19,285	(1,394)	23,164	24,558
Voice	177	30,354	-	16	6,549	1,932	1,922	595	1,018	422
<b>TOTALS</b>	<b>171,366</b>	<b>6,139,450</b>	<b>49,343</b>	<b>50,311</b>	<b>15,682,430</b>	<b>509,565</b>	<b>298,196</b>	<b>258,780</b>	<b>403,781</b>	<b>146,064</b>

APPENDIX 3 (SEE PARA 4.13) - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS - AT 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£000's	£000's	£000's	£000's	£000's
Association for Clinical Biochemistry	45	1,593	54	161	7,758	1,281	1,306	2,103	2,569	466
Association for College Management (Final return year end 1/4/11)	42	3,284	-	-	8,799	1,101	1,206	480	576	96
Association of Local Authority Chief Executives	18	376	-	-	5,400	115	106	173	185	12
Association of Principal Fire Officers	2	168	-	-	1,864	77	90	57	69	12
Association of Professional Music Therapists <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Association of Revenue and Customs <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Boots Pharmacists' Association (BPA)	36	942	-	-	1,728	45	53	18	21	4
Britannia Staff Union	6	3,322	-	-	234	195	127	546	563	17
British Association of Dental Nurses	75	5,929	1	12	3,746	463	421	321	344	23
British Association of Journalists	11	1,085	-	28	1,053	163	175	16	29	13
British Orthoptic Society <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Community and District Nursing Association	41	23,591	-	-	3,545	6,529	7,725	39,537	51,350	11,813
(Final return year end 15/4/10)	41	2,273	-	-	4,798	315	376	(48)	7	55
Dental Practitioners' Association <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Diageo Staff Association	55	251	-	-	1,254	35	40	21	21	-
(Final return year end 30/4/10)	39	855	4	-	2,632	53	46	74	77	3
Guild of Professional Teachers of Dance, Movement to Music & Dramatic Arts	7	240	3	62	17,395	1,517	1,054	2,680	3,735	1,055
Headmasters and Headmistresses' Conference (Mar 10)	26	3,815	-	142	2,682	423	405	850	857	6
Immigration Service Union	26	6,494	-	-	2,371	463	395	552	565	13
Independent Democratic Union	-	-	-	-	-	-	-	-	-	-
Independent Pilots Federation <sup>1</sup>	5	926	20	167	570	78	77	(27)	2,294	2,321
Institute of Journalists	5	465	-	1	102	9	7	45	47	2
Leeds Building Society Staff Association										

<sup>1</sup>Union had not provided figures for the year end 31 December 2010 by 1 June 2011



**APPENDIX 3 - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS - AT 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)**

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the 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
Lloyds TSB Group Union	94	40,119	1	559	9,189	3,316	3,170	1,243	1,663	420
National Association of Co-operative Officials	10	2,182	-	16	1,343	598	602	1,193	1,287	94
National Association of Group Secretaries to NFU (Oct 10)	61	470	-	-	10,255	185	176	58	166	8
NAPO - The Trade Union & Professional Association for Family Court & Probation Staff	99	9,156	-	-	27,136	2,438	2,203	1,933	1,967	34
National Society for Education in Art & Design (Sept 10)	15	2,158	8	56	1,036	565	598	73	382	309
National Union of Rail, Maritime & Transport Workers	99	76,858	74	-	18,788	18	14	32	38	6
Prison Governors Association	24	1,404	-	4	3,936	220	179	147	149	2
Prison Service Union <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
The Retail Book, Stationery and Allied Trades Employees Association <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Retained Firefighters Union	62	3,004	-	-	5,783	314	338	153	162	8
Retired Officers Association	8	291	-	51	408	26	44	87	90	3
Royal Society for the Protection of Birds Staff Association (Mar 11)	41	1,028	-	-	410	20	15	88	88	-
Sales Staff Association	11	233	-	-	660	14	6	112	112	-
Society of Authors Ltd	45	8,172	75	648	3,552	943	932	718	1,485	767
Society of Union Employees Solidarity <sup>1</sup>	5	281	-	-	520	228	138	96	98	2
UFS	-	-	-	-	-	-	-	-	-	-
Union of Country Sports Workers (Mar 11)	23	2,506	-	6	2,767	590	589	213	314	101
United Road Transport Union <sup>1</sup>	4	3,748	2	6	45	32	32	14	18	4
Writers Guild of Great Britain	-	-	-	-	-	-	-	-	-	-
	12	1,917	5	71	1,270	403	389	105	338	232
<b>TOTALS</b>	<b>1,093</b>	<b>209,136</b>	<b>247</b>	<b>1,990</b>	<b>153,029</b>	<b>22,569</b>	<b>22,906</b>	<b>53,632</b>	<b>71,665</b>	<b>11,148</b>

<sup>1</sup>Union had not provided figures for the year end 31 December 2010 by 1 June 2011

APPENDIX 4 (SEE PARA 4.15) - LIST OF NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS - 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)

	NI Employers' Associations	NI Members		NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year		Total Assets	Total Liabilities
		Members	NI					£	£		
1	Anglo-North Irish Fish Producers Organisation (July 10) <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
2	Construction Employers Federation Ltd	1,182	514,552	1,182	763,512	725,518	643,004	1,076,416	433,412		
3	Engineering Employers' Federation NI Association	137	693,212	137	774,493	886,890	1,208,124	1,305,050	96,926		
4	Northern Ireland Bakery Council (Mar 10)	-	-	-	-	-	-	-	-	-	
5	Northern Ireland Fish Producers Organisation Ltd	132	2,110	155	1,268,343	1,420,344	5,055,428	5,349,977	294,549		
6	Northern Ireland Grain Trade Association	31	31,788	31	31,791	30,678	11,308	13,908	2,600		
7	NI Local Government Association (Mar 10)	26	373,613	26	1,498,995	1,503,501	254,770	546,273	291,803		
8	Ulster Chemists Association	519	77,584	519	129,767	106,484	420,122	470,717	50,595		
9	Ulster Farmers' Union	11,215	963,066	11,215	1,506,126	1,370,728	2,282,607	2,485,653	203,046		
<b>TOTALS</b>		<b>13,242</b>	<b>2,655,925</b>	<b>13,265</b>	<b>5,973,027</b>	<b>6,044,143</b>	<b>9,875,363</b>	<b>11,247,994</b>	<b>1,372,931</b>		

<sup>1</sup> Association had not provided figures for year ending 31 July 2010 by 1 Jan 2011

APPENDIX 5 (SEE PARA 4.16) - GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS - 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)

	NI MEMBERS		NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
	Members	NI							
1 Association of British Orchestras <sup>1</sup>	-	-	-	-	-	-	-	-	-
2 Association of Circus Proprietors <sup>1</sup>	-	-	-	-	-	-	-	-	-
3 Association of Newspapers and Magazine Wholesalers (Mar 10)	2	1,506	222,649	8	226,846	35,385	110,072	74,687	
4 BFM Ltd	1	472	632,356	178	631,700	1,341,444	1,623,392	282,488	
5 British Amusement Catering Trades Association (June 10)	4	6,214	1,201,772	556	1,468,601	11,131,406	28,102,987	575,424	
6 British Ceramic Confederation <sup>1</sup>	-	-	-	-	-	-	-	-	
7 British Jewellery, Giftware and Finishing Federation	10	3,831	2,393,718	2,466	1,900,324	9,698,749	10,315,352	616,603	
8 The British Precast Concrete Federation Ltd <sup>1</sup>	-	-	-	-	-	-	-	-	
9 British Printing Industries Federation <sup>1</sup>	-	-	-	-	-	-	-	-	
10 Builders Merchants Federation <sup>1</sup>	-	-	-	-	-	-	-	-	
11 Dairy UK Ltd	8	102,284	2,068,985	643	2,210,883	3,911,159	4,508,008	596,849	
12 Cinema Exhibitors' Association Ltd	4	4,885	377,901	174	414,394	296,998	1,101,008	804,010	
13 Construction Plant Hire Association (June 10)	8	3,514	960,817	1,496	765,519	1,791,877	2,055,254	263,377	
14 Electrical Contractors' Association <sup>1</sup>	-	-	-	-	-	-	-	-	
15 Engineering Construction Industry Association <sup>1</sup>	-	-	-	-	-	-	-	-	
16 Federation of Master Builders	304	4,197	4,694,778	10,650	4,763,760	3,762,186	5,975,589	2,213,403	
17 Federation of Window Cleaners	20	1,898	132,226	995	135,236	269,991	384,654	114,663	
18 Fencing Contractors Association Ltd	1	1,085	436,444	256	451,840	45,852	115,058	67,776	
19 Freight Transport Association	321	394,315	23,694	14,003	20,897	262	11,141	10,879	
20 Glass and Glazing Federation	6	12,890	1,979,516	471	1,658,474	4,938,691	5,857,280	918,589	
21 Heating & Ventilating Contractors' Association (Feb 11)	45	114,949	13,971,007	1,400	14,274,651	6,024,212	28,020,589	21,996,377	
22 National Bed Federation (final return)	2	2,200	470,555	78	429,877	190,595	416,104	255,509	
23 National Employers' Organisation for Local Government Services <sup>1</sup>	-	-	-	-	-	-	-	-	
24 National Federation of Retail Newsagents	646	189,938	5,061,468	17,297	5,068,014	6,056,931	6,662,826	565,895	
25 National Federation of Roofing Contractors Limited (Jan 11)	21	10,626	1,244,164	878	1,193,243	630,043	755,466	125,423	
26 National Hairdressers Federation	18	3,679	1,648,086	5,783	1,469,249	2,383,717	2,640,859	257,142	

<sup>1</sup> Association had not provided the figures for year ending 31 December 2010 by 1 June 2011

GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS	NI Members	NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
27 National Pharmacy Association Ltd	233	148,729	4,117	6,265,759	6,095,211	5,758,495	8,450,098	2,691,603
28 Producers Alliance for Cinema and Television Ltd (Sept 10)	17	18,425	488	1,869,374	1,711,580	1,195,670	1,919,441	723,771
29 Radio Electrical & Television Retailers' Association (Oct 10)	63	14,994	1,295	740,376	638,442	1,512,793	1,736,125	223,332
30 Retail Motor Industry Federation Ltd <sup>1</sup>	-	-	-	-	-	-	-	-
31 Road Haulage Association Ltd	203	60,702	7,149	5,831,756	6,168,885	2,341,502	3,276,712	935,210
32 Scottish Association of Master Bakers	1	170	357	976,502	898,046	1,520,392	1,732,548	212,156
33 Scottish and NI Plumbing Employers Federation	86	44,984	762	1,334,759	908,933	1,375,714	1,692,444	316,730
34 The Newspaper Society	2	32,967	146	3,183,463	2,787,856	1,912,804	2,729,821	817,017
35 Theatrical Management Association	3	5,198	337	710,746	717,480	185,072	543,675	358,603
36 Thermal Insulation Contractors Association	5	8,164	229	1,551,511	1,356,803	1,203,217	1,439,837	236,620
37 Vehicle Builders and Repair Association Ltd	12	8,000	807	682,650	730,655	1,013,627	1,147,171	133,544
<b>TOTALS</b>	<b>2,046</b>	<b>1,200,816</b>	<b>72,990</b>	<b>60,667,032</b>	<b>59,046,847</b>	<b>70,528,784</b>	<b>123,284,051</b>	<b>36,387,680</b>

<sup>1</sup> Association had not provided the figures for year ending 31 December 2010 by 1 June 2011

**APPENDIX 6 (PARA4.3) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)**

<b>NORTHERN IRELAND</b>	<b>OFFICE HELD</b>	<b>SALARY</b>	<b>BENEFITS</b>
		<b>£'s</b>	<b>(Excluding NI Contributions) £'s</b>
Belfast Airport Police Association	Chairman	Nil	Nil
Lough Neagh Fishermen's Association	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary (Jan-Feb)	8,294	3,259
	General Secretary (Mar-Dec)	43,349	18,215
Ulster Teachers' Union	General Secretary	59,405	42,126
<b>REPUBLIC OF IRELAND</b>	<b>OFFICE HELD</b>	<b>SALARY</b>	<b>BENEFITS</b>
		<b>€'s</b>	<b>(Excluding PRSI) €'s</b>
Irish Bank Officials Association	General Secretary	132,455	64,194
IMPACT	General Secretary	152,062	51,860
Irish National Teachers' Organisation	General Secretary	185,313	81,463
Services, Industrial, Professional & Technical Union (SIPTU)	General Secretary	118,650	3,065
	General President	118,650	6,170
Independent Workers Union	National Secretary	25,000	Nil
<b>GREAT BRITAIN</b>	<b>OFFICE HELD</b>	<b>SALARY</b>	<b>BENEFITS</b>
		<b>£'s</b>	<b>(Excluding NI Contributions) £'s</b>
Advance	General Secretary	12,264	15,590
Accord	General Secretary	108,934	1,874
ASPECT	General Secretary	66,632	Nil
Association for Clinical Biochemistry	General Secretary	Nil	Nil
Association for College Management	General Secretary	96,558	17,989
Association of Educational Psychologists	General Secretary	59,948	7,194
Association of Local Authority Chief Executives	Honorary Secretary	Nil	Nil
Association of Principal Fire Officers	General Secretary	Nil	Nil
Association of Professional Music Therapists	Chairperson	Nil	Nil
Association of Revenue and Customs <sup>1</sup>	General Secretary	-	-
Association of Schools and College Leaders <sup>1</sup>	General Secretary	-	-
Association of Teachers & Lecturers	General Secretary	111,399	56,470
Bakers, Food & Allied Workers Union	General Secretary	45,363	13,328
	National President	45,363	13,360
Boots Pharmacists' Association (BPA)	Chief Executive	10,000	Nil
Britannia Staff Union	General Secretary	12,407	Nil
	Assistant Secretary	26,197	23,713
British Airline Pilots Association <sup>1</sup>	General Secretary	109,755	17,889
British Association of Dental Nurses	Chief Executive	38,983	2,698
British Association of Journalists	General Secretary	23,333	Nil
British Association of Occupational Therapists	Chairman	Nil	Nil

<sup>1</sup> Union had not provided the figures for year ending 31 December 2010 by 1 June 2011.

**SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)**

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
		£'s	£'s
British Dental Association	Chairman	33,800	Nil
British Dietetic Association (28/2/10)	General Secretary	Nil	Nil
British Medical Association	Treasurer	53,958	Nil
	Chairman of Council	95,220	19,968
British Orthoptic Society	General Secretary	Nil	Nil
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	61,876	8,972
Chartered Society of Physiotherapy	Chief Executive	96,034	21,176
Communication Workers Union	General Secretary	88,329	Nil
Community	General Secretary	89,663	17,933
	Deputy Gen Secretary	78,691	15,738
Community & District Nursing Association (final return year end 15/4/10)	Chief Executive	62,500	Nil
Dental Practitioners Association <sup>1</sup>	Chief Executive	-	-
Diageo Staff Association (final return year end 30/4/10)	Chairman	Nil	Nil
Equity (Incorporating the Variety Artistes' Association)	General Secretary	69,985	20,203
FDA	General Secretary	92,145	32,711
Fire Brigades Union	General Secretary	69,680	50,284
	Asst. General Secretary	65,729	52,209
GMB	General Secretary	89,000	28,000
	President	29,000	Nil
Guild of Professional Teachers of Dancing	General Secretary	12,550	Nil
Headmasters & Headmistresses' Conference (31/3/10)	General Secretary	125,000	813
Hospital Consultants & Specialists Association (30/9/10)	Chief Executive	74,556	6,727
Immigration Service Union	General Secretary	7,734	Nil
	Deputy Gen. Secretary	5,779	
Independent Democratic Union	National Secretary	46,760	9,936
Independent Pilots Federation <sup>1</sup>	General Secretary	-	-
Institute of Journalists	General Secretary	34,520	2,285
Leeds Building Society Staff Association	Secretary	Nil	Nil
Lloyds Trade Union	General Secretary	51,583	27,232
Musicians' Union	General Secretary	86,900	21,534
National Association of Co-operative Officials	General Secretary	89,017	19,837
National Association of Group Secretaries to the NFU	General Secretary	7,692	Nil
National Association of Head Teachers	General Secretary Jan-Aug	71,944	17,806
	General Secretary Aug-Dec	38,333	5,698
NAPO-The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	63,573	10,832
NASUWT	General Secretary	98,531	28,904
National Federation of Sub-Postmasters	General Secretary	82,558	12,381
National Society for Education in Art & Design (30/9/10)	General Secretary	49,898	7,036
National Union of Journalists	General Secretary	63,481	8,266

<sup>1</sup> Union had not provided the figures for year ending 31 December 2010 by 1 June 2011.

**SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS - AT 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)**

GREAT BRITAIN	OFFICE HELD	SALARY £'s	BENEFITS (Excluding NI Contributions) £'s
Nautilus UK	General Secretary	80,142	13,509
National Union of Rail, Maritime & Transport Workers	General Secretary	84,006	34,095
Nationwide Group Staff Union	General Secretary	105,012	20,124
Prison Governors Association	General Secretary	Nil	Nil
POA	General Secretary	67,687	41,722
Prison Service Union <sup>1</sup>	Dept General Secretary	63,962	25,020
PROSPECT	General Secretary	-	-
Public and Commercial Service Union	General Secretary	102,996	22,254
		88,675	26,663
The Retail Book, Stationery and Allied Trades Employees' Association <sup>1</sup>	General Secretary	-	-
Retained Firefighters Union	General Secretary	45,592	3,960
Retired Officers Association (30/6/10)	Treasurer	1,200	Nil
Royal College of Midwives	General Secretary	144,367	33,204
Royal College of Nursing of the UK (31/3/10)	General Secretary	60,020	Nil
Royal Society for the Protection of Birds			
Staff Association (31/3/11)	Chairperson	1,200	Nil
Sales Staff Association	General Secretary	Nil	Nil
Society of Authors	General Secretary	90,750	43,426
Society of Chiropractors and Podiatrists	General Secretary	72,631	6,007
Society of Radiographers	Chief Executive	47,608	5,536
Society of Union Employees (UNISON) <sup>1</sup>	General Secretary	-	-
Solidarity <sup>1</sup>	General Secretary	-	-
Transport Salaried Staffs' Association <sup>1</sup>	General Secretary	-	-
UCATT	General Secretary	72,259	15,821
UFS	General Secretary	99,482	28,944
Unite the Union	Joint Gen Secretary	97,677	412,982
	Joint Gen Secretary	96,149	28,565
UNISON	General Secretary	91,577	42,307
Unity	General Secretary	44,395	20,000
	Asst General Secretary	38,286	23,746
Union of Country Sports Workers	Chairman	Nil	Nil
Union of Shop, Distributive & Allied Workers	General Secretary	87,141	29,674
University and College Union	General Secretary	98,238	17,719
United Road Transport Union <sup>1</sup>	General Secretary	-	-
Voice	General Secretary	69,926	2,082
Writers Guild of Great Britain	General Secretary	53,040	Nil

<sup>1</sup> Union had not provided the figures for year ending 31 December 2010 by 1 June 2011.

**APPENDIX 7 (SEE PARA 7.18) - GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – AT 31 DECEMBER 2010 (UNLESS OTHERWISE INDICATED)**

	NI Members Contracted-in	% of total NI Members	NI Contributions £
Aspect	87	55.4%	261
Association of Revenue and Customs <sup>1</sup>	-	-	-
Communication Workers Union	2,848	59.4%	14,696
Broadcasting, Entertainment, Cinematograph and Theatre Union (BECTU)	511	100%	797
Community	35	85%	364
Fire Brigades Union	580	29.5%	4,578
GMB	63	0.5%	491
Musician’s Union	3	1.3%	9
National Association of Schoolmasters Union of Women Teachers (NASUWT)	1,631	12.7%	1,752
National Union of Rail, Maritime and Transport Workers	70	70.7%	218
POA	1,550	100%	2,790
PCS	1,638	70.5%	822
Prospect	242	14.9%	316
Transport Salaried Staffs’ Association <sup>1</sup>	-	-	-
Union of Shop, Distributive and Allied Workers	5,882	39.7%	27,763
Unite the Union	18,233	45%	70,875
University and College Union	995	24.2%	2,143
<b>TOTALS</b>	<b>34,368</b>	<b>47.3%</b>	<b>127,875</b>

<sup>1</sup> Union had not provided figures for year ending 31 December 2010 by June 2011



**APPENDIX 8 (SEE PARA 7.18) - GB TRADE UNIONS WHOSE NORTHERN IRELAND MEMBERS DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2010)**

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Bakers, Food and Allied Workers Union

UNISON

Unity

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## APPENDIX 9 - STATUTORY FEES

*Fees are set by the Department for Employment and Learning. They were revised by the Certification Officer (Fees) Regulations (Northern Ireland) 2008 (SR 2002 No.95), under the powers conferred on the Department by Articles 5, 6 and 107 of the Industrial Relations (Northern Ireland) Order 1992 and Article 89 of the Trade Union and Labour Relations (Northern Ireland) Order 1995. The Regulations came into effect on 6 April 2008.*

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	Current Fee
Application for entry in the list of trade unions or the list of employers' associations	£45
Application for approval of change of name	£45
Application for a certificate of independence	£885
Application for a certificate of independence by an amalgamated trade union where each amalgamating union already had a certificate	£45
Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation	£1120
Inspection of merger documents	£45

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## APPENDIX 10 –CERTIFICATION OFFICE FORMS

TITLE OF FORM	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 transferring organisation in support of the registration of an instrument of transfer of engagements	CO(NI)11
Statutory declaration on behalf of the receiving organisation in support of the registration of an instrument of transfer of engagements	CO(NI)12
Application for registration of an instrument of amalgamation	CO(NI)13
Statutory declaration in support of an application for the registration of an instrument of amalgamation	CO(NI)14
Application for the approval of amendment(s) to political fund rules	PF(NI)1
Application for approval of rules for political fund	PF(NI)2
Application for approval of rules for political fund ballot or political fund	PF(NI)4
Return of result of political fund ballot	PF(NI)5

## APPENDIX 11 - CERTIFICATION OFFICE PUBLICATIONS

The following publications are available on the website - [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk) - and may also be obtained free of charge on request from the Office:

1. *Hearings by the Certification Officer under the 1995 Order – Guidance on Procedure.*
2. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions.*
3. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of employers' associations.*
4. *Guidance for trade unions wishing to apply for a certificate of independence.*
5. *Guidance for trade unions and employers' associations wishing to establish a political fund.*
6. *A guide to political fund review ballots.*
7. *Financial Irregularities in Trade Unions and Employers' Associations.*
8. *Making a complaint to the Certification Officer against a trade union.*
9. *Provision made by the Certification Officer about disclosure of the identity of complainants.*
10. *Terms of a scheme enabling the Certification Officer to make certain payments to persons attending hearings.*
11. *Annual Reports of the Certification Officer.*
12. *Equality Scheme.*

## APPENDIX 12 - DECISIONS OF THE CERTIFICATION OFFICER

*D/1/2000 - Gilliland & Wilson v NIMA – Complaint of failure to properly appoint a scrutineer in an election for the post of President. Upheld*

*D/2/2000 - Thompson v T&G - Complaint of breach of union rules in election to the Belfast District Committee. Complaint upheld and re-run of election ordered.*

*D/1/2001 - Gilliland & Wilson v NIMA - Complaint of failure to hold an election for the post of General Secretary. Complaint upheld and union ordered to hold an election.*

*D/2/2001 - Welsh v NIPSA - Alleged interference in election ballot for general council and that the scrutineer had failed to carry out his function in accordance with legislation. The former complaint was dismissed; the latter was upheld, and an enforcement order was issued.*

*D/3/2001 - Irvine v T&G - Jurisdictional hearing. The Certification Officer held that he had jurisdiction to hear three of the five complaints made. He ruled that the others were out of time.*

*D/2002/01-Cammock & Doherty v MSF -Six complaints relating to suspension from office outside the union's rules. Five complaints were upheld and two enforcement orders issued.*

*D/2002/02 - McKay v T&G - Jurisdictional hearing. The Certification Officer decided not to accept five out of six complaints: one because it was out of time, one because the union rule in question did not apply in Northern Ireland, and three because they concerned discipline against an employee of the union.*

*D/2002/03 – McKay v T &G - In the one remaining complaint (see D/2002/02 above), it was found that the union had breached its rules by refusing to call a meeting of its Irish Regional Committee. An enforcement order was issued.*

*D/1-5/2003 – Irvine v T&G -(See D/3/2001 above). Three complaints of breaches of union rules on elections and the proceedings of a branch were upheld. An enforcement order was issued.*

*D/6-7/2003 – Manly v GMB – Alleged breaches of trade union rules – complaints dismissed upon withdrawal by the complainant.*

*D/1-8/2004 – Sweeney v UNISON – Eight complaints by two applications. Seven related to branch elections, the eight to an alleged failure to keep an up to date register of the names and addresses of members. Seven of the complaints were upheld. The Certification Officer declared that the union had breached its rules in relation to branch elections but considered it inappropriate to make an enforcement order.*

*D/9-15/2004 – McCreight v CWU – Alleged breaches of union rules: The complaints were dismissed upon withdrawal by the complainant.*

*D/16-21/2004 –Buchanan v CWU – Alleged breaches of union rules: The complaints were dismissed upon withdrawal by the complainant.*

*D/1-7/2005 – Arbuckle v NASUWT – Of six complaints about breaches of union rules relating to disciplinary proceedings and removal from office, two were upheld and four dismissed.*

*D/8/2005 – Rea & Others v T&G - A complaint that the union had breached its rules in relation to elections to its Northern Ireland Regional Committee was upheld .*

*D/9-14/2005 – Edgar v GMB – The union conceded that there had been five breaches of rules relating to elections and the proceedings of one of its branches. The Certification Officer made declarations accordingly. He refused to make the declaration sought in a further complaint alleging discipline outside the union's rules.*

*D/15-18/2005 – Lewis v Prison Officers’ Association – Of four complaints that the union had breached its rules in disciplinary proceedings, three were dismissed and one upheld..*

*D/1-5/2006 – McGinley v The Northern Ireland Public Service Alliance (NIPSA) – The applicant complained of five breaches of rule in relation to proceedings at the union’s annual conference. One complaint was upheld and four were dismissed..*

*D/6-7/2006 - Egan v NASUWT - The union was found to have breached its rules in removing the applicant from elected office in a local association. A second complaint, that the removal was an act of discipline outside the rules, was dismissed.*

*D/8-10/2006 - Morgan v NASUWT - Three complaints of breach of the union’s rules were dismissed on withdrawal by the applicant.*

*D/11-13/2006 - Morgan v NASUWT - The Certification Officer declared that the union had breached its rules in an election for Northern Ireland posts on its National Executive. Two further complaints were dismissed on withdrawal by the applicant.*

*D/1-2/2007 – McCready v NASUWT – The union was found to have breached its rules relating to discipline. No enforcement order was made. A second complaint was dismissed on withdrawal by the applicant.*

*D/3-6/2007 – Archer v UCATT – Two complaints of breach of statutory provisions relating to elections and two complaints of breach of the union’s rules were dismissed.*

*D/1-16/2008 – Duffy v POA – Twelve complaints of breach of the union’s rules were dismissed and four were upheld. The Certification Officer issued an enforcement order requiring the union to treat its decision to expel the applicant as void.*

*D/17-20/2008 - Wilson v POA – Four complaints of breach of rules were dismissed upon withdrawal by the applicant.*

*D/21-31/2008 – Brown v POA – 11 complaints of breach of union rules were dismissed upon withdrawal by the applicant.*

*D/32-56/2008 – Jameson v POA – 25 complaints of breach of union rules were dismissed upon withdrawal by the applicant.*

*D/57-68/2008 – Lewis v POA – 12 complaints of breach of union rule were dismissed upon withdrawal by the applicant.*

*D/69-72/2008 – Boylan v University and College Union - Three complaints of breach of union rules relating to discipline and one complaint of breach of the rules of natural justice were dismissed.*

*D/73-78/2008 – Moody v POA - Six complaints of breach of union rules were dismissed upon withdrawal by the applicant.*

*D/1-3/2009 - McCafferty v NIPSA – three complaints of breach of union rules were dismissed upon withdrawal by the applicant.*

*D/4- 7/2009 – Lawlor v Unison – four complaints of breach of union rules were dismissed at a preliminary hearing as having been made out of time.*

*D/1-2/2010 - Torley & McKay v Unite the Union – Two complaints of breach of the union’s rules were dismissed.*

*D/3-5/2010 - Bell v CWU – The Certification Officer dismissed three complaints of breach of the union’s rules. The applicant appealed to the Court of Appeal which reversed the Certification Officer’s decision on one of the complaints and issued an enforcement order.*

*D/6-9/2010 - Broadbent v POA - One complaint of breach of the union's rules was upheld and three were dismissed. No enforcement order was made in respect of the complaint that was upheld.*

*D/10-13/2010 - Rice v Unite the Union - One complaint of breach of the union's rules was upheld and three were dismissed. No enforcement order was made.*

