

**Annual Report  
of the  
Certification  
Officer  
for  
Northern Ireland**

**1997**

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First published 1997

**NORTHERN IRELAND CERTIFICATION OFFICE FOR  
TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS**

**Annual Report  
of the  
Certification  
Officer  
for  
Northern Ireland  
1997**

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I am required under Article 69(7) of the Industrial Relations (Northern Ireland) Order 1992 to submit to each of you a report on my activities as Certification Officer during the previous year. I have pleasure in submitting my report for the period 1 April 1996 to 31 March 1997.

A handwritten signature in black ink, appearing to read 'A H McAlister', written in a cursive style.

A H McALISTER  
Certification Officer for Northern Ireland  
12 December 1997

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## INTRODUCTION

This report deals with my activities for the period 1 April 1996 to 31 March 1997. It is the fifth Annual Report to be published since the post of Certification Officer was established in 1992. My functions are contained in the Industrial Relations (Northern Ireland) Order 1992 (as amended) and in the Trade Union and Labour Relations (Northern Ireland) Order 1995.

They include responsibility:

Under the 1992 Order-

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

*under Part II, Articles 11 and 12* - for dealing with complaints by members that a trade union has failed to maintain an accurate register of members; seeing that trade unions and employers' associations keep proper accounting records, have their accounts properly audited and submit annual returns; the investigation of the financial affairs of trade unions and employers' associations; and ensuring that statutory requirements concerning the actuarial examination of members superannuation schemes are observed;

Under the 1995 Order -

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

*under Part V, Articles 45, 54 and 71* - for approving political fund rules of Northern Ireland based unions, approving the "contracting - in" rule for Northern Ireland members of trade unions based elsewhere, and for dealing with trade union members' complaints about political funds;

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

*under Part X, Article 140* - for reimbursing certain expenditure incurred by independent trade unions in conducting secret postal ballots for specified purposes in accordance with Regulations made by the Department of Economic Development. b

These functions are discussed in the following chapters.

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

Accounts of the Office, prepared under Paragraph 15(2) of Schedule 4 to the 1992 Order, are published separately by the Labour Relations Agency. The net cost of the Office for the year ended 31 March 1997 was £87,978. The Certification Officer's salary at 31 March 1997 was £6,696 excluding Employers NI contribution for a one day week. This sum is not pensionable and it is taxed under PAYE.

Where it is necessary to hold a hearing to determine a complaint, the Certification Officer can make payment towards the expenses incurred by the complainant and a friend in attending the hearing. Assistance with legal costs is not available. During the period of this report no payments were made.

### Advice and Contacts for Information

Although it can sometimes be inappropriate to give advice when asked, the Office is happy to assist where it can and guidance booklets covering different aspects of the Certification Officer's responsibilities are available free of charge. They are listed in Appendix 12. Requests for the booklets and for further information on any aspect of the Certification Officer's duties should be made to the Certification Office which, following a move in July 1997, is located at 2-8 Gordon Street, Belfast BT1 2LG, telephone: 01232 237773, fax: 01232 330827. A text phone number is also available for those customers with hearing difficulties. Those who wish to use this service should ring 01232 238411.

## **Lists of Trade Unions and Employers' Associations**

*Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This chapter sets out the background to that process. The lists of Northern Ireland organisations are set out in full in Appendices 1 and 3.*

### **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.
- 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 1992 Order does not impose any test of size or effectiveness. Articles 3(1) and 4(1), which set out the statutory definitions, are reproduced in full at paragraph 1.17.
- 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 Application must be made on the appropriate form and be accompanied by the statutory fee, see appendix 10. The form CO (NI)1 can be obtained from the Certification Office.
- 1.6 The current lists are available for inspection free of charge at the Certification Office, 2-8 Gordon Street, Belfast BT1 2LG.
- 1.7 There were no applications for listing during the period of this report.

### **Removal from the lists**

- 1.8 If at any time it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union 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 the list. The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.



- 1.9 During the period of this report, the Northern Ireland Certification Officer removed the North of Ireland Bakers, Confectioners and Allied Workers Union from his list following its transfer of engagements to a GB based trade union (paragraph 5.10).
- 1.10 The GB Certification Officer also removed the following three bodies, which had Northern Ireland members, from his list following their dissolution.

<i>Trade Unions</i>	<i>Effective Date</i>
National Owner Drivers Association (UK)	21.10.96
Leeds Permanent Building Society Staff Association	1.1.97
 <i>Employers' Associations</i>	
Federation of Master Organ Builders	25.10.96

### **Special register bodies**

- 1.11 Under GB law a special register was established in 1971 which allowed organisations which were either registered companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members to be registered. These were usually professional bodies.
- 1.12 Subsequent legislation in 1974 resulted in trade unions no longer being allowed to have corporate status, although an exception was built into the legislation to preserve the position of those bodies which were already on the special register.
- 1.13 Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary; the voting members of the executive must, however, be elected in accordance with statutory provisions. The following twelve GB headquartered special register bodies have Northern Ireland members;

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

### **Unlisted Organisations**

- 1.14 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. Being unlisted does not limit an organisation's statutory responsibilities in relation to trade union law, and returns from unlisted bodies are available for inspection along with those of listed organisations.

### **Changes of name**

- 1.15 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.

## **Department of Economic Development Statistics**

1.16 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 1992 Order**

1.17 Article 3.1 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 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.*

## Trade Union Independence

*A trade union which is on the 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 the independence of trade unions 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 must keep a public record of all applications for such certificates and of all decisions reached. A notice of each application is published in the Belfast Gazette at the time. 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 to him 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 Office in Great Britain. 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*. Consideration is given under the following criteria: history,

membership base, organisation and structure, finance, employer - provided facilities and negotiating record. Copies of the booklet are available on request from the Certification Office. 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 (see appendix 10). The form - CO(NI)5 - can be obtained on request from the Certification Office.

### **Applications**

- 2.8 There were no applications for certificates of independence during the period of this report.

### **Decisions**

- 2.9 During the year one certificate of independence was issued in respect of an application carried over from the previous year.

## Annual Returns and Accounts

*The requirements for trade unions and employers' associations to keep proper accounting records and to submit annual returns to the Certification Officer are set out in this chapter.*

### 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.
- 3.2 Under Articles 11 and 12 of the 1992 Order (as amended) those organisations head quartered in Northern Ireland and Great Britain (unless they have been in existence for less than 12 months) are required to submit an annual return to the Certification Officer in the form prescribed. Also, any trade union or employers' association carrying on business in Northern Ireland but having its head or main office outside the United Kingdom is required to send to the Certification Officer a statement setting forth, in relation to business carried on in Northern Ireland, such particulars of its receipts and payments, and such other information, as the Certification Officer may require.
- 3.3 In all cases the returns must include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. Details of all funds maintained for trade union and employers' association purposes must be included in the return. Any changes in the organisation's officers, or in the address of its head office, must be shown on the return and must be accompanied by a copy of the rules in force at the end of the period covered by the return, regardless of whether those rules were altered or not. It is the Certification Officer's responsibility to ensure that clear accounts, covering all funds administered by the organisation are available for public inspection.
- 3.4 The 1992 Order requires each trade union and employers' association to submit a return of its financial affairs before 1 June in each year covering the year ending the preceding 31 December. However, the Certification Officer may direct that the return is to relate to a different annual period, and this is usually done if the normal period would cause serious inconvenience to the organisation concerned.
- 3.5 The annual return must include a copy of the auditor's report on the accounts. A person is qualified to act as auditor to a trade union or employers' association if he is eligible for appointment as a company auditor under Article 28 of the Companies (NI) Order 1990. Schedule 1 of 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.
- 3.6 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 by way of qualification.

- 3.7 Provided the period covered is the same and there is no significant diminution in the degree of disclosure, a special register body (see paras 1.11 - 1.13) or an employers' association incorporated under the Companies Orders may submit with its return, in lieu of the prescribed accounts, a copy of its accounts prepared under the Companies Orders 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.
- 3.8 A trade union - other than a special register body - or an employers' association may use auditors who are not eligible for appointment under the Companies Orders provided that the following conditions apply; its receipts and payments do not in aggregate exceed £5,000, the value of its assets are less than £5,000 and it has less than 5,000 members.
- 3.9 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 does not generally undertake prosecutions for such offences as embezzlement or fraud which are dealt with by other prosecuting authorities. However, the Certification Officer is empowered to appoint inspectors to investigate allegations of financial irregularities in the affairs of a trade union or employers' association, and the decision to instigate legal proceedings in such cases would be a matter for the Certification Officer (see para 3.20).

#### **Northern Ireland Resident Address**

- 3.10 Every trade union or employers' association carrying on business in Northern Ireland which has its head or main office outside Northern Ireland must, on an annual basis, provide the Certification Officer with the name and address of at least one Northern Ireland resident authorised to accept on its behalf service of process and any notices required to be served on it.

#### **Changes of Financial Year / Financial Information**

- 3.11 During the period of this report the Certification Officer approved a request from the Ulster Farmers Union for a change of financial year. This employers' association changed its financial year from 31 March to 31 December.
- 3.12 Financial information derived from the annual returns of trade unions and employers' associations is given at Appendices 1-8. That information and the following comments in this Chapter relate to the year ended 31st December 1996, unless otherwise indicated.

#### **Late Submission of Returns**

- 3.13 The 1992 Order requires an organisation to submit its annual return to the Certification Officer within five months of its financial year end. In 1996 the office received a total of 156 annual returns from trade unions and employers' associations, of which approximately 8% were submitted over two months late; however by the end of the year all returns had been received. The office continues to seek full compliance with the statutory requirements for the submission of returns.

#### **Salaries and benefits**

- 3.14 The Trade Union and Labour Relations (NI) Order 1995 ("the 1995 Order") provides, amongst other things, that a trade union's annual return to the Certification Officer must contain information about the salaries and benefits paid to its national officers and executive members from the organisation's funds. Information is required of individual benefits with a value of £100, or more, in any accounting period. Benefits are defined as Inland Revenue "taxable" benefits, pension and superannuation contributions and redundancy/termination payments.

### Northern Ireland Trade Unions

3.15 The following table gives, in the third and fourth columns, the amount paid in salary and benefits to chief officers of trade unions headquartered in Northern Ireland. The benefits returned consist mainly of superannuation contributions. Employers national insurance contributions are excluded.

UNION	TITLE	1996	
		(£) Salary	(£) Benefits excluding NI contribution
Association of Principals of Colleges (NI)	Chairman	NIL	NIL
Belfast Airport Police Association (31/3/97)	Chairman	NIL	NIL
North of Ireland Bakers, Confectioners' and Allied Workers' Union <sup>†</sup>	General Secretary	16,796	NIL
Northern Ireland Musicians' Association	General Secretary	13,532	11,000
Northern Ireland Public Service Alliance	General Secretary	39,237	10,163
Ulster Teachers Union	General Secretary	37,139	17,877

<sup>†</sup> This union transferred to the Bakers, Food and Allied Workers Union on 31 December 1996.

### GB Trade Unions with NI Members

3.16 The amounts paid in salary and benefits to the chief officers of ninety-nine trade unions headquartered in Great Britain are given in Appendix 6. The benefits returned consist mainly of superannuation contributions. Employers national insurance contributions are excluded.

### Republic of Ireland Trade Unions with NI Members

3.17 The following table gives, in the third and fourth columns, the amount paid in salary and benefits in Irish punts to chief officers of trade unions headquartered in the Republic of Ireland. Pay related social insurance contributions are excluded.

UNION	TITLE	1996	
		(IR£) Salary	(IR£) Benefits excluding Pay Related Social Insurance
Irish Bank Officials Association	General Secretary	69,941	61,552 <sup>1</sup>
Irish National Teachers Organisation	General Secretary	65,022	975
Seamans Union of Ireland	General Secretary	21,079	NIL
SIPTU	General Secretary	73,891	3,748 <sup>2</sup>

<sup>1</sup> Part of this figure represents amounts paid to a pension scheme to cover a shortfall of funding.

<sup>2</sup> 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 and not on an individual by individual basis. The current funding level is 26.025%.

## Statement to members

- 3.18 Northern Ireland headquartered trade unions must issue a statement containing specific information to all members within eight weeks of the submission of the annual return to the Certification Officer. The statement must specify:
- (i) the total income and expenditure of the union;
  - (ii) how much of the income consisted of payments in respect of membership;
  - (iii) the total income and expenditure of any political fund of the union; and
  - (iv) the salary and other benefits paid to each member of the executive, the president and the general secretary.

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

- 3.19 The 1995 Order is specific about how this should be done; the exact wording of the statement to be issued 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 of Economic Development) 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 rules of the union and contemplates bringing civil proceedings against the union or responsible officials or trustees, he may apply for material assistance from the Northern Ireland Commissioner for the Rights of Trade Union Members and should, in any case, consider obtaining independent legal advice."

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

- 3.20 The 1995 Order amended the Industrial Relations (Northern Ireland) Order 1992 in such way as to allow the Certification Officer to investigate the financial affairs of trade unions and employers' associations. Under the new provisions, the Certification Officer may, if he thinks there is good reason to do so, give a direction to the organisation concerned to produce relevant documents and explanations of them; in addition, he may appoint inspectors to investigate the organisation's financial affairs and to report on them. He may only appoint inspectors if one or more of the following circumstances are suggested: *that the financial affairs of the trade union or employers' association have been or are being conducted fraudulently or unlawfully; that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management; that the organisation concerned has failed to comply with a duty under the 1995 Order relating to its financial affairs or that a rule of the organisation relating to its financial affairs has not been complied with.* A member may complain to the Certification Officer that there are circumstances suggesting any of the foregoing. The Certification Officer must then consider whether it is appropriate to exercise any of the powers conferred on him by the 1995 Order.



### **Trade Unions - Membership and Financial Information**

- 3.21 The total Northern Ireland membership of all trade unions at 31 December 1996 was 234,778. Statistics reveal that 76% of all N.I. trade union members belong to GB based trade unions with 5% and 19% respectively being members of NI and ROI trade unions.
- 3.22 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 1996 the gross income of NI trade unions was approximately £2.9m; gross expenditure was 2.5m.
- 3.23 A summary of statistics concerning the membership and finances for 1996 of Northern Ireland based trade unions, and Republic of Ireland trade unions with Northern Ireland members, is given in Appendix 1. This shows a total of 44,350 members of NI unions providing an annual contribution of approximately £2.6m, while there are 12,820 NI members of ROI unions providing an annual contribution of approximately £1.2m.
- 3.24 Financial and membership details of fifty-five GB based unions with 100 or more Northern Ireland members are given in Appendix 2. This shows a total of 176,303 NI members making an annual contribution of £10.3m which is approximately 2% of the total income of £582m for the unions listed.
- 3.25 Membership details of a further forty-four GB based trade unions with less than 100 Northern Ireland members are listed in Appendix 3. These show a total of 1,305 Northern Ireland members.

### **Employers' associations - Membership and Financial Information**

- 3.26 A summary of statistics concerning the membership and finances of sixteen Northern Ireland employers' associations for 1996 is given in Appendix 4. Details of thirty-one GB based employers' associations with Northern Ireland members is given in Appendix 5.

### **Public inspection of annual returns**

- 3.27 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

*It is a legal requirement that any superannuation scheme maintained by a trade union or employers' association covering members must be subject to periodic actuarial examination and that a copy of the actuary's report must be sent to the Certification Officer.*

### 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 - Northern Ireland Trade Unions

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

### Schemes maintained - GB Based Trade Unions

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

Amalgamated Engineering and Electrical Union

Graphical, Paper and Media Union (Two schemes: Platepreparers and Litho printers)

MSF

National Union of Rail, Maritime and Transport Workers.

- 4.5 The most recent actuarial reports for all of these unions were received by the Certification Officer during the year.

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

## Mergers

*Mergers between trade unions and between unincorporated employers' associations must be conducted under the relevant statutory procedures; these procedures allow for members to complain to the Certification Officer about particular aspects of the balloting process. This chapter deals with the statutory background.*

### The statutory provisions

- 5.1 The 1995 Order and the Trade Unions and Employers' Associations (Amalgamations, etc) Regulations 1965 lay down procedures governing two types of merger - *transfers of engagements and amalgamations* - between trade unions and between unincorporated employers' associations. The procedures apply to listed and unlisted organisations. Their main purposes are to facilitate the processes of transfer and amalgamation and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it.
- 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. The statutory fee payable is shown in Appendix 10.
- 5.4 Ballots must be postal\* and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a proposed amalgamation or transfer is prohibited; also, the voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed pre-paid envelope and a document giving instruction for the return of the ballot paper. Other requirements relate to storage, distribution and counting of votes by independent persons and the availability of a union's membership register and the circumstances of its inspection by an independent scrutineer.
- 5.5 In a transfer of engagements only the members of the transferor organisation vote on the resolution to approve the instrument. An amalgamation requires a favourable vote by the members of each amalgamating organisation. If the required majority of votes recorded in each ballot is in favour of the merger an application to register the instrument may be made to the Certification Officer. The application cannot be made until a copy of the scrutineer's report has been despatched to every member of the union or they have been notified of its contents by other means.

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

- 5.6 In the case of both a transfer and an amalgamation an interval of six weeks must elapse between the application for registration and registration itself; and before the expiry of the six week period any member of the 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.
- 5.7 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 10.

### **Advice on procedures**

- 5.8 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 staff are always prepared to meet officials of organisations proposing to merge to discuss procedures and time-tables.

### **Mergers: 1996/1997**

- 5.9 Although the merger provisions of the 1995 Order do not extend to Great Britain, the Order does apply with certain modification to a transfer of engagements or amalgamation between a Northern Ireland union and a union in Great Britain.
- 5.10 On 31 December 1996 the first transfer of engagements under current legislation was completed between a Northern Ireland based union to one in Great Britain when the North of Ireland Bakers, Confectioners and Allied Workers Union transferred its engagements to the Bakers, Food and Allied Workers Union. This was a complex matter as it involved overlapping legislation between Northern Ireland and Great Britain.
- 5.11 Also during the period of this report the GB Certification Officer approved the merger of the following GB trade union with Northern Ireland members:
- Transfer of engagements of the Leeds Building Society Staff Association to the Independent Union of Halifax Staff (31.12.96)

### **Complaints**

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

### **Changes of name**

- 5.13 Article 88 of the 1995 Order stipulates that a change of name of a listed trade union or employers' association must be approved by the Certification Officer before it can take effect. (see appendix 10 for the statutory fee). The Northern Ireland Certification Officer did not receive any applications during the period of this report. The GB Certification Officer approved the changes of name of two trade unions with Northern Ireland members; these are listed below.

## Great Britain

### Trade Unions

From Alliance & Leicester Staff Association	26.4.96
To Alliance & Leicester Group Union of Staff	
From Nationwide Group Staff Association	24.5.96
To Nationwide Group Staff Union	

## Political Funds

*The 1995 Order enables trade unions and unincorporated employers' associations to establish separate funds in furtherance of political objects as part of their aims. Under the terms of the Order a resolution to adopt political objects must be passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This chapter also explains the statutory provisions relating to complaints by trade union members about breaches of political fund rules and also reports developments in 1996/97.*

### The statutory provisions for Northern Ireland based organisations

#### General

- 6.1 A trade union or an unincorporated employers' association, whether listed or not, can include the furtherance of political objects among the objects of the organisation. To do so, it must adopt rules providing for the expenditure of funds on such objects. These rules, known as political fund rules, must be approved by the Certification Officer. A resolution to adopt political objects must be approved by the members in a postal\* ballot held under the approved rules. An independent scrutineer must be appointed by the union to oversee the requirements of the ballot.
- 6.2 Part V of the 1995 Order 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.

#### Exemptions

- 6.3 Unlike members in Great Britain, it is a statutory requirement that trade union members in Northern Ireland must "contract-in" to a political fund in their union. This requirement applies to every Northern Ireland trade union member, regardless of where his trade union is headquartered. Where a Northern Ireland trade union member does not "contract-in", he is exempt from contributing to the political fund.
- 6.4 Contribution to the political fund must not be made a condition for admission to the organisation. Those members not contributing to the political fund must not be excluded from any benefits of the organisation or placed under any disability or disadvantage compared with other members, except in relation to the control or management of the political fund.
- 6.5 Members wishing to "contract-in" must do so in writing by using an approved application form (Article 59 of the 1995 Order) or apply in a form to the same effect. Unless contributions are collected by a separate levy, exempt members of the organisation must be relieved from the payment of the political fund element of the normal periodical contributions. The rules must also provide for each member to know what portion, if any, of his contribution is a contribution to the political fund.

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

## **Complaints**

### **(i) Northern Ireland Headquartered Trade Unions**

- 6.6 Any member of a trade union with a political fund who considers that the political fund rules have been breached may complain to the Certification Officer under Article 57(2) of the 1995 Order. If, after investigating the complaint, the Certification Officer considers that a breach has occurred, he may, under Article 69 of the 1995 Order, make an order for remedying it. An appeal against the decision of the Certification Officer may be made to the Court of Appeal on a question of law.
- 6.7 A trade union member can also 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 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.

### **(ii) Great Britain Headquartered Trade Unions**

- 6.8 Any Northern Ireland member of a GB headquartered trade union who considers that the political fund rules in relation to the statutory requirement for "contracting-in" have been breached may complain to the Northern Ireland Certification Officer. If, after giving the complainant and the union an opportunity of being heard, the Certification Officer considers that a breach occurred, he may make an order for remedying it. An appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law.
- 6.9 Any Northern Ireland member of a GB headquartered trade union who considers that the political fund rules have been breached, other than in relation to contracting-in requirements, may complain to the GB based Certification Officer, 180 Borough High Street, London, SE1 1LW (Tel: 0171 210 3734).

## **Political fund rules of GB-based trade unions with Northern Ireland members**

- 6.10 A revised political fund model rule, covering Northern Ireland members, has been agreed with the GB Certification Officer for use by Great Britain unions with members in Northern Ireland, and will be included in the booklet "Guidance for trade unions and employers' associations wishing to establish a political fund" issued by the GB Certification Office. However, as approval for its use is a legal requirement, GB trade unions should contact the Northern Ireland Certification Office before including it in its Rule Book.

## **Advice on Procedures**

- 6.11 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.

## **Northern Ireland organisations with political fund rules at 31 December 1996**

- 6.12 None.

## **GB based organisations with political fund rules at 31 December 1996**

- 6.13 There were twenty-six GB based trade unions with Northern Ireland members operating political funds at 31 December 1996. Of these, seventeen had contributing members in Northern Ireland.
- 6.14 The returns show that in 1996, 32,989 Northern Ireland members - representing 14% of the total NI trade union membership - contributed £106,283 towards political funds. A detailed list of the unions, their Northern Ireland membership and their financial contributions is given at Appendix 7. Appendix 8 contains details of those GB unions with Northern Ireland members who did not contribute to the unions' political funds in 1996.

## **Approval of political fund rules / amendments**

- 6.15 The Certification Officer approved the amended Northern Ireland political fund rules of the Union of Shop, Distributive and Allied Workers during the period of this report.

## **Political Fund Complaints**

- 6.16 During 1996 one complaint was heard by the Certification Officer. This complaint concerned 16 members of the Manufacturing, Science and Finance trade union who alleged the inclusion within their trade union subscription of a contribution towards the union subscription of a contribution towards the union's political fund which had not been properly authorised. The Certification Officer upheld the grounds of the complaint and made an Order for remedying the breach of the legal requirements. The union accepted the Certification Officer's decision and immediately put into action agreed steps to rectify the grounds of the complaint. Some of these steps were not fully implemented at the end of this reporting period and follow-up action has been taken.
- 6.17 In the light of the failures in the operation of the MSF political fund, a review has started of the operation of political funds in all other GB based unions with Northern Ireland members.



## Secret Postal Ballots for Trade Union Elections

*The 1995 Order requires that members of a trade union's executive committee must be elected to it by secret postal<sup>1</sup> ballot; if they remain in that position for more than five years they must be re-elected. Unions must also maintain a register of members and keep it up-to-date.*

### The Statutory provisions

- 7.1 Trade unions must ensure that no-one takes up a position as a member of the union's principal executive committee, president or general secretary, except in limited circumstances, without having been elected to it. Nor may anyone remain in such a position for more than five years without having been re-elected to it, subject to certain exceptions in respect of officers facing retirement. Elections are required to be by secret postal<sup>1</sup> ballot of the members of the union, conducted in accordance with the relevant conditions in the 1995 Order. 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.
- 7.2 Individual trade union members have the statutory 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 of the relevant provisions of the Order. Where such an application is made to him, the Certification Officer will make such enquiries as he thinks fit and, where he considers it appropriate, give the applicant and the trade union an opportunity to be heard, before he makes a decision on the complaint. In certain circumstances, expenses incurred by persons attending complaint hearings can be reimbursed by the Office.
- 7.3 If the Certification Officer decides that there has been a breach of the statutory provisions, he may take into account steps which the union has taken or proposes to take to remedy the breach. Additionally, 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.
- 7.4 Making a complaint to the Certification Officer does not prevent the applicant, or any other person, from making a subsequent application to the Court in respect of the same matter. Where a subsequent application is made, the 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.

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

## Funds for Trade Union Ballots

*The 1995 Order provided for a scheme to be made for independent trade unions to claim a refund from the Certification Officer for certain costs of holding secret postal ballots for specified purposes held before 1 April 1996.*

### The statutory provisions

- 8.1 Under a statutory scheme the Certification Officer was permitted to refund certain costs incurred by independent trade unions in holding secret postal ballots for specified purposes. The conditions to be observed were laid down in the Scheme<sup>†</sup>. In February 1993, government announced that the scheme would end on 31 March 1996.

### Qualifying purposes

- 8.2 The 1992 Regulations provided 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 election
    - (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 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 on a resolution to approve an instrument of amalgamation or transfer;
  - (e) obtaining a decision on a political fund resolution (this applies only in cases where a political fund resolution 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

- 8.3 An application for refund qualified for payment if the ballot was secret and met the requirements of the 1992 Order and relevant Regulations and was held for one or more of the qualifying purposes. The Certification Officer could refuse payment under the Scheme if he considered that any of the conditions had not been met or if any assurances asked for about observance of the conditions had not been given by the trade union concerned.

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<sup>†</sup> The Funds for Trade Union Ballots Regulations 1992 (SI 1992 No 240)

### **Time Limits and Guidance**

- 8.4 Applications under the Scheme had to be made within six months of the end of the voting period.

### **Applications**

- 8.5 During the period of this report three unions made applications in respect of three ballots.
- 8.6 The Certification Officer made payments totalling £37,058.50. A detailed breakdown of ballot payments is given in Appendix 9.

# Appendix 1

(see Para 3.23)

## List of Trade Unions with Headquarters in Northern Ireland and with Headquarters in the Republic of Ireland - at 31 December 1996 (unless otherwise indicated)

NORTHERN IRELAND UNIONS	NI Members	Total Members
Association of Principals of Colleges (NI)*		34
Belfast Airport Police Association (31/3/97)*		51
†North of Ireland Bakers', Confectioners' and Allied Workers' Union		1,002
Northern Ireland Musicians' Association*		1,003
Northern Ireland Public Service Alliance*		36,179
Ulster Teachers Union*		6,081
<b>TOTALS</b>		<b>44,350</b>
<b>REPUBLIC OF IRELAND UNIONS</b>		
Irish Bank Officials' Association*	4,501	14,333
Irish National Teachers' Organisation*	5,359	25,939
Seamans Union of Ireland**	15	552
Services, Industrial, Professional and Technical Union*	2,945	223,225
<b>TOTALS</b>	<b>12,820</b>	<b>264,049</b>

\* Denotes a trade union holding a certificate of independence at 31 December 1996.

† Merged with the Bakers, Food and Allied Workers Union - 31 December 1996.

\*\* Denotes an unlisted union.

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
£	£000's	£000's	£000's	£000's	£000's
168	-	-	-	-	-
6,070	10	6	20	20	0
40,086	43	61	44	62	18
9,551	24	45	48	50	2
2,168,779	2,439	2,043	3,180	3,237	57
363,000	402	321	600	618	18
2,587,654	2,918	2,476	3,892	3,987	95
558,785	2,146	1,893	6,711	7,096	385
442,851	5,174	5,725	3,896	4,729	833
1,000	78	84	94	134	40
176,528	19,209	17,764	17,383	19,904	2,521
1,179,164	26,607	25,466	28,084	31,863	3,779

# Appendix 2

(see Para 3.24)

## G.B. Trade Unions with 100 or more NI Members - 31 December 1996 (Unless otherwise indicated)

	NI Members	GB Members	ROI Members
Abbey National Staff Association	124	7,065	4
Alliance & Leicester Group Union of Staff	128	3,764	Nil
Amalgamated Engineering & Electrical Union	21,231	693,485	9,119
Association of First Division Civil Servants	328	9,090	Nil
Association of Teachers & Lecturers	3,842	161,984	7
Association of University Teachers (31/8/96)	1,493	35,561	Nil
Banking, Insurance and Finance Union	139	114,850	Nil
British Actors Equity Association	374	37,729	42
British Association of Occupational Therapists (30/9/96)	339	14,096	43
British Dental Association (30/9/96)	342	14,482	30
British Dietetic Association (28/2/97)	138	3,688	121
British Medical Association	2,795	93,771	193
Broadcasting, Entertainment, Cinematograph & Theatre Union	521	29,106	50
Ceramic and Allied Trades Union	145	21,678	Nil
Chartered Society of Physiotherapy	1,362	39,521	1,058
Civil & Public Services Association	510	116,143	6
Commercial Union Group Staff Association	138	8,047	Nil
Communication Managers Association	223	13,717	Nil
Communication Workers Union	6,215	268,154	Nil
Community and District Nursing Association (31/3/96)	136	3,906	1
Engineers and Managers Association	948	28,762	4
Fire Brigades Union	1,671	53,670	Nil
GMB	19,302	698,782	55
General Dental Practitioners Association	140	1,830	Nil
Graphical, Paper and Media Union (25/9/96)	2,381	203,116	4,269
Guinness Brewing Staff Association	132	426	Nil
Independent Union of Halifax Staff	253	24,868	Nil
Institution of Professional, Managers & Specialists	295	77,503	20
Manufacturing Science and Finance Union	10,223	395,020	19,044
National Association of Head Teachers	998	42,286	Nil
National Association of Probation Officers	118	6,661	Nil
National Association of Schoolmasters & UWT	12,824	223,427	Nil
National Association of Teachers in F & HE	1,996	68,070	Nil
National Federation of Sub-Postmasters	612	13,933	Nil
National Union of Insurance Workers	263	10,090	Nil
National Union of Journalists (30/9/96)	700	27,063	3,144

Members Based 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
	£	£000's	£000's	£000's	£000's	£000's
Nil	6,687	545	465	383	462	79
Nil	4,917	249	236	230	246	16
1,263	537,754	45,418	39,059	48,591	54,596	6,005
55	47,232	1,357	1,335	815	880	65
960	143,516	8,788	7,800	5,614	11,816	6,202
Nil	126,860	3,079	2,942	3,457	3,760	303
1,176	8,000 (e)	7,441	7,457	3,626	4,281	655
Nil	19,000 (e)	5,107	3,081	9,222	11,403	2,181
317	23,883	1,033	1,033	0	0	0
308	58,687	2,757	2,730	2,091	2,838	747
181	17,802	137	147	123	136	13
4,575	469,560	64,378	58,574	45,596	69,393	23,797
158	60,800 (e)	3,693	3,731	1,544	1,934	390
Nil	7,804	1,538	1,230	6,306	6,365	59
5,962	94,261	5,661	5,631	3,801	5,170	1,369
22	41,330	8,306	7,816	13,533	16,852	3,319
26	4,573 (e)	211	205	355	391	36
57	23,770	1,650	1,543	2,003	2,059	56
451	529,963	31,469	26,020	23,583	25,089	1,506
9	9,520	281	267	63	103	40
343	118,571	3,535	2,649	5,463	5,724	261
Nil	157,382	7,481	7,306	5,156	5,717	561
Nil	1,091,968	40,619	45,944	56,967	59,587	2,620
10	11,650	218	182	108	119	11
134	175,440	30,737	29,177	39,981	42,183	2,202
Nil	5,040	24	23	38	46	8
3	10,203	1,122	1,093	458	927	469
Nil	33,335 (e)	7,662	5,945	18,894	20,299	405
816	494,119	23,243	21,368	9,626	22,552	12,926
333	97,000	4,883	4,450	2,840	3,400	560
Nil	21,777	1,157	1,069	537	608	71
2,221	526,462	11,619	9,977	16,172	17,036	864
91	181,979	6,279	5,999	3,534	5,764	2,230
49	33,048	958	972	2,586	2,742	156
29	15,780	938	969	1,633	1,772	139
439	81,144	3,146	2,867	383	450	833

## G.B. Trade Unions with 100 or more NI Members - Cont.

	NI Members	GB Members	ROI Members
National Union Knitwear, Footwear & Apparel Trades	251	40,279	Nil
National Union of Marine, A & ST Officers	397	17,632	346
National Union of Rail, Maritime & Transport Workers	159	59,831	152
Nationwide Group Staff Union	139	9,164	Nil
Prison Officers Association	2,665	24,657	Nil
Professional Association of Teachers	280	39,818	Nil
Public Services, Tax and Commerce Union*	1,436	147,646	32
Retained Firefighters Union	259	3,802	Nil
Royal College of Midwives (31/8/96)	1,176	33,407	29
Royal College of Nursing of the UK (31/3/97)	10,632	293,817	Nil
Secondary Heads Association	145	8,496	1
Society of Chiropodists and Podiatrists	213	5,944	108
Society of Radiographers (30/9/96)	406	12,680	Nil
Society of Telecom Executives	417	16,954	Nil
Transport & General Workers Union	30,850	824,954	17,867
Transport Salaried Staffs' Association	441	31,578	1,579
Union of Construction Allied Trades & Technicians	2,221	100,645	9,035
UNISON	24,712	1,349,871	Nil
Union of Shop, Distributive & Allied Workers	6,125	284,045	Nil
<b>TOTALS</b>	<b>176,303</b>	<b>6,870,594</b>	<b>66,359</b>

(e) Estimated

\* Established on 1 January 1996 following a merger between the National Union of Civil and Public Servants and the Inland Revenue Staff Federation.



## Appendix 2

Members Based 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
	£	£000's	£000's	£000's	£000's	£000's
Nil	21,329	3,212	3,312	9,425	9,571	146
Nil	34,717	2,062	1,926	4,067	4,467	400
Nil	15,000	7,202	8,191	5,411	12,416	7,005
Nil	7,888	531	513	259	419	160
Nil	251,821	3,161	2,563	889	1,851	962
80	11,000 (e)	1,717	1,796	475	1,241	766
148	123,239	15,226	13,696	10,062	11,015	953
Nil	10,101	149	141	107	138	31
582	90,579	2,805	2,787	0	0	0
2,645	440,826 (e)	12,733	12,733	0	0	0
54	20,687	1,554	1,570	379	1,215	836
193	32,008	1,149	999	1,374	1,530	156
Nil	53,592	1,842	1,836	6	120	114
59	55,000 (e)	2,757	3,404	4,259	4,370	111
10,998	2,101,000	63,283	58,794	66,188	73,880	7,692
38	37,888	3,834	2,505	15,759	16,194	435
Nil	78,000	4,398	3,873	(242)	1,763	2,005
Nil	1,300,041	99,275	103,969	80,161	87,939	7,778
Nil	335,886	18,409	17,318	19,019	19,385	366
<b>34,784</b>	<b>10,311,419</b>	<b>582,018</b>	<b>561,940</b>	<b>552,144</b>	<b>654,214</b>	<b>102,070</b>

# Appendix 3

(see Para 3.25)

## GB Trade Unions with less than 100 NI Members - at 31 December 1996 (unless otherwise indicated)

Trade Union	GB Members	NI Members	ROI Members	Members Based Elsewhere (incl. Channel Islands)
Association of Clinical Biochemists Ltd	1,775	45	59	365
Association of Educational Psychologists	2,021	52	Nil	23
Association of HM Inspector of Taxes	2,335	33	Nil	Nil
Association of Principal Fire Officers (31.3.97)	194	3	Nil	Nil
Association of Professional Ambulance Personnel	2,607	19	Nil	Nil
Association of Professional Music Therapists	343	4	2	16
Association of University and College Lecturers	2,908	30	Nil	Nil
Britannic Field Staff Association	2,888	46	Nil	23
Brittania Staff Union	2,055	5	Nil	Nil
Bradford & Bingley Building Society Staff Assn	2,755	16	Nil	Nil
British Airline Pilots Assn	5,723	26	Nil	Nil
British Assn of Advisors & Lecturers in PE	313	2	1	4
British Association of Dental Nurses	2,306	56	14	30
British Orthoptic Society	992	22	18	Nil
British Assn of Journalists	494	6	Nil	8
British Union of Social Work Employees (31/5/97)	3,793	24	Nil	1
Clerical Medical Staff Association	1,584	6	Nil	9
Eagle Star Staff Union (1988)	4,599	99	Nil	27
Federated Union of Managerial & Professional Officers	10,828	64	Nil	5
Girobank	117	1	Nil	Nil
Guild of Professional Teachers of Dancing	1,080	9	Nil	1
Hambro Staff Assn	325	7	Nil	Nil
Headmasters and Headmistresses' Conference	283	7	1	82
Hospital Consultants & Specialists Assn (30/9/96)	2,264	34	Nil	Nil
Joint Boots Pharmacists Assn	638	3	Nil	2
Leeds & Holbeck Building Society Staff Assn	347	4	Nil	Nil
Leeds Permanent Building Society Staff Assn	3,794	26	Nil	Nil
National Assn of Co-operative Officials	3,465	17	Nil	14
National Assn of Educational Inspectors, Advisors and Consultants	2,373	79	Nil	Nil
National Assn of Group Secretaries to NFU	652	58	Nil	Nil
National League of the Blind and Disabled	2,037	38	Nil	Nil
National Provincial Building Society Staff Assn	1,782	28	Nil	Nil
National Society for Education in Art & Design (30/9/96)	2,261	47	3	51
Prison Service Union	1,131	88	Nil	Nil
Prison Governors Assn	865	57	Nil	2
Retired Officers Assn (30/6/97)	1,331	12	Nil	114
Royal Society for the Protection of Birds	442	9	Nil	Nil
Scottish Equitable Staff Assn	1,769	14	Nil	Nil
Society of Authors Ltd	5,608	22	43	390
Sun Alliance Staff Union	4,798	37	Nil	6
Sun Life Staff Assn	2,108	12	Nil	Nil
United Friendly Agents Assn	1,329	45	Nil	2
Woolwich Independent Staff Assn	5,620	77	Nil	Nil
Writers Guild of Great Britain	1,627	16	11	59
<b>TOTALS</b>	<b>98,559</b>	<b>1,305</b>	<b>152</b>	<b>1,234</b>

# Appendix 4

(see Para 3.26)

## Northern Ireland Employers' Associations - 31 December 1996 (Unless Otherwise Indicated)

NI Employers' Associations	Members	Total Income £	Total Expenditure £	Total Assets £	Total Liabilities £
Anglo-North Irish Fish Producers Organisation (31/7/96)	78	103,792	92,461	205,659	23,468
Association of Local Authorities of Northern Ireland (31/3/96)	26	113,079	119,963	133,268	Nil
Belfast County Vinters' Association (31/8/96)	101	2,054	2,576	23,085	6,913
Central Council of the Irish Linen Industry Ltd	12	41,093	28,242	22,571	23,814
Construction Employers Federation Ltd	421	420,838	447,518	579,861	254,741
Engineering Employers Federation NI Association	134	343,980	310,636	329,094	44,814
The Hospitality Association	212	310,775	311,111	128,709	66,775
The Lough Neagh Fishermen's Association	378	14	Nil	4,497	285
Northern Ireland Bakery Council (31/3/97)	8	12,877	12,664	11,850	9,699
Northern Ireland Fish Producers Organisation Ltd.	180	652,258	590,242	667,166	56,497
Northern Ireland Grain Trade Association Ltd.	37	17,646	18,471	10,255	10,580
Northern Ireland Timber Trade Association	25	11,730	11,260	3,392	114
Retail, Electrical and Television Retailers Association of NI	40	3,642	2,876	11,000	2,000
Ulster Chemists Association (30/9/96)	490	51,846	47,010	133,819	9,751
Ulster Farmers' Union†	12,580	537,00	575,000	1,297,000	350,000
Ulster Launderers Association (31/10/96)	6	431	451	2,317	306
<b>TOTALS</b>	<b>14,728</b>	<b>2,623,055</b>	<b>2,570,481</b>	<b>3,563,543</b>	<b>859,757</b>

†9 month period 1 April - 31 December 1996

# Appendix 5

(see Para 3.26)

## GB Employers' Associations with NI members - 31 December 1996 (Unless otherwise indicated)

GB Employers' Associations with NI Members	NI Members	NI Contribution £	Total Members (incl. Channel Islands and ROI)	Total Income £	Total Expenditure £
Association of Newspapers and Magazine Wholesalers (31/3/97)	2	2,021	28	168,562	162,788
British Amusement Catering Trades Association (30/9/96)	1	532	649	810,391	812,440
British Clothing Industry Federation Ltd	13	29,426	176	878,715	766,765
British Metals Federation	7	6,445	230	317,000	278,000
British Pre-Cast Concrete Federation Ltd	2	5,835	81	305,000	305,000
British Soft Drinks Association	4	18,879	151	1,205,921	1,094,164
Chemical Industries Association (30/6/97)	1	Not known	179	5,007,000	5,004,000
Construction Plant Hire Association (30/6/97)	4	2,174	1,041	517,954	463,303
Engineering Employers' Federation	1	65,646	17	5,304,944	4,596,253
Federation of Master Builders	448	65,588	12,238	3,149,000	3,173,000
Freight Transport Association	218	50,000	11,421	12,859,000	12,514,000
Glass and Glazing Federation	28	28,825	478	1,201,432	1,134,118
Heating & Ventilating Contractors' Association (28/2/97)	31	27,234	1,228	7,083,000	6,810,000
National Federation of Master Window and General Cleaners	10	379	1,774	115,158	81,445
National Federation of Retail Newsagents	939	130,291	25,285	4,742,000	4,444,000
National Association of Self Employed <sup>†</sup>	444	22,127	831	65,864	79,048
National Federation of Roofing Contractors Limited (31/1/96)	17	8,805	661	482,000	481,000
National Hairdressers Federation	6	462	4,628	704,194	736,612
National Sawmilling Association	4	Nil	56	666	589
Producers Alliance for Cinema and Television Ltd (30/9/96)	18	20,000	987	1,697,000	1,597,000
Publishers Association	2	497	174	1,480,000	1,429,000
Radio, Electrical and Television Retailers' Association (31/10/96)	2	250	1,502	343,196	306,626
Retail Motor Industry Federation Ltd	412	123,500	12,270	12,177,000	12,127,000
Scottish Association of Master Bakers	2	195	566	789,668	669,944
Scottish & NI Plumbing Employers' Federation	112	21,160	950	461,461	450,089
Screen Printing Association (UK) Ltd (31/10/96)	4	1,000	219	98,176	92,600
Thermal Insulation Contractors Association	2	1,220	134	725,036	729,776
UK Jute Goods Association	1	125	28	3,539	3,803
Theatrical Management Association	6	5,492	348	398,000	396,000
Society of Master Shoe Repairers	4	238	346	26,887	23,779
Vehicle Builders & Repairers Association Ltd	27	8,788	1,851	944,000	912,000
<b>TOTALS</b>	<b>2,772</b>	<b>647,134</b>	<b>80,527</b>	<b>64,061,764</b>	<b>61,674,142</b>

<sup>†</sup>Formerly the National Association of Self-Employed of Great Britain and Northern Ireland

# Appendix 6

(see Para 3.16)

## Salary and Benefits of the Chief Officers of GB Headquartered Trade Unions with NI members - at December 1996 (unless otherwise indicated)

TRADE UNION	OFFICE HELD	SALARY £	BENEFITS £
Abbey National Staff Assn	General Secretary	11,787	1,800
Alliance & Leicester Group Union of Staff	None held	Nil	Nil
Amalgamated Engineering & Electrical Union	General Secretary	45,350	10,451
Association of Clinical Biochemists	General Secretary	Nil	Nil
Association of Educational Physiologists	General Secretary	34,602	4,152
Association of First Division Civil Servants	General Secretary	48,880	9,874
Association of HM Inspector of Taxes	General Secretary	Nil	Nil
Association of Principal Fire Officers	General Secretary	Nil	Nil
Association of Professional Ambulance Personnel	General Secretary	Nil	Nil
Association of Professional Music Therapists	Chairman	1,027 <sup>1</sup>	Nil
Association of Teachers & Lecturers	General Secretary	77,122	14,853
Association of University Teachers (31/8/96)	General Secretary	48,804	8,785
Association of University & College Lecturers	General Secretary	Nil	Nil
Banking Insurance & Finance Union <sup>1</sup>	General Secretary	31,702	5,376
Brittanic Field Staff Assn.	Agency Secretary	20,800	1,040
Brittanic Staff Assn.	General Secretary	Nil	Nil
British Actors Equity Assn.	General Secretary	44,483	5,099
Bradford & Bingley Building Society Staff Assn	General Secretary	31,474	4,866
British Airline Pilots Assn.	General Secretary	59,160	12,141
British Association of Advisors & Lecturers in PE	General Secretary	11,420	Nil
British Association of Dental Nurses	General Secretary	Nil	Nil
British Association of Occupational Therapists	Chief Executive	Nil	Nil
British Dental Assn. (30/9/96)	Chief Executive	70,132	8,209
British Dietetic Assn. (28/2/97)	General Secretary	Nil	Nil
British Medical Assn.	General Secretary	91,629	16,960
British Orthoptic Society	General Secretary	Nil	Nil
British Association of Journalists	General Secretary	9,900	Nil
British Union of Social Work Employees (31/5/97)	General Secretary	5,208	802
Broadcasting Entertainment, Cinematograph & Theatre Union	General Secretary	38,162	9,597
Ceramic & Allied Trades Union	General Secretary	29,713	18,138
The Chartered Society of Physiotherapy	Chief Executive	94,741	3,613
Civil & Public Services Assn.	General Secretary	47,969	Nil
Clerical Medical Staff Assn.	General Secretary	Nil	Nil
Commercial Union Group Staff Assn.	General Secretary	47,272	5,863
Community & District Nursing Assn. (31/3/96)	General Secretary	40,000	8,000
Communication Managers Assn.	General Secretary	43,821	15,637
Communication Workers Union <sup>2</sup>	Joint General Secretaries	(a) 58,260 (b) 58,367	24,527 8,405
Eagle Star Staff Union (1988)	General Secretary	45,495	8,680
Engineers & Managers Assn.	General Secretary	61,501	13,550
Fire Brigades Union	General Secretary	41,989	15,964
Federated Union of Managerial & Professional Officers	General Secretary	43,476	9,776

TRADE UNION	OFFICE HELD	SALARY £	BENEFITS £
General Dental Practitioner's Assn.	General Secretary	22,465 <sup>1</sup>	Nil
Girobank	General Secretary	Nil	Nil
GMB	General Secretary	57,000	14,000
Graphical Paper & Media Union (30/9/96)	General Secretary	55,167	14,373
Guinness Brewing Staff Assn.	President	Nil	Nil
Guild of Professional Teachers of Dancing	General Secretary	5,000 <sup>2</sup>	Nil
Hambro Staff Association	General Secretary	7,560	1,034
Headmasters & Headmistresses' Conference	General Secretary	46,015	Nil
Hospital Consultants & Specialists Assn. (30/9/96)	Chief Executive	40,110	11,661
Independent Union of Halifax Staff	General Secretary	46,314	9,254
Institution of Professionals Managers & Specialists	General Secretary	59,515	3,141
Joint Boots Pharmacists Association	General Secretary	2,975	Nil
Leeds & Holbeck Building Society Staff Assn.	General Secretary	Nil	Nil
Leeds Permanent Building Society Staff Assn.	General Secretary	36,000	3,003
Manufacturing Science & Finance Union	General Secretary	62,465	10,997
National Association of Co-operative Officials	General Secretary	47,425	11,814
National Association of Educational Inspectors, Advisors and Consultants	General Secretary	22,825	Nil
National Association of Group Secretaries UFU	General Secretary	Nil	Nil
National Association of Head Teachers <sup>3</sup>	General Secretary	72,994	12,437
National Association of Probation Officers	General Secretary	35,834	7,219
NASUWT	General Secretary	61,385	15,151
National Association of Teachers in F & HE	General Secretary	48,964	8,781
National League of the Blind & Disabled	General Secretary	18,006	3,492
National Federation of Sub-Postmasters	General Secretary	51,689	15,332
National & Provincial Building Society Staff Assn.	General Secretary	33,678	3,755
National Society for Education in Art & Design (30/9/96)	General Secretary	33,948	2,733
National Union of Insurance Workers	General Secretary	34,471	12,409
National Union of Journalists (30/7/96)	General Secretary	37,070	3,688
National Union of Knitwear, Footwear and Apparel Trades	General President	34,496	16,188
NUMAST	General Secretary	49,023	5,207
National Union of Rail Maritime & Transport Workers	General Secretary	49,997	14,985
Nationwide Group Staff Union	General Secretary	42,840	5,859
Prison Service Union	National Secretary	Nil	Nil
Prison Governors Assn.	General Secretary	Nil	Nil
Prison Officers Assn.	General Secretary	37,111	20,696
Professional Association of Teachers	General Secretary	49,064	37,944
Public Services Tax & Commerce Union <sup>4</sup>	Joint General Secretaries	(a) 55,758 (b) 47,257	6,802 Nil
Retained Firefighters Union	General Secretary	22,000	8,439
Retired Officers Assn. (30/6/97) <sup>5</sup>	General Secretary	1,000	1,167
Royal College of Midwives (30/8/96) <sup>5</sup>	General Secretary	27,545	4,875
Royal College of Nursing of UK (31/3/97) <sup>6</sup>	General Secretary	31,460	6,905
Royal Society for the Protection of Birds	General Secretary	Nil	Nil
Scottish Equitable Staff Assn.	General Secretary	Nil	Nil
Secondary Heads Assn.	General Secretary	55,264	8,118
Society of Authors Ltd	General Secretary	54,400	18,614
Society of Chiropodists and Podiatrists	General Secretary	48,482	4,346

TRADE UNION	OFFICE HELD	SALARY £	BENEFITS £
Society of Radiographers (30/6/96)	General Secretary	22,500	Nil
Society of Telecom Executives	General Secretary	56,575	9,742
Sun Alliance Staff Union	General Secretary	6,900	1,002
Sun Life Staff Assn.	General Secretary	Nil	Nil
Transport & General Workers Union	General Secretary	56,812	14,216
Transport Salaried Staff Assn.	General Secretary	39,504	8,098
UCATT	General Secretary	29,038	5,155
UNISON	General Secretary	49,456	11,461
USDAW	General Secretary	56,328	11,288
United Friendly Agents Assn.	General Secretary	21,784	3,462
Woolwich Independent Staff Assn.	General Secretary	29,880	8,382
Writers Guild of Gt Britain	General Secretary	38,350	3,205

<sup>†</sup>Indicates the payment of an honorarium

### Notes

1. The General Secretary was appointed on 1 April 1996; therefore the salary and benefits are for the 9 month period to December 1996.
2. (a) Mr A. A. Johnston, (b) Mr A. I. Young
3. The General Secretary also acts as the union's solicitor.
4. (a) Mr C. Brooke, (b) Mr J. Sheldon
5. The Royal College of Midwives is a special register body and as such 74% of the General Secretary's salary of £37,222 and benefits of £6,588 are in respect of trade union activities for the eight month period to 31 August 1996. Also during that period £80,943 compensation for early retirement was paid together with a pension enhancement of £83,170.
6. The Royal College of Nursing of the United Kingdom is a special register body and as such only 40% of the General Secretary's salary of £78,650 and benefits of £17,262 are in respect of trade union activities.

## Appendix 7

(see Para 6.14)

### List of GB Unions with Northern Ireland members who have "Contracted In" to the Political Fund - 31 December 1996 (unless otherwise indicated)

	NI Members	NI Contributions £
Amalgamated Engineering and Electrical Union	4,890	17,094
Association of Her Majesty's Inspector of Taxes	32	96
Association of University Teachers (31/8/96)	473	397
Communication Managers' Association	152	182
Communication Workers' Union	2,834	12,466
Fire Brigades Union	610	1,972
GMB	33	153
Graphical Paper and Media Union (30/9/96)	385	1,930
MSF	989	4,616
National Association of School Masters and Union of Women Teachers	3,429	1,715
National Association of Teachers in Further and Higher Education	281	337
National Union of Insurance Workers	72	112
National Union of Rail Maritime and Transport Workers	158	493
Public Services, Tax and Commerce Union	1,204	1,645
Society of Telecom Executives	98	320 (e)
Transport and General Workers' Union	15,832	57,233
Union of Shop Distributive and Allied Workers	1,517	5,522
<b>TOTALS</b>	<b>32,989</b>	<b>106,283</b>

(e) = estimated

## Appendix 8

(see Para 6.14)

### List of GB Unions with Northern Ireland members who do not contribute to the political fund - 31 December 1996 (unless otherwise indicated)

Broadcasting, Entertainment Cinematograph & Theatre Union  
 Ceramic & Allied Trades Union  
 Civil and Public Services Association  
 Institution of Professionals, Managers and Specialists  
 National League of the Blind & Disabled  
 National Union of Knitwear, Footwear and Apparel Trades  
 Transport Salaried Staffs Association\*  
 Union of Construction, Allied Trades and Technicians\*  
 UNISON\*

\*Denotes a trade union which made deductions from its NI members in the period 1992-1995.



## Appendix 9

(see Para 8.5)

### Refund of Costs of Secret Postal Ballots for the period 1 April 1996 to 31 March 1997

Trade Union	Reason for Ballot	Amount Paid £	Date Paid
NIPSA	Election	25,369.55	31.7.96
MSF	NI Political Fund	3,565.69	27.11.96
Amalgamated Engineering & Electrical Union	Rule book ballot	8,123.26	31.7.96

## Appendix 10

### Statutory Fees Applicable from 14 September 1997

*Fees are calculated to represent the full cost of providing each service*

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

# Appendix 11

## List of Certification Office Forms

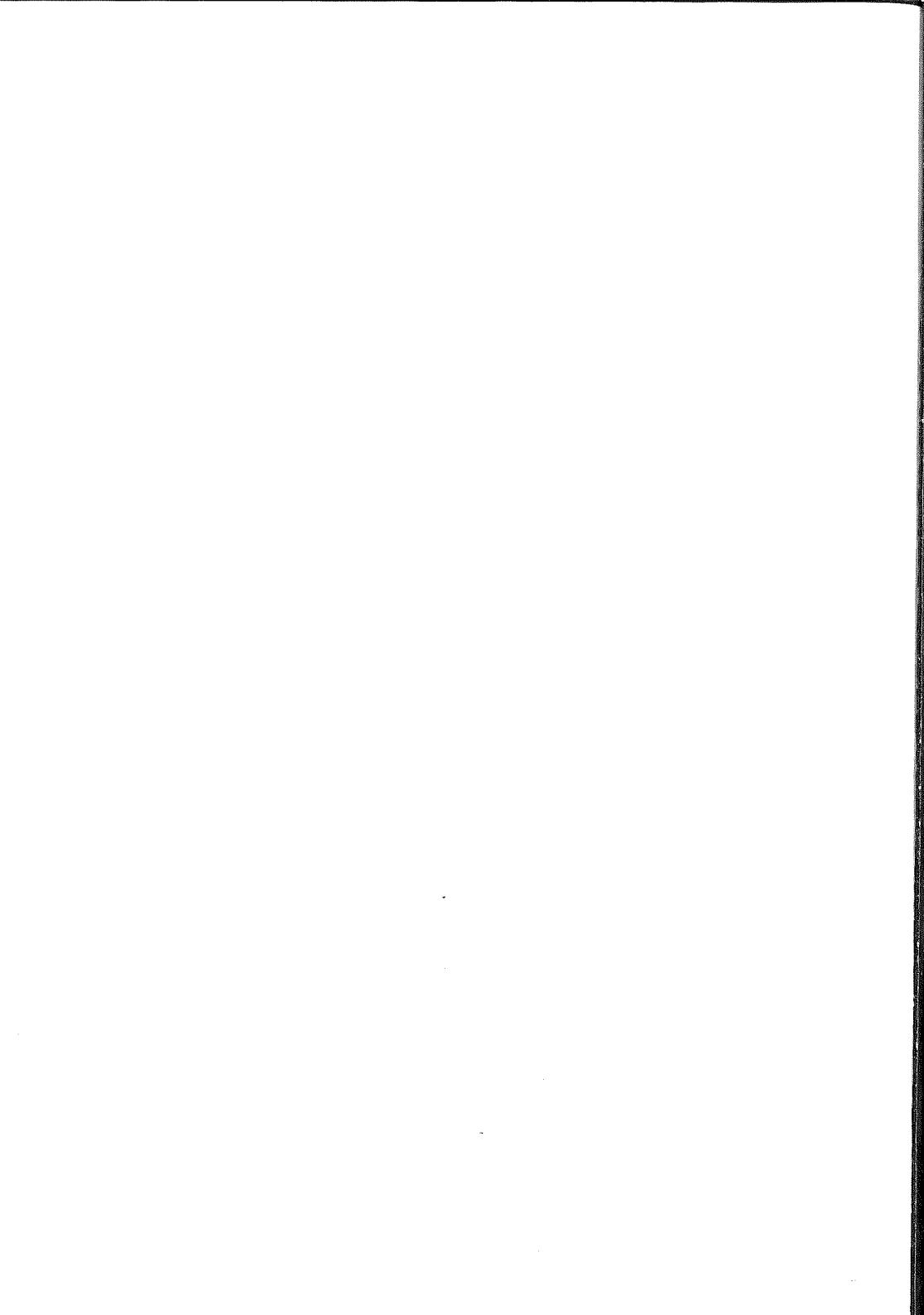
<b>TITLE</b>	<b>Form No:</b>
Application for entry in the list of trade unions	CO(NI)1
Application for entry in the list of employers' associations	CO(NI)2
Application for approval of a change of name	CO(NI)3
Declaration in support of an application of a change of name	CO(NI)4
Application for a certificate of independence	CO(NI)5
Application for formal approval of an 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 refund of cost of secret postal ballot	CO(NI)30
Application for the approval of amendments(s) to political fund rules	PF(NI)1
Application for approval of rules for political fund	PF(NI)2
Application for approval of rules for political fund ballot or political fund	PF(NI)4
Return of result of political fund ballot	PF(NI)5

# Appendix 12

## Certification Office Publications

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

1. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions and employers' associations.*
2. *Guidance for trade unions wishing to apply for a certificate of independence.*
3. *Guidance for trade unions applying for refund of costs of a secret postal ballot.*
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.*





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