NORTHERN IRELAND CERTIFICATION OFFICE FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

First Annual Report
of the
Certification Officer
for
Northern Ireland
1993

Mr G F Loughran
Permanent Secretary
Department of Economic Development
Netherleigh
Massey Avenue
BELFAST
BT4 2JP

Mr F A Mackle OBE Chairman Labour Relations Agency Windsor House 9-15 Bedford Street BELFAST BT2 7NU

I have pleasure in sending you the report of the Certification Office on its activities during the period from 1 July 1992 to 31 March 1993. As explained in the introduction, the report also covers certain activities of the Registrar of Friendly Societies between 1 January 1992 and 30 June 1992.

A H McALISTER Certification Officer for Northern Ireland 17 December 1993

Contents

of table and to	11. 1. i.h	Page
Introduction		1
Chapter	particle granting profits grant a 19 1 20 1	
1. Lists of T	rade Unions and Employers' Associations Entry in the lists and its significance Removal from the lists Unlisted organisations Changes of name Department of Economic Development Statutory Definitions in the Industrial Relations (Northern Ireland) Order 1992	2 2 2 3 3 3 3
2. Trade Uni	on Independence The statutory provisions Working methods Determining criteria Procedure Applications Decisions	5 5 5 5 6 6
3. Annual Ro	turns and Accounts The statutory provisions Returns for 1992 Trade unions Employers' associations Public inspection of annual returns	.7 7 8 8 8 9
	ation Schemes The statutory provisions Actuarial reports Schemes maintained	 10 10 10
5. Mergers	The statutory provisions Advice on procedures Mergers: 1992 Complaints	11 11 12 12 12

Advice on procedures Northern Ireland Organisations with political fund rules at 31 December 1992 7. Funds for Trade Union Ballots The statutory provisions Qualifying purposes Conditions Guidance Applications 8. Secret Postal Ballots for Trade Union Elections The statutory provisions 17 The statutory provisions 18 List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members CB trade unions with 250 or more NI members Northern Ireland Employers' Associations CB Employers' Associations with NI members List of Certification Office Forms 26 CC Certification Office Forms	186		Establish 1 199
Advice on procedures Northern Ireland Organisations with political fund rules at 31 December 1992 7. Funds for Trade Union Ballots The statutory provisions Qualifying purposes Conditions Guidance Applications 8. Secret Postal Ballots for Trade Union Elections The statutory provisions 17 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 2. GB trade unions with 250 or more NI members 3. Northern Ireland Employers' Associations 4. GB Employers' Associations with NI members 5. List of Certification Office Forms 14 14 15 16 17 18 18 19 19 19 10 10 10 11 11 12 13 14 15 15 15 15 16 17 17 18 19 10 10 11 11 12 13 14 15 15 15 15 16 16 17 17 17 17 17 17 18 19 10 10 10 11 11 12 13 14 15 15 15 16 16 16 17 17 17 17 17 18 18 18 18 18	6.		. 13
Northern Ireland Organisations with political fund rules at 31 December 1992 7. Funds for Trade Union Ballots The statutory provisions Qualifying purposes Conditions Guidance Applications 8. Secret Postal Ballots for Trade Union Elections The statutory provisions 17 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 2. GB trade unions with 250 or more NI members 3. Northern Ireland Employers' Associations 4. GB Employers' Associations with NI members 5. List of Certification Office Forms			13
7. Funds for Trade Union Ballots The statutory provisions Qualifying purposes Conditions Guidance Applications 8. Secret Postal Ballots for Trade Union Elections The statutory provisions 17 The statutory provisions 18 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 2. GB trade unions with 250 or more NI members 3. Northern Ireland Employers' Associations 4. GB Employers' Associations with NI members 5. List of Certification Office Forms			14
7. Funds for Trade Union Ballots The statutory provisions Qualifying purposes Conditions Guidance Applications 8. Secret Postal Ballots for Trade Union Elections The statutory provisions 17 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members CB trade unions with 250 or more NI members CB trade unions with Elections Northern Ireland Employers' Associations CB Employers' Associations with NI members CB Employers' Association office Forms CB Employers' Association with NI members			
The statutory provisions Qualifying purposes Conditions Guidance Applications 8. Secret Postal Ballots for Trade Union Elections The statutory provisions 17 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 2. GB trade unions with 250 or more NI members 3. Northern Ireland Employers' Associations 4. GB Employers' Associations with NI members 5. List of Certification Office Forms 2. Secret Postal Ballots for Trade Union Elections 3. Northern Ireland Employers in Northern Ireland and Republic 20 3. Northern Ireland Employers' Associations 24 4. GB Employers' Associations with NI members 25 5. List of Certification Office Forms		31 December 1992	14
The statutory provisions Qualifying purposes Conditions Guidance Applications 8. Secret Postal Ballots for Trade Union Elections The statutory provisions 17 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 2. GB trade unions with 250 or more NI members 3. Northern Ireland Employers' Associations 4. GB Employers' Associations with NI members 5. List of Certification Office Forms 2. Secret Postal Ballots for Trade Union Elections 3. Northern Ireland Employers in Northern Ireland and Republic 20 3. Northern Ireland Employers' Associations 24 4. GB Employers' Associations with NI members 25 5. List of Certification Office Forms	7.	Funds for Trade Union Ballots	
Qualifying purposes Conditions Guidance Applications 8. Secret Postal Ballots for Trade Union Elections The statutory provisions 17 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members CB trade unions with 250 or more NI members CB trade unions with 250 or more NI members CB Employers' Associations CB Employers' Associations with NI members			
Conditions Guidance Applications 8. Secret Postal Ballots for Trade Union Elections The statutory provisions 17 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 2. GB trade unions with 250 or more NI members 2. Northern Ireland Employers' Associations 3. Northern Ireland Employers' Associations 4. GB Employers' Associations with NI members 5. List of Certification Office Forms 26			
Guidance 16 Applications 16 8. Secret Postal Ballots for Trade Union Elections 17 The statutory provisions 17 Appendices 17 Appendices 18 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 18 2. GB trade unions with 250 or more NI members 20 3. Northern Ireland Employers' Associations 24 4. GB Employers' Associations with NI members 25 5. List of Certification Office Forms 26			
Applications 16 8. Secret Postal Ballots for Trade Union Elections 17 The statutory provisions 17 Appendices 17 Appendices 18 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 18 2. GB trade unions with 250 or more NI members 20 3. Northern Ireland Employers' Associations 24 4. GB Employers' Associations with NI members 25 5. List of Certification Office Forms 26			
8. Secret Postal Ballots for Trade Union Elections The statutory provisions 17 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 2. GB trade unions with 250 or more NI members 3. Northern Ireland Employers' Associations 4. GB Employers' Associations with NI members 5. List of Certification Office Forms 20 21 22 23 24 25 26			16
The statutory provisions 17 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 18 2. GB trade unions with 250 or more NI members 20 3. Northern Ireland Employers' Associations 24 4. GB Employers' Associations with NI members 25 5. List of Certification Office Forms 26		Applications	16
The statutory provisions 17 Appendices 1. List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members 2. GB trade unions with 250 or more NI members 3. Northern Ireland Employers' Associations 4. GB Employers' Associations with NI members 5. List of Certification Office Forms 18 20 21 22 23 24 25 26	8.	Secret Postal Ballots for Trade Union Elections	17
 List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members GB trade unions with 250 or more NI members Northern Ireland Employers' Associations GB Employers' Associations with NI members List of Certification Office Forms 			17
 List of trade unions with Headquarters in Northern Ireland and Republic of Ireland unions with NI members GB trade unions with 250 or more NI members Northern Ireland Employers' Associations GB Employers' Associations with NI members List of Certification Office Forms 			
of Ireland unions with NI members 2. GB trade unions with 250 or more NI members 3. Northern Ireland Employers' Associations 4. GB Employers' Associations with NI members 5. List of Certification Office Forms 18 20 21 22 23 24 25 25 26	Appe	endices	
of Ireland unions with NI members 2. GB trade unions with 250 or more NI members 3. Northern Ireland Employers' Associations 4. GB Employers' Associations with NI members 5. List of Certification Office Forms 18 20 21 22 23 24 25 25 26	1. L	ist of trade unions with Headquarters in Northern Ireland and Republic	
 GB trade unions with 250 or more NI members Northern Ireland Employers' Associations GB Employers' Associations with NI members List of Certification Office Forms 		of Ireland unions with NI members	10
 Northern Ireland Employers' Associations GB Employers' Associations with NI members List of Certification Office Forms 	·2. G		
4. GB Employers' Associations with NI members 25 5. List of Certification Office Forms 26			
5. List of Certification Office Forms	4. G	B Employers' Associations with NI members	
20	5. L	ist of Certification Office Forms	
	-		26

Introduction

I was appointed by the Permanent Secretary of the Department of Economic Development under Article 69 of the Industrial Relations (Northern Ireland) Order 1992 (the 1992 Order) as an independent statutory authority to determine the independence of trade unions in accordance with the provisions of Article 6 of that Order. The Order also transferred to me certain functions relating to trade unions and employers' associations which were previously carried out by the Registrar of Friendly Societies, under other legislation. The office began its work on 1 July 1992. Mr Scott McElrea, the Registrar of Friendly Societies, held the post of Certification Officer, in a temporary capacity, until my appointment which took effect from 1 February 1993.

The common feature of all my functions is that they are concerned in various ways with the internal affairs of trade unions and employers' associations. The Certification Office is concerned only to a limited extent with the content of rule books; except for rules governing political funds, trade unions and employers' associations now have no obligation to submit their rules, or changes in them, for approval by a statutory authority.

The 1992 Order requires the Labour Relations Agency to provide me with the necessary staff, accommodation, finance, etc. but I am not subject to directions either by the Agency or by the Department of Economic Development in the exercise of my functions.

Under Article 69(7) of the 1992 Order I am required to submit to the Agency and to the Department of Economic Development as soon as practicable after the end of each financial year a report of my activities during that year. This first report deals with the work of Office during the period 1 July 1992 to 31 March 1993. For the sake of completeness it also covers matters dealt with by the Registrar of Friendly Societies under the Trade Union Acts of 1871 to 1913 between the period covered by his last report on trade unions and employers' organisations and the coming into effect of the 1992 Order on 1 July 1992.

List of Trade Unions and Employers' Associations

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 Industrial Relations (Northern Ireland) Order 1992.
- 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, he must enter its name in the relevant list. Entry in the list is usually a simple process and means no more than that the body concerned satisfies the statutory definition. The Order does not impose any test of size or effectiveness. Articles 3(1) and 4(1) are reproduced in full at paragraph 1.12.
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list may appeal to the High Court.
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under Article 6 of the 1992 Order. It is also one of the requirements for obtaining tax relief in respect of expenditure on provident benefits. There are no corresponding advantages for employers' associations.
- 1.5 Three applications for listing were received during the period of this report.
- 1.6 Application must be made on form CO(NI)1, available on request from the Certification Office, and accompanied by the statutory fee of £45.
- 1.7 The current lists are available for inspection, free of charge, at the Northern Ireland Certification Office, 16th Floor, Windsor House, 9-15 Bedford Street, Belfast BT2 7NU.

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 to the High Court against removal of a name from a list. The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.

Unlisted organisations

1.9 Because entry in the lists is voluntary it is not possible to say precisely how many trade unions and employers' associations are in existence at any given time. There may be others meeting the statutory definition of which the Office is unaware.

Changes of name

1.10 The 1992 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. No such requests were received during the period of this report.

Department of Economic Development Statistics

1.11 The information collected by the Office provides the main basis for updating the Department of Economic Development's annual statistics of numbers and membership of trade unions.

Statutory Definitions in the Industrial Relations (Northern Ireland) Order 1992

- 1.12 Article 3.1 of the 1992 Order reads as follows:
- 3. -(1) In this Order "trade union" means an organisation (whether permanent or temporary) which either -
 - (a) consists wholly or mainly of workers of one or more descriptions and is an organisation whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers' associations; or
 - (b) consists wholly or mainly of -
 - (i) constituent or affiliated organisations which fulfil the conditions specified in sub-paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions); or
 - (ii) representatives of such constituent or affiliated organisations;

and in either case is an organisation whose principal purposes include the regulation of relations between workers and employers or between workers and employers' associations, or include the regulation of relations between its constituent or affiliated organisations.

Article 4.1 of the 1992 Order reads as follows:

- 4.-(1) Subject to paragraph (2), in this Order "employers' association" means an organisation (whether permanent or temporary) which either -
 - (a) consists wholly or mainly of employers or individual proprietors of one or more descriptions and is an organisation whose principal purposes include

the regulation of relations between employers of that description or those descriptions and workers or trade unions; or

- (b) consists wholly or mainly of -
 - (i) constituent or affiliated organisations which fulfil the conditions specified in sub-paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions); or
 - (ii) representatives of such constituent or affiliated organisations;

and in either case is an organisation whose principal purposes include the regulation of relations between employers and workers or between employers and trade unions, or include the regulation of relations between its constituent or affiliated organisations.

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

2

Trade Union Independence

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 the independence of trade unions is laid down in Article 6 of the 1992 Order. The Certification Officer must keep a public record of all applications for certificates of independence and all decisions reached. He may not take a decision on any application until at least one month after it has been entered in the record and must take into account any relevant information submitted by third parties. He is required to give his reasons if he refuses a certificate of independence and the union concerned has a right of appeal to the High Court.
- 2.3 The Certification Officer may withdraw a certificate at any time if he is of the opinion that the trade union concerned is no longer independent. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal to the High Court.
- 2.4 Where a question as to the independence of a particular union arises in proceedings before the courts, industrial tribunals or certain other bodies, and no certificate has been issued or refused, the 1992 Order provides that the proceedings may not continue further until that question has been decided by the Certification Officer.

Working methods

2.5 The working methods used by the Office in considering applications for certificates of independence mirror the practice established by the Certification Officer, 27 Wilton Street, London SWIX 7AZ. Essentially, they consist of a scrutiny of the applicant union's rules and finances followed, where necessary, by detailed investigation of the union's affairs.

Determining Criteria

2.6 The principal criteria used by the Certification Officer in determining whether or

not an applicant union satisfies the statutory definition are explained in the Office's booklet Guidance for trade unions wishing to apply for a certificate of independence under the following headings:

History Membership base Organisation and structure Finance Employer-provided facilities Negotiating record

Copies of the booklet are available on request from the Certification Office.

The Certification Officer reaches his decision on the basis of the criteria as a whole and, in doing so, is strictly bound by the statutory definition. He is not empowered to take into account other considerations such as the effect the issue of a certificate might have on industrial relations.

Procedure

2.7 An application for a certificate of independence must be made on the appropriate form and be accompanied by the statutory fee of £305. The form - CO(NI)5 - can be obtained on request from the Certification Office.

Applications

2.8 One application for a certificate of independence was received during the period of this report.

Decisions

2.9 No certificates of independence were issued during the period of this report.

Annual Returns and Accounts

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 one which consists 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 Under Articles 11 and 12 of the Order every organisation (unless it has been in existence for less than 12 months) is also required to submit an annual return to the Certification Officer in the form prescribed. Schedule I of the Order provides that the return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. The return must also show any changes in the organisation's officers or in the address of its head office, and must be accompanied by a copy of the rules in force at the end of the period.
- 3.3 Schedule I prescribes that annual returns should be submitted before 1 June in each year and cover the year ending the preceding 31 December. However, the Certification Officer may direct that the return is to relate to a different annual period, and this is usually done if the normal timetable would cause serious inconvenience to the organisation concerned.
- 3.4 Schedule I also stipulates that the annual return is to include a copy of the auditor's report on the accounts. It confers extensive powers on auditors, who must be professionally qualified unless the organisation's membership, assets, receipts and payments are below specified levels, or certain special circumstances apply. The Schedule contains detailed provisions about the qualifications, appointment and removal of auditors and confers on them certain rights to have access to books and information and to attend and speak at general meetings of the organisation.
- 3.5 The auditor must state whether, in his opinion, the accounts give a true and fair view of the matters to which they relate. He has a duty to carry out such investigations as will enable him to form an opinion 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. If, in his opinion, the statutory requirements have not been satisfied, or he fails to obtain all the necessary information and explanations, he must say so in his report.

- 3.6 Provided the period covered is the same and there is no significant diminution in the degree of disclosure, an employers' association incorporated under the Companies Orders may submit with its return, in lieu of the prescribed accounts, a copy of its accounts prepared under the Companies Orders and so avoid the duplication of broadly similar financial statements. In such circumstances, however, and notwithstanding anything in the Companies Orders, an auditor's report is still required to be made and this report must comply with the requirements of the 1992 Order.
- 3.7 With the exceptions already noted, the duties imposed by Articles 10 and 11 and by Schedule I 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 he is not empowered to carry out detailed investigations into the finances of trade unions or employers' associations or to undertake prosecutions for such offences as embezzlement or fraud which are dealt with under the ordinary criminal law.

Returns for 1992

3.8 Statistical information derived from the annual returns of trade unions and employers' associations for the year ended 31 December 1992 is given at Appendices 1-4.

Trade unions

- 3.9 A summary of statistics concerning the membership and finances for 1992 of Northern Ireland based trade unions and Republic of Ireland trade unions with Northern Ireland members, is given in Appendix 1. This shows a total of 42,778 members of NI unions providing an annual contribution of approximately £2 1/4m. While there are 13,609 NI members of ROI unions providing an annual contribution of approximately £900,000.
- 3.10 Details of GB based unions with 250 or more Northern Ireland members are given in Appendix 2. This shows a total of 184,358 NI members contributing an annual contribution of over £10m. which is approximately 2.6% of the total income of the unions listed.
- 3.11 Trade union income derives mainly from membership subscriptions and income from investments. There may also be additional income and assets arising if, for example, a union accepts the transfer of engagements of another union. In 1992 the gross income of NI trade unions was approximately £2.3m, gross expenditure was £2.1m.

Employers' associations

3.12 A summary of statistics concerning the membership and finances of Northern Ireland employers' associations for 1992 is given in Appendix 3. Details of GB

based employers' associations with Northern Ireland Members are given in Appendix 4.

Public inspection of annual returns

3.13 Copies of the annual returns and rules of trade unions and employers' associations with Northern Ireland members are available for public inspection at the Certification Office.

Superannuation Schemes

The statutory provisions

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

Actuarial reports

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

Schemes maintained

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

Mergers

The statutory provisions

- 5.1 The 1992 Order and the Trade Unions and Employers' Associations (Amalgamations, etc) Regulations 1965 lay down procedures governing two types of merger transfers of engagements and amalgamations between trade unions and between unincorporated employers' associations. The procedures apply to listed and unlisted organisations. Their main purposes are to facilitate the processes of transfer and amalgamation and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it.
- 5.2 Under a transfer of engagements the transferring organisation ('the transferor') loses its legal identity whilst the organisation to which it transfers ('the transferee') continues in being with its legal identity unchanged. An amalgamation produces a new organisation replacing the amalgamating bodies which cease to exist.
- 5.3 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. These documents are formally submitted to the Certification Officer and must have his approval before a ballot of members can be held to approve the instrument.
- 5.4 In a transfer of engagements only the members of the transferor organisation vote on the resolution to approve the instrument. An amalgamation requires a favourable vote by the members of each amalgamating organisation. If the required majority of votes recorded in each ballot is in favour of the merger, application to register the instrument is made to the Certification Officer.
- An interval of six weeks must elapse between the application for registration and registration itself; and before the expiry of the six-week period any member of the transferor organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements have not been observed. The Certification Officer may dismiss the complaint or if, after hearing both sides, he finds the complaint justified, he may either make a declaration but no order, or make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Court of Appeal on a question of law.
- 5.6 Formal documents kept by the Certification Officer relating to mergers under the Order are available for public inspection.

Advice on procedures

5.7 The Office's booklet Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions and employers' associations explains the merger procedures in detail and sets 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. The Office will offer advice where needed and is always prepared to meet officials of organisations proposing to merge to discuss procedures and time tables.

Mergers: 1992

5.8 There were no mergers during the period of this report.

Complaints

5.9 No complaints were received during the period of this report.

Political Funds

(5)

The statutory provisions for Northern Ireland based Organisations

- 6.1 The 1992 Order enables a trade union or an unincorporated employers' association, whether listed or not, to include the furtherance of political objects, as defined in the Order, among the objects of the organisation and to adopt political fund rules providing for the expenditure of funds on such objects. A resolution to adopt political objects must be passed by a simple majority in a ballot of the members held under rules approved by the Certification Officer. The rules governing the political fund must also be approved by the Certification Officer.
- 6.2 The Order requires the political fund rules to provide, among other things, that any payments in the furtherance of the political objects set out in the Order must be made out of a separate political fund; that contribution to the political fund must not be made a condition for admission to the union; and that members who do not wish to contribute to a political fund must not be excluded from any benefits of the organisation or placed under any disability or disadvantage compared with other members.
- 6.3 Unlike members in Great Britain, trade union members in Northern Ireland must 'contract in' to a political fund in their union.
- 6.4 Any member of a trade union with a political fund who alleges that he is aggrieved by a breach of the political fund rules may complain to the Certification Officer under Article 57(3) to (5) of the 1992 Order. If, after giving the complainant and the union an opportunity to be heard, the Certification Officer considers that a breach has occurred, he may make an order for remedying it. Under Article 70(4) of the 1992 Order an appeal against the decision of the Certification Officer may be made to the Court of Appeal on a question of law.
- 6.5 Part VIII of the Industrial Relations (Northern Ireland) Order 1992 requires trade unions and employers' associations which already have a political fund resolution in force and wish to continue to spend money on political objects, to renew the political fund resolution by a ballot of their members (a review ballot) at least once every 10 years. The review ballot must be held in accordance with rules approved by the Certification Officer.
- 6.6 Under Article 61 of the 1992 Order a member of a trade union can 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 rules for holding the ballot. Any complaint must be made within the period of one year beginning with the day on which the result of the ballot is announced by the union.

Advice on procedures

6.8 On request the Office gives advice on the procedures for establishing political funds and for holding review ballots. An information pack including model rules is available free of charge. Any trade union or employers' association wishing to ballot its members on a political fund resolution should contact the Office at an early stage.

Organisations with its Head Office in Northern Ireland with political fund rules at 31 December 1992

6.9 None.

The statutory provisions

7.1 Article 102 of the Industrial Relations (Northern Ireland) Order 1992, empowers the Certification Officer to refund certain costs incurred by independent trade unions in holding secrét ballots for specified purposes. These ballots must be conducted in secret and normally by post, although there is provision for workplace ballots in certain circumstances which are outlined in Article 103 of the Order. The conditions to be observed are laid down in a Scheme contained in Regulations made by the Department of Economic Development¹.

Qualifying purposes

- 7.2 Regulation 4 of the 1992 Regulations provides that in order to qualify for refund of certain costs the ballot must be held for one or more of the following purposes:
 - (a) obtaining a decision or ascertaining the views of members of a trade union as to the calling or ending of a strike or other industrial action;
 - (b) carrying out an election²
 - (i) in relation to which Article 47 of the 1992 Order is required to be satisfied (that is, every member of a trade union's principal executive committee must be elected by secret postal ballot of the members at least once every five years); or
 - (ii) provided for by the rules of a trade union for elections to the principal committee of the union exercising executive functions, by whatever name it is known; or
 - (iii) provided for by the rules of a trade union for elections to the positions of president, chairman, secretary or treasurer of the union or to any position which the person elected will hold as an employee of the union;
 - (c) amending the rules of a trade union;
 - (d) obtaining a decision in accordance with Part X of the 1992 Order on a resolution to approve an instrument of amalgamation or transfer;
 - (e) obtaining a decision on a political fund resolution for the purposes of Article 57 of the 1992 Order (this applies only in cases where a political fund resolution

The Funds for Trade Union Ballots Regulations 1992 (SI 1992 No 240).

- is already in force, that is to say, only in respect of a political fund review ballot);
- (f) obtaining a decision or ascertaining the views of members of a trade union as to the acceptance or rejection of a proposal made by an employer which relates in whole or in part to remuneration, hours of work, level of performance, holidays or pensions.

Conditions

7.3 An application for refund will qualify for payment if the ballot is secret and meets the requirements of the 1992 Order and relevant Regulations and is held for one or more of the qualifying purposes. The Certification Officer may not make any payments under the Scheme if he considers that any of the conditions have not been met or if any assurances asked for about observance of the conditions have not been given by the trade union concerned.

Guidance

7.4 Applications under the Scheme must be made within six months of the end of the voting period. The procedure for making an application is set out in the Office's booklet *Guidance for trade unions applying for refund of costs of a secret postal ballot* which is available from the Certification Office free of charge.

Applications

7.5 During the period of this report, no such applications were received.

Secret Postal Ballots for Trade Union Elections

The statutory provisions

- 8.1 From I January 1994 Article 47 of the 1992 Order requires a trade union to ensure that no-one takes up a position as a member of the union's principal executive committee without having been elected to it, or remains in that position for more than five years without having been re-elected to it. Elections are required to be by secret postal ballot of the members of the union, conducted in accordance with the conditions laid down in Part VII. In addition, every trade union must maintain a register of its members' names and addresses and, as far as reasonably practicable, keep the entries accurate and up-to-date.
- 8.2 Part VII of the 1992 Order also gives individual trade union members the right to apply to the Certification Officer, or to the High Court, for a declaration that their trade union has failed to comply with one or more provisions of that Part. Where an application is made to the Certification Officer, the 1992 Order requires him to make such enquiries as he thinks fit and, where he considers it appropriate, to give the applicant and the trade union an opportunity to be heard, before he makes or refuses to make the declaration asked for. In certain circumstances, expenses incurred by persons attending complaint hearings can be reimbursed by the Office.
- 8.3 If the Certification Officer makes a declaration and is satisfied that:
 - (a) steps have been taken by the union with a view to remedying the declared failure or securing that a failure of the same, or similar kind, does not recur;
 - (b) or the union has agreed to take such steps;

he will specify those steps.

Additionally, whether or not he makes a declaration, the Certification Officer must give reasons for his decision in writing and such reasons may be accompanied by written observations on any matter arising from, or connected with, the proceedings.

8.4 The making of an application to the Certification Officer under Part VII of the 1992 Order does not prevent the applicant, or any other person, from making a subsequent application to the High Court under that Part in respect of the same matter. Where a subsequent application is made, the High Court is required to have due regard to any declaration, reasons or observations of the Certification Officer which are brought to the notice of the Court.

Appendix 1

List of Trade Unions with Headquarters in Northern Ireland and Republic of Ireland

NORTHERNIRELAND. UNIONS	NI Members	Total Members	NI Contr.	Fotal Income \$2000's	Total Expenditure £000's	Funds at the Bud, of the Year	Total Assets at the end of the Year	Total Liabilities at the end of the Year
North of Ireland Bakers', Confectioners' and Allied Workers' Union		1,006	49,516	56	51	86	90	£000's
Northern Ireland Musicians' Association Northern Ireland Public Service Alliance Ulster Teachers Union		1,039 35,146 5,587	8,589 1,891,524 317,223	20 -1,970 343	41 1,807 290	100 2,339 438	105 2,421 469	5 82 31
TOTALS REPUBLIC OF RELAND UNIONS		42;778 : 5 : 1	2,266,852	2,389	2,189	2,963	3,085	11 (1.4) 12 d. 122
Irish Bank Officials' Association Irish National Teachers' Organisation Services, Industrial, Professional and Technical Union	5,423 5,030 3,156	15,543 24,905 209,703	438,667 303,454 167,831	1,768 3,643 16,869	2,343 3,095 15,309	5,948 3,411 15,832	6,371 3,453 17,024	423 41 1,192
TOTALS	13,609	250,151	909.952	22.280	20.747	25.191	26.848	1-656

Appendix 2

G.B. Trade Unions with 250 (or more) NI Members

	NI Members	GB Members	NI Contra	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
Amalgamated Engineering & Electrical Union Association of First Division Civil Servants Association of Teachers & Lecturers British Actors Equity Association British Dental Association	24,397 303 3,993 331 352	850,230 10,639 147,742 44,325 14,298	1,226,306 45,473 107,441 11,760 54,150	39,757 1,159 6,264 2,074 2,178	39,804 1,022 5,933 2,259 2,287	26,116 407 2,284 138 1,061	41,622 452 3,624 1,640 2,080	15,506 45 1,340 1,502 1,019
British Medical Association Broadcasting, Entertainment, Cinematograph and Theatre Union Chartered Society of Physiotherapy Civil & Public Services Association	2,358 792 840 521	80,519 40,880 30,569 123,936	457,452 78,875 79,412 32,456	16,226 4,426 3,460 8,344	14,363 3,878 3,390 8,344	25,927 1,138 3,121 11,148	41,218 3,416 5,040 12,065	15,291 2,278 1,919 918
Communication Managers Association Confederation of Health Service Employees Engineers and Managers Association Fire Brigades Union	. 269 12,036 1,034 1,357	14,940 183,483 36,404 51,271	28,639 653,920 130,147 122,658	1,689 11,118 4,188 4,202	1,652 10,288 4,022 4,198	2,037 10,406 5,008 4,318	2,115 11,660 5,598 4,679	78 1,254 590 360
Furniture, Timber and Allied Trades Union GMB Graphical, Paper and Media Union Inland Revenue Staff Federation Manufacturing Science and Finance Union	913 22,476 2,860 1,197 10,212	30,705 799,101 262,949 57,847 520,149	23,551 1,103,632 88,579 83,468 500,000	1,813 36,806 15,013 3,419 22,871	1,931 39,177 19,244 3,405 22,285	4,474 53,639 63,062 5,842 13,046	4,538 56,955 64,887 6,036 31,869	64 3,316 1,826 194 18,823
National Association of Head Teachers National Association of Schoolmasters & UWT National Association of Teachers in F & HE National Communications Union National Federation of Sub-Postmasters National Union of Civil & Public Servants National Union of Insurance Workers	742 7,846 1,917 2,765 602 538 395	37,065 177,545 73,585 123,611 15,122 111,026 15,936	47,819 328,013 129,941 234,919 16,090 49,518 29,116	3,158 7,716 5,534 12,450 777 10,548 1,114	2,754 6,843 4,970 11,144 727 10,999 1,178	1,504 10,754 2,764 13,157 2,264 5,321 1,588	2,436 11,058 5,477 13,571 2,442 7,868 1,757	932 304 2,714 414 178 2,546 169
National Union of Journalists National Union of Knitwear, Footwear & Apparel Trades National Union of Marine, A & ST Officers	570 316 338	25,286 51,320 18,730	48,590 17,019 26,822	2,209 3,150 1,780	2,363 3,298 1,643	1,269 7,844 3,485	461 8,111 3,833	1,730 267 348

	NI Members	GB' Members	N Contra of the	Total income	Total Expenditure	Runds at the End of the Year £000's	Total Assets abthe end of the Year	Total Liabilities at the end of the Year £000's
National Union of Public Employees National Union of Rail, Maritime & Transport Workers	11,941 251	515,462 104,552	723.225 18,990	29,218 9,753	26,094 12,947	22,020 15,331	25,300 15,351	3,280 20
Prison Officers Association Professional Association of Teachers Retained Firefighters Union Royal College of Midwives Royal College of Nursing of the UK Society of Radiographers Society of Telecom Executives Transport & General Workers Union Transport Salaried Staff Association Union of Communication Workers	2,922 257 330 1,319 10,564 419 390 38,619 518 3,478	26,155 40,881 3,678 34,366 284,907 11,906 21,753 1,036,586 38,492 174,975	218,470 13,462 6,949 33,318 175,133 14,195 59,244 2,287,004 37,461 270,152	2,265 1,642 92 918 10,337 478 3,658 59,835 2,912 14,042	2,318 1,629 77 918 10,337 506 3,827 59,565 2 629 13 820	1,438 521 86 0 0 42 4,639 52,793 12,641 9,489	2,047 1,203 112 0 0 190 4,821 61,125 12,846 10,442	609 682 26 0 0 148 182 8,333 205 953
Union of Construction Allied Trades & Technicians Union of Shop, Distributive & Allied Workers	4,429 6,651	144,681 309,840	116,000 308,659	5,192 13,334	7,230 12,241	1,257 13,765	3,374 13,990	2,117 225

G.B. Trade Unions with 250 (or more) NI Members cont.

TOTALS

Appendix 3

Northern Ireland Employers' Associations

NI Employers Associations	Members at 31/12/92	Total Income £	.Total Expenditure £
Anglo-North Irish Fish Producers Organisation	60	77, 569	38, 081
Association of Local Authorities of Northern Ireland	20	105,056	96,349
Belfast County Vintners Association	142	1,826	1, 181
Construction Employers Federation Ltd	485	421,326	444,217
Engineering Employers Federation NI Association	129	234,325	212,630
The Lough Neagh Fishermen's Association	378	166	3,188
Northern Ireland Bakery Employers' Council	8	22,380	21,896
Northern Ireland Builders' Merchants Association	15	2,625	2,502
Northern Ireland Fish Producers Federation	245	Nil	Nil
Northern Ireland Grain Trade Association Ltd	35	17,242	17,567
Northern Ireland Hotels and Caterers	312	77,899	59,342
Northern Ireland Timber Trade Association	17	4,950	4,794
Ulster Chemists Association	492	45,182	37,368
Ulster Launderers Association	5	277 🗸	385

Appendix 4

GB Employers' Associations with NI Members

	Total Members at 1 December 1992	NI Member 31 Decemb 1992	STORY OF A SHARE STORY OF STREET	NI Contribution £	Total Expenditure £
Association of Newspapers and Magazine Wholesalers	25	1	107,289	400	88,847
British Secondary Metals Association	323	1	118,823	320	115,000
British Amusement Catering Trades Association	1,015	1	424,000	210	416,000
British Brush Manufacturers Association	64	2	46,445	2,800	39,912
British Pre-Cast Concrete Federation Ltd	79	1	320,044	154	287,043
British Scrap Federation	276	10	204,700	4,867	203,000
British Soft Drinks Association	174	6	993,850	15,306	992,687
Chemical Industries Association	168	1	4,659,000	Not Known	4,873,000
Plant Hire Association	1,036	2	500,000	1,000	530,000
Freight Transport Association	12,638	134	10,457,000	16,539	5,623,000
Glass and Glazing Federation	450	32	1,221,553	16,741	1,182,249
Heating & Ventilating Contractor's Association	1,116	12	7,183,000	14,379	6,434,000
National Engineering Constructi Employers Association	on 284	1	1,046,000	703	871,000
National Federation of			7	~	
Master Window Cleaners	2,061	- 50	67,484	430	54,949
National Federation of Retail Newsagents	28,832	1,023	4,365,000	122,000	4,188,000
National Federation of Roofing Contractors Limited	577	18	947,000	6,080	882,000
National Sawmilling Association	. 90	6	517	NIL	411
Retail Motor Industry Federation Ltd	12,232	199	6,857,000	55,302	6,484,000
Scottish Association of Master Bakers	586	3	152,409	144	120,132
Scottish & NI Employers Federation	1,024	112	330,800	15,291	344,034
Screen Printing Association (UK) Ltd	216	4	25,000	1,043	54,000