

**Northern Ireland
Certification Officer
For Trade Unions and
Employers' Associations**

Annual Report

**of the
Certification Officer for Northern Ireland**

2007

(Covering Period 1 April 2006 to 31 March 2007)

NIA 85/06-07

10 – 12 Gordon Street
Belfast BT1 2LG
Tel: 028 90 23773
Fax: 028 90 232271
Email: info@nicertoffice.org.uk
Web: nicertoffice.org.uk

First published 2007

**Ms Aideen McGinley
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 2006 to 31 March 2007.

Roy Gamble
Certification Officer for Northern Ireland

2 August 2007

**Mr Patrick McCartan
Chairman
Labour Relations Agency
2-8 Gordon Street
BELFAST
BT1 2LG**

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 Labour Relations Agency. I have pleasure in submitting my report for the period 1 April 2006 to 31 March 2007.

Roy Gamble
Certification Officer for Northern Ireland

2 August 2007

	<i>Page</i>		
INTRODUCTION	i – iii	5.	SUPERANNUATION SCHEMES
EQUALITY STATEMENT	iv		The Statutory Provisions 14
CHAPTER			Schemes Maintained - Northern Ireland 14
			Schemes Maintained – Great Britain 14
			Actuarial Reports 14
1. LISTS OF TRADE UNIONS AND EMPLOYERS’ ASSOCIATIONS		6.	MERGERS
Entry in the Lists and its Significance	1		The Statutory Provisions 15–16
Removal from the Lists	1		Advice on Procedures 16
Additions to the Lists	2		Mergers proposed or completed 16
Special Register Bodies	2		Mergers of Great Britain unions with Northern Ireland Members 16
Changes of Name	2		Complaints 16
Unlisted Organisations	3	7.	POLITICAL FUNDS
Definitions of a Trade Union and an Employers’ Association	3		The statutory provisions for Northern Ireland based organisations - 17
2. TRADE UNION INDEPENDENCE			General 17
The Statutory Provisions	4		Exemption 17
Criteria of Independence	4		Great Britain and Republic of Ireland based organisations 17–18
Procedure	5		Political Fund Model Rule for Great Britain organisations 18
Applications/Decisions	5		Complaints 18
Great Britain Certification Officer Decisions on Trade Unions with Northern Ireland Members	5		Advice on Procedures 18
3. ANNUAL RETURNS AND ACCESS TO ACCOUNTING RECORDS			Northern Ireland organisations with Political Fund Rules 18
The Statutory Provisions	6		Great Britain organisations with Political Fund Rules approved by the Northern Ireland Certification Officer 18
Late Submission of Annual Returns	7		Great Britain organisations with new Political Fund rules approved for the first time in this reporting period 18
Prosecutions	7		Amendments to rules of Great Britain Organisations 18–19
Authorised Northern Ireland Resident	8		Political Fund Review Ballots held by Great Britain organisations 19
Public Inspection of Annual Returns	8		Political fund complaints by Northern Ireland Members to the Great Britain Certification Officer 19
Statement to Members of a Trade Union	8	8.	SECRET POSTAL BALLOTS FOR TRADE UNION ELECTIONS
Financial Affairs of Trade Unions and Employers’ Associations - Use of Statutory Powers	8–9		The Statutory Provisions 20
Investigations	9–10		Disclosure of Applicant’s Identity, hearings, appeals etc 20–21
Access to Accounting Records	10–11		Applications and Decisions 21
Branch Funds	11		
4. FINANCIAL AND MEMBERSHIP INFORMATION AND MEMBERSHIP REGISTER			
Information from 2006 Returns	12		
Trade Unions - Salaries and Benefits	12		
Trade Unions - Membership Register	12		
Trade Unions - Membership and Financial Information	12–13		
Employers’ Associations - Membership and Financial Information	13		

9. APPLICATIONS CONCERNING BREACHES OF TRADE UNION RULES

The Statutory Provisions	22
Applications and Decisions	23–24

APPENDICES

- 1. (a) List of Northern Ireland Trade Unions at 31 December 2006**
(b) Republic of Ireland Trade Unions with NI Members at 31 December 2006
- 2. GB Trade Unions with 100 or more NI Members at 31 December 2006**
- 3. GB Trade Unions with less than 100 NI Members at 31 December 2006**
- 4. List of NI Employers' Associations at 31 December 2006**
- 5. GB Employers' Associations with NI Members at 31 December 2006**
- 6. Salaries and Benefits of the Chief Officers of Trade Unions with NI Members at 31 December 2006**
- 7. GB Trade Unions with NI Members who have "contracted in" to the Political Fund at 31 December 2006**
- 8. GB Trade Unions whose NI Members do not contribute to the Political Fund at 31 December 2006**
- 9. Statutory Fees**
- 10. Certification Office Forms**
- 11. Certification Office Publications**
- 12. Freedom of Information requests in 2006/07**

This is the fifteenth 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 2006 to 31 March 2007.

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.

A number of noteworthy developments occurred in the period covered by this Report.

I appealed to the Court of Appeal against a decision in the Magistrates' Court concerning the refusal of certain officers or agents of Northern Ireland Hotels Federation to co-operate with my inspector in an investigation of the Federation's financial affairs. This was my second appeal in this matter, the Court of Appeal having found in my favour on the previous occasion. The appeal is expected to be heard in late 2007. Details are in Chapter 3 (paragraphs 3.31ff).

After a review of all the relevant papers I decided that I would not appoint a new inspector to carry on an

investigation into the financial affairs of the Lough Neagh Fishermen's Association. The background and reasons for my decision are given in Chapter 3 (paragraphs 3.25ff).

The Office made further enquiries concerning the Seaman's Union of Ireland, a union headquartered in the Republic of Ireland which has not made returns to the Office for several years. Last year's Report indicated that the Office was pursuing this matter and that it was proposed to bring a prosecution against the union. The Office's enquiries revealed that the union is facing a crisis in its affairs. The situation is described in chapter 3, together with my current position in regard to it (paragraphs 3.11ff).

Recorded membership of Northern Ireland trade unions increased by 231 since the last reporting period. Northern Ireland membership of Republic of Ireland unions increased by 87 while that of Great Britain unions decreased by 4,941.

No trade unions were removed from or added to the Northern Ireland list during the year. Three Great Britain unions with Northern Ireland members ceased to exist, in each case as a result of a merger: two unions with Northern Ireland members were added to the Great Britain list, one of them created by one of these mergers.

Eight decisions on complaints made by trade union members were issued: details are in chapter 9 below. A further 36 complaints were being processed by the Office at 31 March 2007. Of two appeals which had been made to the Court of Appeal against earlier decisions of mine, one was withdrawn by the appellant and the other was not pursued following a Court of Appeal ruling which clarified the way in which appeals against decisions of the Certification Officer are to be made. Details are in Chapter 9.

Over the year the Office received a large number of requests under the Freedom of Information Act 2000 (FOIA). Appendix 12 has more details.

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 2007 was £172,011. My salary at 31 March 2007 was £18,646, excluding Employers NI contribution, for a two-day week. This sum is not pensionable and is taxed under PAYE.

At 31 March 2007 only three of the four posts in the Office were filled, a situation which had pertained throughout the year. A fourth member of staff was appointed in June 2007. A large inflow of FOIA requests in the year exacerbated the effect of the staff shortfall on the delivery of the Office's core functions. I look forward to operation with a full complement in 2007/08.

Over the year about 60% of the Office's resources were allocated to work connected with Annual Returns from Trade Unions and Employers' Associations, 18% to work relating to complaints and trade union finances, 2% to Court of Appeal cases, 18% to FOIA requests, 1% to work relating to trade union political funds, and the remainder to various matters including independence.

The statutory fees to be paid to the Office for certain applications or inspections were not changed in the period of this Report. They are set out in Appendix 9.

The Certification Officer may make payment towards the expenses incurred by complainants and their witnesses in attending hearings to determine complaints. During the period of this report no payments were made. 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 free of charge. They are listed in Appendix 11. Requests for the booklets and for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 10-12 Gordon Street, Belfast BT1 2LG, telephone 028 9023 7773, fax 028 9023 2271, e-mail: info@nicertoffice.org.uk For those with hearing difficulties a text phone is available - 028 9023 8411.

The Office website - www.nicertoffice.org.uk - continues to be developed and improved and more content will be added over time. All of the Office's publications will be available on the website in due course.

The information available on the website includes:-

- The Certification Officer's 2006 Annual Report;
- The Certification Officer's report of the Investigation into the Financial Affairs of the Hospitality Association of Northern Ireland;
- The full text of the Certification Officer's decisions (from May 2005); plus a list of all decisions before that date (texts available from the Office).
- Procedures at formal hearings;
- The Office's Equality Scheme;
- The Office's Freedom of Information Act Publication Scheme; and
- Links to the Great Britain Certification Office giving the full text of all the Great Britain Certification Officer's decisions made after August 2001 and a selection of key decisions made before then.

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

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 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. The Employment Relations (Northern Ireland) Order 2004 amended the 1992 Order in respect of appeals on these matters, removing (as from 24 July 2005) the previously existing right of appeal on questions of fact, which had enabled the High Court to hear further evidence and substitute its decision for that of the Certification Officer.
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under Article 6 of the 1992 Order.
- 1.5 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 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.
- 1.7 The Employment Relations (Northern Ireland) Order 2004 amended the 1995 Order to provide that, on the amalgamation of two or more listed organisations, the amalgamated organisation will automatically be listed by the Certification Officer 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, together with the prescribed fee (see Appendix 9). 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 One name was removed from the list of Northern Ireland employers' associations in 2006-2007:
 - Northern Ireland Timber Trade Association.

The National Sawmilling Association, which is entered on the Great Britain Certification Officer's list of employers' associations, no longer has any Northern Ireland members.

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 of University Teachers
- Community and Youth Workers Union
- National Association of Teachers in Further and Higher Education

All three had ceased to exist as a result of mergers. 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 2006/07 he removed one trade union with Northern Ireland members from this schedule:

- Leeds and Holbeck Building Society Staff Association

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

Additions to the Lists

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

1.12 The Great Britain Certification Officer added two trade unions with Northern Ireland members to his list during the period:

- Leeds Building Society Staff Association
- University and College Union

There were no additions to the schedule of unlisted unions.

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 1992 and 1995 Orders 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 Chiropractors and Podiatrists
 Society of Radiographers

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 two trade unions with Northern Ireland members:

	Effective date
<i>From:</i> Prison Officers Association	
<i>To:</i> POA	9 May 2006
<i>From:</i> National Union of Marine Aviation and Shipping Transport Officers	
<i>To:</i> Nautilus UK	2 October 2006

No employers' association with Northern Ireland members changed its name.

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, and returns from unlisted bodies of which the Office is aware are available for public inspection along with those of listed organisations.

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 subparagraph (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*

(i) *constituent or affiliated organisations which fulfil the conditions specified in subparagraph (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.*

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

The Statutory Provisions

- 2.1 Article 2(1) of the 1992 Order defines an independent trade union as:
- 'a trade union which -
- (a) is not under the domination or control of an employer or a group of employers or of one or more employers' associations; and
 - (b) is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control'.
- 2.2 The procedure for determining trade union independence is laid down in Article 6 of the 1992 Order. A union must be listed (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. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal to the High Court on a point of law only: the Employment Relations (Northern Ireland) Order 2004 removed the previously existing right of appeal on a point of fact.
- 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, 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.

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. 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 No certificates of independence were issued, refused or withdrawn in the period of this report.

Great Britain Certification Officer Decisions on Trade Unions with Northern Ireland Members

- 2.10 During the period two certificates of independence were issued and two withdrawn by the Great Britain Certification Officer in respect of trade unions with Northern Ireland members. A certificate was issued on 7 March 2007 to the AA Democratic Union, a union of employees of the AA which was formed in 2005. On 1 June 2006 a certificate was issued to the University and College Union, a new union formed by the amalgamation of the Association of University Teachers and the National Association of Teachers in Further and Higher Education (each of which held a certificate, see paragraph 2.5 above). The certificates of the two amalgamating unions, which ceased to exist, were cancelled.

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) 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. 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). There are currently four Republic of Ireland based trade unions listed as having Northern Ireland members; however, one of these, the Seamen's Union of Ireland, is not making returns to the Office (see paragraphs 3.11 - 3.14 below). 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 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 In every case the returns must provide details of 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 consolidation summary 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 covered by the return, 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. 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 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.
- 3.7 None of the returns received in this reporting year contained qualified opinions by the auditors.
- 3.8 In order to avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (paras 1.14 - 1.16) 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 consolidation summary must be completed. Notwithstanding anything in the Companies Orders, an auditor's report complying with the requirements of the 1992 Order is still required.
- 3.9 With the exceptions already noted, the duties imposed by Articles 10, 11 and by Schedule 1 apply to all trade unions and employers' associations, whether listed under Article 5 of the 1992 Order or not. Refusal or wilful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, 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 for their attention.

Late Submission of Annual Returns

- 3.10 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 136 annual returns from trade unions and employers' associations. All

but 26 of these returns have been received. 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 81% of returns were submitted on time.

Prosecutions

- 3.11 There were no prosecutions for failure to submit a return during the period of this report. Last year's Annual Report stated that it was intended to bring a prosecution against the **Seaman's Union of Ireland**, a Republic of Ireland union which, contrary to Article 12 of the 1992 Order, has failed to make returns to the Office for several years, despite repeated reminders. The last information provided by the union (1999) indicated that it had at that time a small number of members (about 550), less than three percent of whom were resident in Northern Ireland.
- 3.12 The Office made a number of attempts to contact the union in writing and by telephone, but without success. It did not have the address of any authorised Northern Ireland resident (see paragraph 3.15 below). Eventually, due to generous assistance from the Department of Enterprise, Trade and Employment and the Registry of Friendly Societies in the Republic, to whom it wishes to make grateful public acknowledgement, the Office acquired significant information about the union and was also enabled to make contact with its General Secretary.
- 3.13 The current position of the Seamen's Union of Ireland appears to be in broad terms as follows. There has been a drastic decline in membership, perhaps sparked off or at least accelerated by a dispute with Irish Ferries in 2005. There may now be no more than about 50 members in total and it is not known whether any of these is resident in Northern Ireland. There will necessarily have been a correspondingly severe reduction in subscription income. The union's administration is currently barely functional and it has failed for some years to make statutory returns to the authorities in the Republic, as well as to the Certification Officer. It is clearly no longer a viable entity capable of effective independent operation. It is believed to have been in discussions with a union in Great Britain (the former T&G) on a transfer of engagements, and this may still be an option, though the T&G has itself since merged with Amicus to form "Unite the Union".
- 3.14 In these circumstances the Certification Officer believes that it would serve no useful purpose to initiate proceedings against the union for its failure to

fulfil its statutory duties under Article 12. First, the union has scarcely existed as a going concern for some two years and is not now in a position, either financially or administratively, to deal with a challenge in the courts. Secondly, the Certification Officer's powers regarding unions headquartered outside Northern Ireland flow from the existence of Northern Ireland members, and it is not clear that the Seamen's Union of Ireland now has any Northern Ireland members; none has ever contacted the Office to make a complaint, seek access to accounting records etc. No further steps will therefore be taken to prosecute the union. The Office will, however, continue to seek accounts/returns for past years and an updated statement of the union's current situation, including information about Northern Ireland membership.

Authorised Northern Ireland Resident

- 3.15 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.
- 3.16 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

- 3.17 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.

Statement to Members of a Trade Union

- 3.18 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 in full the auditor's report and not contain anything which is inconsistent with the contents of the annual return.

- 3.19 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 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."

- 3.20 It is not a requirement that the statement to members be distributed individually. As an alternative, unions may "use any other means which it is the practice of the union to use when information of general interest to all its members needs to be provided to them."
- 3.21 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

- 3.22 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 circumstances suggesting any of the foregoing and the Certification Officer must then consider whether it is appropriate to exercise any of the powers mentioned above.

3.23 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 monitors the media for references which suggest that such situations may exist in the financial affairs of a trade union or employers' association.

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

Investigations

3.25 **The Lough Neagh Fishermen's Association (LNFA)**, which was first registered as a trade union in 1963, had been an inactive organisation for twenty or more years until April 2003, when a general meeting was called and new officers were elected. It was included in the Certification Officer's list of trade unions in 2003 (see paragraph 3.27 below) and was granted a certificate of independence in August 2004. In March 2004 an investigation into the financial affairs of the

LNFA was initiated under Article 12B of the 1992 Order, covering the period 1992 to 2002, i.e. the period from the creation of the post of Certification Officer to the LNFA's re-emergence as an active organisation. A member of the Certification Office staff was appointed as the inspector.

3.26 As noted in the 2006 Annual Report (paragraph 3.24), this member of staff left the Office in March 2006 without submitting a report. No report was received from him subsequently and his appointment as inspector was revoked by the Certification Officer in November 2006.

3.27 In order to determine the way forward in this situation, the Certification Officer reviewed all the papers relating to the LNFA held in the Office, including the most recent correspondence concerning the conduct and the continuation of the investigation. On completing his review, he wrote to the Chairman of the LNFA setting out the conclusions he had reached. In brief these were:

- that there were no circumstances suggesting fraud, unlawful purpose, misfeasance or other misconduct in the conduct of the financial affairs of the LNFA during the period that would justify the appointment of a new inspector under Article 12B(2)(a) or (b) of the 1992 Order (see paragraph 3.22 above);
- that there was evidence of failures by the LNFA to comply with a statutory duty and its own rules relating to its financial affairs, but that, having regard to all relevant considerations, these failures were not such as to lead the Certification Officer to exercise his discretion to appoint a new inspector under Article 12B(2)(c) or (d). This second conclusion was based on the Certification Officer's view that the failures had had no material effect on the members or others; that an investigation would not add anything of significance to what was already known about these matters; and that any prosecution in regard to them, even if such had been contemplated, was ruled out on time grounds.

3.28 The Certification Officer also advised the Chairman of the LNFA that another issue raised in this context - whether the LNFA was the rightful owner of a sum of money held by another organisation, the Lough Neagh Fishermen's Co-operative Society - was not a matter for him to determine.

3.29 The Certification Officer therefore proposes to take no further action with regard to the investigation of the financial affairs of the LNFA in the period 1992 - 2002.

- 3.30 In the course of the review it was observed that from 1992 to 2002 the LNFA had been listed by the Certification Officer as an employers' association, but thereafter as a trade union. Regrettably, the Certification Office files contained no papers throwing light on, or making any reference to, this change of status.
- 3.31 **The Northern Ireland Hotels Federation (NIHF).** NIHF is the main industry body for the hospitality sector in Northern Ireland, and its members are hotels, guest houses and other providers of accommodation for tourists and visitors. It was incorporated in March 1999, some six months after the Hospitality Association of Northern Ireland (see Certification Officer Annual Reports 2000 to 2006) ceased to operate.
- 3.32 In June 2004 the Certification Officer appointed an inspector under Article 12B of the 1992 Order to investigate the financial affairs of NIHF, and in particular to establish the source of its start-up funds and whether its returns to the Certification Officer in the period 1999 to 2002 had been true and fair. Four persons considered by the inspector to be officials or agents of NIHF were called to attend before her and provide her with relevant documents. Those persons refused to comply, on the grounds that NIHF did not regulate relations between employers and workers or trade unions, was therefore not an employers' association within the meaning of Article 4(1) of the 1992 Order (see paragraph 1.18 above), and therefore did not fall within the jurisdiction of the Certification Officer. In the absence of their co-operation the inspector was unable to proceed with her investigation.
- 3.33 The Certification Officer rejected the view of the status of NIHF set out above, pointing out that the memorandum of association of NIHF in force in the period 1999 to 2004 stated that one of its objects was "to regulate relations between members and members and between members and their employees", and that this satisfied the definition of an employers' association given in Article 4(1). The four persons maintained their position, however, and in January 2005 the Certification Officer made formal complaints that each of them had committed an offence or offences under Article 13 of the 1992 Order by refusing or wilfully neglecting to perform a duty imposed upon them by Article 12B. The complaints were heard in May 2005 by a Deputy Resident Magistrate at Belfast, who dismissed them. The Certification Officer was dissatisfied with this judgement and applied to the Deputy Resident Magistrate to state a case setting out the relevant facts and grounds of his decision, for the opinion of the Court of Appeal.
- 3.34 In a judgement given in April 2006, the Court of Appeal found that the Deputy Resident Magistrate was (i) wrong in holding that the NIHF had not at any time been an employers' association within the meaning of the 1992 Order; (ii) wrong in holding that three of the respondents had no case to answer, but right in respect of the fourth; and (iii) wrong in holding that none of the respondents had wilfully neglected to attend before the inspector or to produce documents to her. It therefore allowed the appeal in respect of three of the respondents and sent the matter as regards them back to the Magistrates' Court with a direction that the Resident Magistrate should proceed with the case according to law and the guidance provided in the Court of Appeal's judgement. The fourth person was discharged from the proceedings.
- 3.35 The remitted case came before the same Deputy Resident Magistrate in December 2006. He found that NIHF had not been at any relevant time an employers' association within the meaning of the 1992 Order and that consequently none of the respondents had a duty to comply with the provisions of Article 12B of that Order. The Certification Officer was dissatisfied with this judgement also and since he considers that an important question of law (and his ability to pursue investigations) is at issue here, he again applied to the Deputy Resident Magistrate to state a case for the opinion of the Court of Appeal. In April 2007 the Magistrate's case stated was entered for hearing by the Court of Appeal. It is expected to be heard in December 2007. The outcome will be reported in the Certification Officer's next Annual Report.
- Access to Accounting Records**
- 3.36 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.
- 3.37 Under Article 70ZA of the 1992 Order, the whole or any part of an application or complaint, or of a response to such, may be struck out by the Certification Officer at any stage of the proceedings on the grounds that it is scandalous, vexatious, has no reasonable prospect of success or is otherwise misconceived; or that the manner in which the

proceedings have been conducted by or on behalf of the applicant or complainant, or respondent, has been scandalous, vexatious or unreasonable. An application or complaint may be struck out for excessive delay in proceeding with it. The power to strike out may be exercised on the Certification Officer's own initiative or on the application of the complainant or respondent. The party against whom it is proposed to make a striking out order must be given an opportunity to show cause why it should not be made. The Certification Officer may make further provision about the striking out of proceedings under his general power (Article 70(1) of the 1992 Order) to regulate his own procedure.

- 3.38 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.
- 3.39 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.

- 3.40 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.
- 3.41 No applications concerning access to accounting records were received in the period of this report.
- 3.42 The Great Britain Certification Officer dealt with one such complaint made against a Great Britain union with Northern Ireland members. The Transport and General Workers Union was found to have failed to comply with a member's request for access to certain

accounting records of one of its branches. It was ordered to allow the complainants to inspect the records before a specified date.

Branch Funds

- 3.43 Trade unions are required to include details of funds held at branch level in their annual returns. All trade unions which made returns covered in this report have complied with this requirement.

This chapter is about the membership, income and expenditure of trade unions and employers' associations in the year ending 31 December 2006. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.

Information from 2006 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 2007. That information and the following comments in this chapter relate to organisations whose financial year ended on 31 December 2006, 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/child care leave and those on career breaks union members.
- 4.9 The total Northern Ireland membership of all trade unions at 31 December 2006 was recorded as 246,325. 75% of all Northern Ireland trade union members belong to Great Britain based trade unions with 20% and 5% respectively being members of Northern Ireland and Republic of Ireland based trade unions.

- 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 2006 the total income of Northern Ireland based trade unions was approximately £4.4 million, total expenditure was £3.9 million, and total net assets were £4.6 million. Compared with 2005, this shows an increase of approximately £400,000 in income and a decrease of approximately £75,000 in expenditure. The total net assets show an increase of approximately £591,000.
- 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 2006. This shows a total of 50,222 members of Northern Ireland unions providing an annual contribution of approximately £4.1 million; while there were 13,261 Northern Ireland members of Republic of Ireland unions providing an annual contribution of approximately €1.8 million. In 2006 the total income of the Republic of Ireland unions was approximately €60 million, total expenditure was approximately €57 million and total net assets were approximately €78 million.
- 4.12 Financial and membership details of 46 Great Britain unions with 100 or more Northern Ireland members are given in Appendix 2. In 2006, 181,656 Northern Ireland members of these unions contributed £12.9 million. The total income of these unions in the year was approximately £852 million, total expenditure was approximately £752 million and total net assets were approximately £716 million.
- 4.13 Membership details of a further 35 Great Britain based trade unions with under 100 Northern Ireland members are listed in Appendix 3. This records a total of 1,186 Northern Ireland members contributing approximately £143,000. In 2006 the total income of these unions

was approximately £24 million, total expenditure was approximately £23 million and total net assets were approximately £40 million.

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 11 Northern Ireland employers' associations for 2006 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2006 the total income of these organisations was approximately £5.3 million, expenditure was approximately £4.9 million and total net assets were approximately £7.8 million.
- 4.16 Details of 31 Great Britain employers' associations with Northern Ireland members are given in Appendix 5. In 2006 these organisations received contributions amounting to approximately £1 million from their Northern Ireland members. Their total income was approximately £150 million, expenditure was approximately £138 million, and total net assets were approximately £156 million. Compared with 2005, this shows an increase of approximately £11 million in total income and an increase of approximately £4 million in expenditure. The total net assets show an increase of approximately £22 million.

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' association¹ for its members must be examined periodically by a qualified actuary and a copy of each actuarial report sent to the Certification Officer. The actuarial examination is required to be made not later than five years after the effective date of the preceding examination, but the Certification Officer has power to direct that, in any particular case, the period of five years may be reduced to such shorter period as he may specify. The Certification Officer also has power to exempt a member's superannuation scheme from actuarial examination 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.

Schemes maintained - Great Britain

5.4 The following 4 Great Britain based trade unions, which have Northern Ireland members, maintained members' superannuation schemes at 31 March 2007:

Amicus (7 schemes)

GMB

National Union of Rail, Maritime and Transport
Workers Transport and General Workers Union

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

Actuarial Reports

5.5 No actuarial reports were received during this period.

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

Mergers between trade unions and between unincorporated employers' associations must be conducted under the relevant statutory procedures, 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 postal¹ and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a proposed amalgamation or transfer is prohibited. The voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed pre-paid envelope and a document giving instructions for the return of the 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 para 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

¹Northern Ireland law contains provisions, in relation to voting in a ballot, which provide for reasons of personal safety that a trade union member may request his union to send him a voting paper by some means other than by post.

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 Four Great Britain unions with Northern Ireland members completed mergers in 2006/07. The Community and Youth Workers Union transferred its engagements to the Transport and General Workers

Union on 8 January 2007. The Association of University Teachers and the National Association of Teachers in Further and Higher Education amalgamated to form the University and College Union on 1 June 2006. The new union has over 4,000 Northern Ireland members.

- 6.12 Four other Great Britain unions with Northern Ireland members were in process of carrying out mergers at 31 March 2007. The members of the Alliance and Leicester Group Union of Staff voted to transfer its engagements to the Communication Workers Union and applied to the Great Britain Certification Officer for registration of the instrument of transfer. The members of Amicus and the Transport and General Workers Union voted to amalgamate and applied for registration of the instrument of amalgamation. Both mergers have since been completed.

Complaints

- 6.13 During this period the Certification Officer received no complaints relating to a merger under the 1995 Order.

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 - based organisations

General

- 7.1 A trade union or an unincorporated employers' association, whether listed or not, can include the furtherance of political objects among its objects. A resolution to adopt political objects ("a political resolution") must be passed by the members in a postal¹ 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 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" (Article 59(1) see para 7.6). 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 Officer.
- 7.4 Where a member does not "contract-in" or, having "contracted-in", subsequently decides to "contract-

out", he or she is exempt from contributing to the political fund and any deduction or levy for that purpose would be unlawful. Any Northern Ireland trade union or employers' association member 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" wishes subsequently to "contract-out" of a political fund 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 and the Irish National Teachers Organisation, have given the Certification Officer an

¹Northern Ireland law contains provisions, in relation to voting in a ballot, which provide for reasons of personal safety that a trade union member may request his union to send him a voting paper by some means other than by post.

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 (2000)*" 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, 180 Borough High Street, London, SE1 1LW. Any 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. Any trade union or employers' association wishing to ballot its members on a political fund resolution should contact the Office at an early stage.

Northern Ireland organisations with political fund rules

7.16 No Northern Ireland organisation had political fund rules in force at 31 December 2006.

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 December 2006. Of these, 14 had Northern Ireland members "contracting-in".
- 7.18 The 2006 returns show that 41,076 Northern Ireland members of these trade unions - representing some 39% of the total Northern Ireland trade union membership - contributed £172,091 towards political funds. A list of the 14 unions, showing the number of Northern Ireland members and the amount of their financial contributions, is given at Appendix 7. The 7 Great Britain unions whose Northern Ireland members did not contribute to their political funds in 2006 are listed in Appendix 8.

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

7.19 The political fund rules of the Public and Commercial Services Union, a Great Britain union with Northern Ireland members, were approved on 22 May 2006. As recorded in last year's Annual Report (paragraph 7.19), the members had voted in favour of a resolution to establish a political fund in a ballot held in 2005-2006.

Amendments to rules of Great Britain organisations

7.20 Amendments to political fund rules require the Certification Officer's approval. Such approval is given provided that the amendments have been adopted in accordance with, and satisfy the

requirements of, Article 59 of the 1995 Order. Two Great Britain trade unions with Northern Ireland members (GMB and the Public and Commercial Services Union) had amendments approved in this way during 2006-2007.

Political fund review ballots held by Great Britain organisations

7.21 No Great Britain union held a review ballot during 2006-2007.

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

7.22 There were no such complaints in 2006/2007.

The 1995 Order requires that certain officers and all members of a trade union's executive committee must be elected by secret postal¹ 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.

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.

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.

- 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

¹Northern Ireland law contains provisions, in relation to voting in a ballot, which provide for reasons of personal safety that a trade union member may request his union to send him a voting paper by some means other than post.

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 this period the Certification Officer held no hearings in respect of secret ballots and elections.

8.10 The Great Britain Certification Officer made the following decisions in respect of Great Britain trade unions with Northern Ireland members -

- **Darken v The Prison Officers' Association (D/20/06).** The claimant alleged that the union had failed to accord him the same facilities for preparation of his election address as the other candidates and so had breached section 48(6) of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act"). (Article 14(6) of the 1995 Order is the equivalent Northern Ireland provision). The Certification Officer upheld the complaint. The union made an unsuccessful appeal to the Employment Appeal Tribunal.
- **Williams v Community (D/56/06).** This was a complaint that the union had breached section 47(1) of the 1992 Act (= Article 13(1) of the 1995 Order) by unreasonably excluding the claimant from standing as a candidate in elections for its National Executive Council NEC). The complaint was dismissed.
- **Hardman v Community (D/57-58/06).** The claimant alleged that the union had breached sections 49(1) and (5) of the 1992 Act (= Articles 15(1) and (8) of the 1995 Order) by failing to appoint an independent scrutineer before the start of its NEC elections and by failing to notify members of the name of the scrutineer by one of the required methods. Both complaints were dismissed.
- **Rawlins v British Medical Association (D/1-5/07).** These complaints concerned alleged breaches of section 52 of the 1992 Act (= Article 19 of the 1995 Order) in matters relating to the scrutineer's report on elections to the BMA's Council. All the complaints were dismissed.
- **Corrigan v GMB (No1) (D/10/07).** The claimant, a Northern Ireland member of the GMB, alleged that the union had breached section 46(1)(a) of the 1992 Act (= Article 12(1)(a) of the 1995 Order) by failing to secure that the position of General

Secretary was filled by a person elected to it at an election satisfying the statutory requirements. The complaint was upheld, but no enforcement order was made as the union had subsequently held such an election. The claimant has lodged an appeal against the refusal to make an order and the union has cross appealed on liability.

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.
- 9.8 On 17 November 2006, in dealing with an application by Mr R Egan for leave to appeal (see paragraph 9.10 below), the Court of Appeal made an important ruling which clarified the method by which appeals against decisions of the Certification Officer are to proceed. A number of earlier appeals against Certification Officer decisions had proceeded by way of case stated, under Order 61 of the Rules of the Supreme Court (Northern Ireland) 1980. Under that Order, the appellant serves on the lower court concerned a requisition to state the facts and grounds of its decision, for the opinion of the Court of Appeal. The Court of Appeal ruled, however, that appeals against the Certification Officer's decisions are governed by Order 59 of the Rules of the

Supreme Court (Northern Ireland) 1980 and must proceed in the ordinary way set down there, by notice of appeal and rehearing.

Applications and Decisions

- 9.9 During the period of this report the Certification Officer issued eight decisions on three applications (a single application may cover several alleged breaches of rule by the union). No enforcement orders were issued. The decisions are described briefly below.
- 9.10 **Egan v National Association of Schoolmasters Union of Women Teachers (NASUWT) (D/6-7/2006).** The applicant complained that the union had breached its rules by wrongfully removing him from elected office in a local association; and that his removal was in effect a disciplinary sanction imposed on him outside the union's disciplinary rules. The union conceded the first of these complaints and accordingly the Certification Officer made a declaration that it had breached its rules. The parties having reached an agreement as to remedy, no enforcement order was considered appropriate. The second complaint was dismissed by the Certification Officer. The applicant lodged an appeal in the Court of Appeal against this decision. However, following the Court of Appeal's ruling referred to at paragraph 9.8 above, the applicant did not pursue the appeal.
- 9.11 **Morgan v NASUWT (D/11-13/2006).** By agreement of both parties, this case was determined without a hearing. It was found that the union had breached its rules by failing to issue ballot papers for the 2005 election of Northern Ireland members of its National Executive within the time period laid down in the rules. The breach was not considered to have had any effect on the outcome of the election and no enforcement order was made. Two further complaints made in the same application were dismissed on withdrawal by the applicant.
- A separate application by **Mr Morgan**, containing three complaints against **NASUWT**, was dismissed on withdrawal by him. (D/8-10/2006)
- 9.12 In last year's Annual Report, it was recorded (paragraph 9.12) that **Mr Lewis** had lodged an appeal against the decisions of the Certification Officer on his complaints against the **Prison Officers' Association (D/15-18/2005)**. After being given an assurance that the Certification Officer would not ask the Court of Appeal to award costs in the matter, Mr Lewis withdrew his appeal.

- 9.13 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.
- 9.14 Not all enquiries made are about matters that can give rise to an application to the Certification Officer. For example, the Certification Officer has no jurisdiction regarding inadequate representation of members by their union or in relation to the provision of union benefits or membership.
- 9.15 The Great Britain Certification Officer made the following noteworthy 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, Brandon House, 180 Borough High Street, London SE1 1LW and is published on the Office website - www.certoffice.org.
- **Lee v NASUWT (No 2) (D/8-19/06).** Of twelve complaints about disciplinary proceedings that the union had taken against the claimant, two were upheld (with no enforcement orders made) and ten dismissed.
 - **Baker & Others v National Federation of Sub-Postmasters (D/27/06).** The Certification Officer upheld the claimants' complaint that the union's executive council had failed to follow its rules by not setting out expenditure proposals in the Federation's journal. No enforcement order was made.
 - **Harrington v National Union of Rail, Maritime and Transport Workers (D/29-31/06).** Three complaints relating to disciplinary proceedings were dismissed as having been brought out of time. An appeal by the claimant to the Employment Appeal Tribunal was dismissed as having been lodged outside the time limits for appeal.
 - **Tyrell v NASUWT (D/35-41/06).** These seven complaints were about the 2005 Annual General Meeting of the Islington local association. All were dismissed, three because the Certification Officer found that he did not have jurisdiction to determine them.
 - **Massey v UNIFI (D/62-78/06).** The claimant made seventeen complaints arising out of elections conducted by the Royal Bank of Scotland for positions on the board of trustees of its pension fund. Seven complaints were upheld, seven dismissed and three withdrawn.

- **Irving v GMB (D/6-9/07).** Four complaints arising out of the claimant's suspension from office as a Regional President were dismissed. An appeal has been lodged.
- **Corrigan v GMB (No 2) (D/11-12/07).** The claimant alleged that the union had breached two of its rules in removing her from an office of the union in Northern Ireland. As a preliminary point the union argued that the Great Britain Certification Officer did not have jurisdiction under the Trade Union and Labour Relations (Consolidation) Act 1992 to determine these complaints, as they related to events that occurred in Northern Ireland. It was found that the Great Britain Certification Officer has jurisdiction to hear complaints by Northern Ireland members of a union based in Great Britain.

**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 2006 (UNLESS OTHERWISE INDICATED)**

(a) List of Northern Ireland Unions	NI Members	Total Members (inc.ROI)	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
Belfast Airport Police Association (31/3/06)* ²	26	26	3,220	7	6	26	26	0.3
Lough Neagh Fishermen's Association * ¹	119	119	661	2	0.2	2	2	-
Northern Ireland Public Service Alliance*	43,368	43,368	3,513,314	3,823	3,275	3,761	4,031	270
Ulster Teachers Union*	6,709	6,804	597,971	624	579	847	880	33
TOTALS	50,222	50,317	4,115,166	4,456	3,860.02	4,636	4,939	303.3
(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*	5,422	20,194	1,233,191	5,161	5,587	37,546	40,485	2,939
◇ Irish National Teachers Organisation* ³	6,149	34,124	455,156	12,268	10,186	10,780	25,648	14,868
Seaman's Union of Ireland †	-	-	-	-	-	-	-	-
◇ Services, Industrial, Professional & Technical Union*	1,690	248,171	1,392,777	42,697	41,677	29,470	42,750	13,280
TOTALS	13,261	302,489	1,827,624	60,126	57,450	77,796	108,883	31,087

* Denotes a trade union holding a certificate of independence at 31 December 2006.

† Denotes an unlisted union and the union has not provided figures for year ending 31 December 2006

¹ Association has not yet provided figures for year ending 31 December 2006

² Association has not yet provided figures year ending March 07

³ Irish National Teachers Organisation figures converted from sterling to euros using an exchange of €1.48 per £ sterling.

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

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

APPENDIX 2 (SEE PARA 4.12) - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2006 (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
Abbey National Group Union – ANGU	333	6,879	1	3	16,764	593	642	786	861	75
ACCORD	897	26,468	80	32	70,468	2,035	1,857	2,461	2,842	381
Alliance & Leicester Group Union of Staff	100	2,200	-	-	8,863	250	271	175	190	15
Ambulance Service Union	238	3,412	-	-	14,341	307	217	215	230	15
AMICUS	29,896	1,123,197	25,016	1,546	2,256,579	87,131	85,692	61,191	114,716	53,525
Aspect	128	3,816	-	25	27,072	1,061	1,058	248	368	120
Association of School & College Leaders	164	12,490	-	106	15,597	2,954	2,765	1,890	2,351	461
Association of Teachers & Lecturers	5,258	200,138	719	960	220,164	13,181	13,408	6,853	11,591	4,738
Bakers, Food & Allied Workers Union	704	23,860	493	-	48,250	3,056	3,685	(1,632)	1,773	3,405
British Airline Pilots Association ¹	116	7,784	48	390	56,359	5,201	3,835	6,808	7,274	466
British Association of Occupational Therapists (30/9/06)	618	27,875	202	478	44,039	4,379	4,379	-	343	343
British Dental Association (30/9/06)	754	20,950	76	336	189,632	12,712	11,988	5,069	10,389	5,320
British Dietetic Association (28/2/07)	259	5,351	65	132	55,685	350	297	168	185	17
British Medical Association	4,614	131,253	179	2,863	1,026,935	80,365	81,133	120,924	164,029	43,105
Broadcasting, Entertainment, Cinematograph & Theatre Union	539	25,950	51	3	96,687	7,430	4,936	(1,511)	4,280	2,769
Chartered Society of Physiotherapy	1,616	45,928	257	1,173	308,921	12,278	12,109	5,451	10,724	5,273
Communication Workers Union	5,342	232,966	-	509	575,936	39,116	30,529	22,032	34,752	12,720
Community Youth Workers Union ¹	120	3,948	10	8	11,343	519	481	80	114	34
Connect – The Union for Professionals in Communication	542	18,887	9	45	87,804	3,737	3,488	3,136	5,355	2,219
Equity (Incorporating the Variety Artists' Association)	305	34,934	105	598	31,694	7,081	4,641	7,387	11,713	4,325
FDA	303	16,708	-	51	63,159	2,838	2,572	163	1,853	780
Fire Brigades Union	1,636	44,203	-	-	287,421	13,096	12,679	2,776	6,697	3,921

2007

GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2006 (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
GMB	12,708	563,126	58	-	1,035,000	66,212	53,787	(24,367)	44,457	20,090
Musicians Union	183	32,269	44	145	23,964	6,028	5,562	7,847	13,348	5,501
National Association of Head Teachers	763	38,327	-	202	109,596	7,291	7,274	4,248	6,074	1,826
National Association of Schoolmasters Union of Women Teachers (NASUWT)	14,586	281,708	-	2,590	1,370,376	25,460	25,448	25,425	31,221	5,796
National Federation of Sub-Postmasters ¹	401	8,743	-	19	40,460	2,269	1,704	4,676	5,134	458
National Union of Journalists (at 30/9/06)	1,046	33,319	3,746	743	139,013	5,259	6,378	957	5,656	4,699
Nationwide Group Staff Union	205	12,627	-	-	12,389	997	937	500	718	218
Nautilus UK	360	15,530	253	915	48,848	3,706	2,928	5,396	6,030	634
POA	1,622	34,150	-	-	230,064	6,109	5,238	3,303	4,561	1,258
Professional Association of Teachers	506	35,403	-	36	11,759	1,856	1,827	634	1,080	446
Prospect	1,039	97,172	5	3,316	125,000	13,908	8,057	25,475	28,343	2,868
Public and Commercial Services Union	2,882	308,415	19	682	289,249	69,349	49,252	31,653	33,403	1,750
Retained Firefighters Union	103	3,951	-	-	9,070	360	371	107	110	3
Royal College of Midwives (at 31/8/06)	1,397	35,485	38	487	243,589	6,288	6,261	386	396	10
Royal College of Nursing of the UK (at 31/3/06) ²	12,919	376,703	380	1,345	744,000	26,178	26,178	-	5,033	5,033
Society of Chiropractors and Podiatrists	352	7,926	148	169	106,656	3,026	2,936	3,447	3,834	387
Society of Radiographers (at 30/9/06)	625	18,638	23	317	112,000	3,900	3,680	1,446	2,021	575
Transport & General Workers Union	26,079	710,316	14,364	10,577	2,232	82,921	69,848	115,664	126,706	11,042
Transport Salaried Staffs Association	495	28,736	1,339	-	59,773	7,128	5,499	24,338	24,978	640

GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2006 (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	2,293	108,281	18,340	-	71,678	7,062	5,852	7,721	10,706	2,985
Union of Finance Staff	104	3,635	-	-	9,506	748	618	350	457	107
UNISON	35,471	1,307,529	-	-	1,841,457	165,613	148,740	114,667	160,374	45,707
Union of Shop, Distributive & Allied Workers	10,866	330,425	-	-	761,208	39,665	30,282	17,842	36,887	19,045
Unity ¹	148	7,928	-	-	14,179	1,215	1,061	7,319	7,497	178
TOTALS	181,635	6,419,539	66,068	30,801	12,924,778	852,218	752,380	716,144	951,654	275,283

¹ Union has not yet provided return for year end 2006

² Union has not yet provided return for year end 2007

APPENDIX 3 (SEE PARA 4.13) - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS - AT 31 DECEMBER 2006 (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, The	53	1,459	57	188	5,920	1,360	1,350	2,115	2,509	394
Association for College Management	19	3,863	-	1	5,211	913	860	448	717	269
Association of Educational Psychologists	94	2,943	13	25	13,752	769	678	2,213	2,316	103
Association of Local Authority Chief Executives	18	288	-	-	4,500	84	66	51	63	12
Association of Principal Fire Officers	6	492	-	3	1,536	73	64	48	64	16
Association of Professional Ambulance Personnel*	5	2,588	-	36	679	283	284	(23)	56	79
Association of Professional Music Therapists	9	574	4	48	1,080	76	59	30	35	5
Association of Revenue and Customs	39	2,551	-	4	2,554	179	185	459	464	5
Boots Pharmacists' Association (BPA)	6	568	-	-	240	21	19	9	14	5
Britannia Staff Union	7	3,186	-	-	378	163	129	386	442	56
British Association of Dental Nurses	68	4,191	11	21	2,494	243	249	128	142	14
British Association of Journalists	12	955	-	24	1,182	122	132	9	25	16
British Orthoptic Society	31	988	24	-	698	23	23	2	5	3
British Union of Social Work Employees (at 31/5/06)	31	1,651	-	-	2,212	113	113	91	93	2
Community	20	33,439	-	-	1,209	10	7	47	52	5
Community and District Nursing Association (at 31/3/06)**	57	3,662	-	-	6,654	376	370	217	257	40
Dental Practitioners' Association	29	922	-	-	6,730	273	242	27	149	122
Diageo Staff Association	76	332	-	-	4,610	27	29	33	45	12
Gallaher Sales Staff Association	6	175	-	-	288	10	10	89	89	-
Guild of Professional Teachers of Dancing Headmasters and Headmistresses' Conference (at 31/3/06)**	37	857	-	-	1,850	46	38	37	42	5
Hospital Consultants & Specialists Association (at 30/9/06)	8	236	3	67	2,195	1,264	1,004	1,556	2,640	1,084
Institute of Journalists	80	2,928	-	31	11,420	462	379	357	371	14
Leeds Building Society Staff Association	7	900	22	134	960	66	74	3	6	3
	5	430	1	-	90	9	8	38	39	1

* Union has not yet provided figures for year ending 2006

** Union has not yet provided figures for year ending 2007.

GB TRADE UNIONS WITH LESS THAN 100 NI MEMBERS – AT 31 DECEMBER 2006 (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
National Association of Co-operative Officials	7	2,112	-	17	1,386	545	519	1,188	1,316	128
National Association of Group Secretaries to NFU (at 31/10/05)*	73	487	-	-	8,690	131	136	65	113	48
NAPO – The Trade Union & Professional Association for Family Court & Probation Staff	92	8,961	-	-	23,972	2,107	1,983	1,492	1,526	34
National Society for Education in Art & Design (at 30/9/06)	26	2,222	7	47	1,870	491	524	134	222	88
National Union of Rail, Maritime & Transport Workers	91	74,390	58	-	13,800	11,812	10,896	25,273	30,526	5,253
Offshore Industry Liaison Committee	10	2,132	5	69	1,200	232	200	64	74	10
Prison Governors Association*	18	1,119	-	3	2,700	161	172	47	59	12
Prison Service Union	20	5,991	-	3	1,960	441	429	23	61	38
Retired Officers Association (at 30/6/05)*	11	974	-	98	66	14	10	123	126	3
Royal Society for the Protection of Birds Staff Association (at 31/3/06)**	26	795	-	-	255	15	7	51	51	-
Society of Authors Ltd	31	7,626	76	562	2,383	838	817	708	1,322	614
Society of Union Employees (UNISON)	10	178	-	-	160	17	5	85	85	-
UBAC*	11	1,558	-	-	870	199	119	226	245	19
Writers Guild of Great Britain	37	5,018	28	178	5,550	343	407	47	196	149
TOTALS	1,186	183,741	309	1,559	143,304	24,311	22,596	40,260	46,557	8,661

* Union has not yet provided figures for year ending 2006

** Union has not yet provided figures for year ending 2007

APPENDIX 4 (SEE PARA 4.15) - LIST OF NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS - 31 DECEMBER 2006 (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
1 Anglo-North Irish Fish Producers Organisation* (31/7/05)	86	88,486	86	210,495	201,088	626,948	1,006,875	379,927
2 Construction Employers Federation Ltd	964	535,254	964	740,709	732,328	554,908	1,024,667	469,759
3 Engineering Employers' Federation NI Association*	133	564,567	133	711,623	669,516	534,857	587,327	52,470
4 Federation of the Retail Licensed Trade NI (31/10/06)	660	98,959	660	258,209	399,381	360,673	517,211	156,538
5 Northern Ireland Bakery Council** (31/3/06)	3	15,000	3	18,312	18,289	3,423	5,666	2,243
6 Northern Ireland Fish Producers Organisation Ltd*	126	2,000	157	998,880	886,251	3,163,687	3,651,527	487,840
7 Northern Ireland Grain Trade Association	33	25,947	33	25,947	24,737	16,179	17,375	1,196
8 NI Local Government Association** (31/3/06)	26	349,998	26	642,723	540,022	320,91	378,228	57,312
9 Northern Ireland Textiles & Apparel Association Ltd*	10	42,807	10	144,761	139,327	9,538	28,350	18,812
10 Ulster Chemists Association (30/9/06)	486	66,244	486	107,977	60,360	362,158	392,312	30,155
11 Ulster Farmers' Union	11,702	879,660	11,702	1,413,313	1,233,201	1,864,426	2,059,985	195,559
TOTALS	14,229	2,668,922	14,260	5,272,949	4,904,500	7,817,713	9,669,523	1,851,811

*Association has not yet provided figures for year end 2006

** Association has not yet provided figures for year end 2007

APPENDIX 5 (SEE PARA 4.16) - GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS - 31 DECEMBER 2006 (UNLESS OTHERWISE INDICATED)

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	
							£	£	£	£
1 Association of Newspapers and Magazine Wholesalers (31/3/07)	2	8,192	21	564,648	546,969	17,721	86,635	86,635	68,914	
2 British Amusement Catering Trades Association (30/6/06)	4	7,001	576	1,196,403	1,344,086	18,233,335	33,067,534	33,067,534	14,834,199	
3 British Clothing Industry Association Ltd	3	605	75	452,562	917,896	8,099,113	8,645,439	8,645,439	546,326	
4 British Jewellery, Giftware and Finishing Federation ¹	11	5,318	2,634	2,362,475	2,183,051	9,505,904	10,461,996	10,461,996	956,092	
5 British Pre-Cast Concrete Federation Ltd	5	63,646	125	740,244	742,788	106,305	398,193	398,193	291,888	
6 Chemical Industries Association (30/6/06)	2	-	132	6,635,425	7,029,652	(1,066,773)	2,456,635	2,456,635	3,523,408	
7 Cinema Exhibitors' Association Ltd, The	5	4,095	156	351,452	335,662	395,597	657,395	657,395	261,798	
8 Construction Plant Hire Association (30/6/06)	6	2,712	1,443	876,785	581,598	975,956	1,304,149	1,304,149	328,193	
9 Electrical Contractors' Association	27	52,000	2,868	26,252,872	20,102,381	55,178,282	85,325,423	85,325,423	30,147,150	
10 Engineering Employers' Federation	1	146,849	13	8,998,970	8,434,696	37,447,561	39,881,399	39,881,399	2,433,838	
11 Federation of Master Builders	377	39,313	13,171	4,898,105	4,897,166	4,100,702	6,106,983	6,106,983	2,006,281	
12 Freight Transport Association	250	69,800	13,107	24,477,000	22,027,000	(6,097,000)	10,514,000	10,514,000	4,417,000	
13 Glass and Glazing Federation ¹	8	21,422	522	1,865,626	1,560,402	1,782,468	2,371,598	2,371,598	589,130	
14 Heating and Ventilating Contractors' Association ² (28/2/06)	51	118,890	1,310	12,096,196	11,849,007	3,453,791	12,490,645	12,490,645	9,036,854	
15 National Bed Federation	3	1,320	96	190,544	203,763	151,644	162,481	162,481	10,837	
16 Federation of Window Cleaners	14	1,353	1,573	152,794	176,448	293,461	305,749	305,749	12,288	
17 National Federation of Retail Newsagents ¹	754	187,000	19,555	5,320,378	4,854,467	4,545,976	5,692,570	5,692,570	1,146,594	
18 National Federation of Roofing Contractors Limited (31/1/07)	21	11,638	942	1,043,654	943,993	465,807	713,646	713,646	247,839	
19 National Hairdressers Federation	30	4,390	6,953	1,679,988	1,479,634	1,796,880	2,369,043	2,369,043	572,163	

¹ Association has not yet provided return for year end 2006

² Association has not yet provided return for year end 2007

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
20 National Pharmacy Association Ltd ¹	246	149,387	4,163	7,053,907	4,266,198	4,512,005	10,158,933	5,646,928
21 Producers Alliance for Cinema and Television Ltd (30/9/06)	15	12,260	713	2,802,659	2,759,268	993,338	1,771,987	778,649
22 Publishers Association	2	400	113	2,208,563	2,052,970	(41,907)	346,831	304,924
23 Radio Electrical and Television Retailers' Association (31/10/06)	51	10,302	1,388	643,256	475,881	1,118,929	1,209,734	90,805
24 Retail Motor Industry Federation Ltd ¹	152	60,800	8,481	29,251,000	30,153,000	1,798,000	15,720,000	13,922,000
25 Scottish Association of Master Bakers	1	156	425	819,727	792,873	1,636,000	1,805,493	169,493
26 Scottish and NI Plumbing Employers' Federation	97	42,213	771	785,229	732,112	543,326	856,214	312,888
27 Screen Printing Association (UK) Ltd (31/1/07)	2	1,600	134	112,315	124,465	10,785	87,505	76,720
28 The Newspaper Society ¹	3	37,879	148	3,842,319	3,615,492	1,331,153	3,712,091	2,380,939
29 Theatrical Management Association	5	6,376	352	617,177	618,497	159,258	465,087	306,539
30 Thermal Insulation Contractors' Association	3	2,550	233	1,167,420	1,054,878	652,531	940,848	288,317
31 Vehicle Builders and Repair Association Ltd	17	8,088	887	700,375	706,138	1,163,892	1,360,103	196,211
TOTALS	2,168	1,077,555	83,080	150,160,090	137,562,431	158,865,720	261,249,339	102,383,619

¹ Association has not yet provided returns for year end 2006.

APPENDIX 6 (PARA 4.3) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2006 (UNLESS OTHERWISE INDICATED)

NORTHERN IRELAND	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
		£s	£s
Belfast Airport Police Association (31/3/06)	Chairman	Nil	Nil
Lough Neagh Fishermen's Association	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary	52,341	11,201
Ulster Teachers' Union	General Secretary	48,153	41,249
REPUBLIC OF IRELAND	OFFICE HELD	SALARY	BENEFITS (Excluding PRSI)
		€s	€s
Irish Bank Officials Association	General Secretary	139,588	54,839
Irish National Teachers' Organisation ¹	General Secretary	78,465	Nil
Seaman's Union of Ireland	General Secretary	Not Known	Not Known
Services, Industrial, Professional and Technical Union (SIPTU)	General President	114,857	3,397
	General Secretary	114,857	3,197
	Vice President	114,857	8,493
GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
		£ s	£ s
Abbey National Group Union – ANGU	General Secretary	22,090	8,474
Accord	General Secretary	92,201	24,111
Alliance & Leicester Group Union of Staff	General Secretary	Nil	4,023
The Ambulance Service Union	Asst General Secretary	Nil	5,500
	General Secretary	30,000	Nil
AMICUS	General Secretary	93,089	62,375
ASPECT	General Secretary	64,492	Nil
Association for Clinical Biochemistry	General Secretary	Nil	Nil
Association for College Management	General Secretary	80,525	11,249
Association of Educational Psychologists	General Secretary	50,724	10,891
Association of Local Authority Chief Executives	Honorary Secretary	Nil	2,500
Association of Principal Fire Officers	General Secretary	Nil	Nil
Association of Professional Ambulance Personnel*	Treasurer	10,140	Nil
Association of Professional Music Therapists	Chairperson	1,800	Nil
Association of Revenue and Customs	General Secretary	Nil	Nil
Association of Schools and College Leaders	General Secretary	77,913	16,892
Association of Teachers & Lecturers	General Secretary	99,156	21,878
Bakers, Food & Allied Workers Union	General Secretary	39,801	16,311
Boots Pharmacists' Association (BPA)	Chief Executive	6,500	Nil
Britannia Staff Union	General Secretary	Nil	Nil
British Airline Pilots Association	General Secretary	97,249	23,409
British Association of Dental Nurses	Chief Executive	31,263	1,431
British Association of Journalists	General Secretary	17,000	584
British Association of Occupational Therapists (30/9/07)	Chairman	10,000	Nil
	General Secretary	56,056	11,828

¹ Irish National Teachers' Organisation - figures converted from sterling to euros using an exchange of €1.48 per £ sterling

*Association has not yet provided figures for year end 2006

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2006 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY		BENEFITS (Excluding NI Contributions)	
		£	s	£	s
British Dental Association (30/9/06)	Chief Executive (Resigned)	25,500		3,825	
	Chief Executive (Appointed)	59,343		Nil	
	Financial Director (Resigned)	9,540		Nil	
	Financial Director (Appointed)	57,703		8,223	
British Dietetic Association (28/2/07)	General Secretary	Nil		Nil	
	Treasurer	53,900		Nil	
	Chairman of Council	73,150		Nil	
British Medical Association	General Secretary	Nil		Nil	
	General Secretary	7,140		1,335	
British Orthoptic Society	General Secretary	63,829		14,239	
British Union of Social Work Employees (31/5/06)	Chief Executive	83,048		18,124	
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	79,618		23,408	
	General Secretary	79,740		14,676	
Chartered Society of Physiotherapy	Deputy Gen Secretary	43,063		160,608	
Communication Workers Union	Director	60,000		3,000	
Community	General Secretary	42,148		2,861	
Community & District Nursing Association (31/3/06)**	General Secretary	72,277		12,049	
Community & Youth Workers Union*	Chairman	Nil		Nil	
Connect – The Union for Professionals in Communication	General Secretary	64,920		12,160	
Diageo Staff Association	General Secretary	80,877		27,976	
Equity (Incorporating the Variety Artistes' Association)	General Secretary	64,789		51,078	
FDA	Asst. General Secretary	60,942		47,834	
Fire Brigades Union	General Secretary	Nil		Nil	
Gallaher Sales Staff Association	Chief Executive	73,632		2,000	
General Dental Practitioners Association	General Secretary	78,000		33,000	
GMB	Deputy General Secretary	69,000		35,000	
Guild of Professional Teachers of Dancing	General Secretary	10,690		Nil	
Headmasters & Headmistresses' Conference (31/3/06)**	General Secretary	116,182		905	
Hospital Consultants & Specialists Association (30/9/06)	Chief Executive	65,975		5,117	
Institute of Journalists	General Secretary	32,000		1,685	
Leeds Building Society Staff Association	General Secretary	Nil		Nil	
Musicians' Union	General Secretary	70,454		26,630	
National Association of Co-operative Officials	General Secretary	70,716		33,165	
	President	Nil		500	

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2006 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
		£ s	£ s
National Association of Group Secretaries to the NFU (31/10/05)*	General Secretary (from 11/03/05)	1,657	Nil
National Association of Head Teachers	General Secretary	93,420	23,935
NAPO-The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	53,977	11,493
NASUWT	General Secretary	89,542	24,885
National Federation of Sub-Postmasters*	General Secretary	70,224	28,292
National Society for Education in Art & Design (30/9/06)	General Secretary	42,647	6,656
National Union of Journalists (30/9/06)	General Secretary	56,422	5,099
Nautilus UK	General Secretary	69,708	14,405
National Union of Rail, Maritime & Transport Workers	General Secretary	75,684	23,950
Nationwide Group Staff Union	General Secretary	84,300	22,794
Offshore Industry Liaison Committee	General Secretary	33,059	2,295
Prison Governors Association*	General Secretary	Nil	Nil
POA	General Secretary	62,666	59,783
	Dept General Secretary	57,702	22,762
Prison Service Union	General Secretary	72,325	19,453
Professional Association of Teachers	General Secretary	59,782	3,507
PROSPECT	General Secretary	87,699	24,143
Public and Commercial Service Union	General Secretary	78,420	28,712
Retained Firefighters Union	General Secretary	37,911	3,791
Retired Officers Association (30/6/05)*	Treasurer	1,292	Nil
Royal College of Midwives (31/8/06)	General Secretary	102,921	38,081
Royal College of Nursing of the UK ¹ (31/3/06)**	General Secretary	49,435	7,935
Royal Society for the Protection of Birds			
Staff Association (31/3/06)**	Chairperson	750	Nil
Society of Authors	General Secretary	83,750	37,520
Society of Chiropractors and Podiatrists	General Secretary	65,364	5,103
Society of Radiographers (30/9/06)	Chief Executive	34,559	4,613
Society of Union Employees (UNISON)	General Secretary	Nil	Nil
Transport & General Workers Union	General Secretary	81,936	11,471
	Dept General Secretary	70,569	9,880
Transport Salaried Staff Association	General Secretary	60,281	12,357

¹The Royal College of Nursing of the United Kingdom is a special register body and as such all of the amounts quoted equate to 40% of the totals relating to the General Secretary. The remaining 60% have been attributed to the RCN's Charitable Trust.

* Figures not yet received for 2006

** Figures not yet received for 2007

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2006 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY £ s	BENEFITS (Excluding NI Contributions) £ s
UBAC*	General Secretary	41,728	5,799
UCATT	General Secretary	61,163	13,579
Union of Finance Staff	General Secretary	81,672	24,534
UNISON	General Secretary	89,502	34,993
Unity*	General Secretary	37,935	20,672
	Asst General Secretary	32,990	18,617
Union of Shop, Distributive & Allied Workers	General Secretary	78,050	20,666
Writers Guild of Great Britain	General Secretary	53,345	Nil

* Figures not yet received for 2006

** Figures not yet received for 2007

APPENDIX 7 (SEE PARA 7.18) - GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – AT 31 DECEMBER 2006 (UNLESS OTHERWISE INDICATED)

	NI Members Contracted-in	% of total NI Members	NI Contributions £
AMICUS	13,672	45.7%	92,286
Association of Revenue and Customs	39	100%	117
Aspect	60	46.9%	182
Communication Workers Union	3,132	58.6%	16,372
CONNECT	35	6.5%	126
Fire Brigades Union	422	25.8%	3,108
GMB	68	0.5%	469
National Association of Schoolmasters Union of Women Teachers (NASUWT)	2,712	18.6%	1,217
National Union of Rail, Maritime and Transport Workers	91	100%	159
POA	1,618	99.8%	2,912
Prospect	137	13.9%	82
Transport and General Workers Union	14,776	56.7%	34,748
Transport Salaried Staffs Association	166	33.5%	734
Union of Shop, Distributive and Allied Workers	4,148	38.2%	19,579
TOTALS	41,076	39%	172,091

APPENDIX 8 (SEE PARA 7.18) - GB TRADE UNIONS WHOSE NORTHERN IRELAND MEMBERS DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2006 (UNLESS OTHERWISE INDICATED)

Bakers, Food and Allied Workers Union

Broadcasting, Entertainment, Cinematograph and Theatre Union

Community

Musician's Union

Union of Construction Allied Trades and Technicians

UNISON

Unity

APPENDIX 9 - STATUTORY FEES

Fees are set by the Department for Employment and Learning

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

APPENDIX 10 – 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 transferor organisation in support of the registration of an instrument of transfer of engagements	CO(NI)11
Statutory declaration on behalf of the transferee organisation in support of the registration of an instrument of transfer of engagements	CO(NI)12
Application for registration of an instrument of amalgamation	CO(NI)13
Statutory declaration in support of an application for the registration of an instrument of amalgamation	CO(NI)14
Application for the approval of amendment(s) to political fund rules	PF(NI)1
Application for approval of rules for political fund	PF(NI)2
Application for approval of rules for political fund ballot or political fund	PF(NI)4
Return of result of political fund ballot	PF(NI)5

APPENDIX 11 - CERTIFICATION OFFICE PUBLICATIONS

The following publications are available free of charge on request:

1. *Formal Hearings by the Certification Officer under the 1995 Order – Notes of Procedure.*
2. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions and employers' associations.*
3. *Guidance for trade unions wishing to apply for a certificate of independence.*
4. *Guidance for trade unions and employers' associations wishing to establish a political fund.*
5. *A guide to political fund review ballots.*
6. *Financial Irregularities in Trade Unions and Employers' Associations.*
7. *Annual Reports of the Certification Officer.*
8. *Equality Scheme.*

Decisions of the Certification Officer

9. *D/1/2000 - Gilliland & Wilson v NIMA – Complaint of failure to properly appoint a scrutineer in an election for the post of President. Upheld*
10. *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.*
11. *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.*
12. *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.*
13. *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.*
14. *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.*
15. *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.*
16. *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.*
17. *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.*
18. *D/6-7/2003 – Manly v GMB – Alleged breaches of trade union rules – complaints dismissed upon withdrawal by the complainant.*
19. *D/1-8/2004 – Sweeney v UNISON – Breach of trade union rules regarding the appointment or election of a person, or the removal of a person from any office.*

20. *D/9-15/2004 – McCreight v CWU – Alleged breaches of union rules: The complaints were dismissed upon withdrawal by the complainant.*
21. *D/16-21/2004 – Buchannan v CWU – Alleged breaches of union rules: The complaints were dismissed upon withdrawal by the complainant.*
22. *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.*
23. *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 .*
24. *D/9-14/2005 – Edgar v GMB – The union conceded that there had been five breaches of rules relating to election 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.*
25. *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.*
26. *D/1-5/2006 – McGinley v The Northern Ireland Public Service Alliance – 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..*
27. *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.*
28. *D/8-10/2006 - Morgan v NASUWT - Alleged breaches of union rules: The complaints were dismissed on withdrawal by the applicant.*
29. *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.*

APPENDIX 12 - FREEDOM OF INFORMATION REQUESTS IN 2006/07

2006/07 saw the receipt of eighty-nine requests under the Freedom of Information Act 2000. In contrast, three requests were received in the previous reporting year.

Six members of the public accounted for seventy-seven of the requests. Two organisations made a total of eleven requests between them, and one request originated from a professional firm.

Information was released when appropriate, at times in redacted (obscured) form to protect confidentiality and privacy. On other occasions, release was refused because under the Act the information requested was exempt from disclosure, e.g. information relating to applications before the Certification Officer.

In the case of two requests, the cost of complying was beyond the limit within which information has to be provided. In both instances, rather than refuse the request (as is permitted in such circumstances), the Office offered the requesters the opportunity to pay the appropriate costs for release under the Fees Regulations of the Act. Neither took up the offer. A further request fell primarily under legislation associated with the Act, namely the Data Protection Act 1998, as it was a personal information request. The requester was invited to submit the £10 fee payable for information under the Data Protection Act 1998. The invitation was not taken up.

An appeal to the Information Commissioner concerning an information request, which was received in the previous reporting year, was concluded. The Certification Office maintained its refusal of the substantive information sought in the request, whilst providing information confirming the fact of contact between it and another organisation. The Information Commissioner's Office indicated to the requester that this was correct under the Act, and the request was then withdrawn.

Evaluating and responding to requests proved to be complex and time consuming. It frequently necessitated resort to external advice and legal opinion.

Overall, a very significant amount of the limited office resource was absorbed in dealing with the high volume of requests, with inevitable effects on the core work of the office.

Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail customer.services@tso.co.uk

Textphone: 0870 240 3701

TSO Shops

123 Kingsway, London, WC2B 6PQ

020 7242 6393 Fax 020 7242 6394

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

The Parliamentary Bookshop

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone Orders / General enquiries 020 7219 3890

Fax orders 020 7219 3866

Email bookshop@parliament.uk

Internet bookshop.parliament.uk

TSO @Blackwell and other Accredited Agents

