

Northern Ireland
Certification Officer
For Trade Unions and
Employers' Associations

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Annual Report

of the
Certification Officer for Northern Ireland

2004

Covering period 1 April 2003 to 31 March 2004

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Article 69(7) of the Industrial Relations (NI) Order 1992 requires the Certification Officer, as soon as reasonably practical after the end of each financial year, to make a report of his activities during that year to the Department for Employment and Learning. I have pleasure in submitting my report for the period 1 April 2003 to 31 March 2004, during which time I was the Certification Officer.

Scott McElrea
Certification Officer for Northern Ireland
(for the period 1 April 2003 to 31 March 2004)

28 November 2005

DISCLAIMER

This document provides general guidance only and must not be regarded as a complete or authoritative statement of the law; authoritative interpretation of the law can only be given by the courts.
Although care has been taken in its compilation and preparation to ensure accuracy, the Certification Office cannot accept responsibility for errors/omissions.

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Article 69(7) of the Industrial Relations (NI) Order 1992 requires the Certification Officer, as soon as reasonably practical after the end of each financial year, to make a report of his activities during that year to the Labour Relations Agency. I have pleasure in submitting my report for the period 1 April 2003 to 31 March 2004, during which time I was the Certification Officer.

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This is the twelfth Annual Report to be published since the post of Certification Officer was established in 1992. It deals with my activities during the period 1 April 2003 to 31 March 2004, when I was the Certification Officer.

The statutory functions of the Certification Officer are contained in the Industrial Relations (Northern Ireland) Order 1992 and in the Trade Union and Labour Relations (Northern Ireland) Order 1995. Both Orders were amended by the Employment Relations (Northern Ireland) Order 1999.

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

Under the 1992 Order - under Part II, Articles 5 and 6 - maintaining lists of trade unions and employers' associations, and determining the independence of trade unions;

under Part II, Articles 11, 12 and 13 - ensuring that trade unions and employers' associations keep proper accounting records, have their accounts properly and independently audited and submit annual returns; investigating the financial affairs of trade unions and employers' associations; ensuring that statutory requirements concerning the appointment and duties of auditors and the actuarial examination of members' superannuation schemes are observed; and dealing with complaints that a trade union has failed in its duty to secure that positions in the union are not held by certain offenders.

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

Under the 1995 Order - under Part II, Article 3 - dealing with complaints by members that a trade union has failed to maintain an accurate register of members;

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

under Part V, Articles 45, 54 and 71 - ensuring observance by Northern Ireland based trade unions of the statutory procedures governing the setting up, operation and review of political funds, approving the "contracting-in" rule and amendments for Northern

Ireland members of trade unions based elsewhere (including Great Britain & The Republic of Ireland), and dealing with complaints about breaches of political fund rules or about the conduct of political fund ballots, or the application of general funds for political objects;

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

under Part VIA, Article 90A - dealing with complaints by members that there has been a breach or threatened breach of the rules of a trade union relating to: the appointment or election of a person to any office or removal of an office holder; disciplinary proceedings including expulsion; balloting of members (other than in respect of industrial action) and the constitution or proceedings of an executive committee or decision making meeting.

The volume of work on complaints by trade union members continued to grow during this period and was particularly evident in relation to the Certification Officer's jurisdiction to hear complaints relating to breaches of union rule. This came into effect in December 1999 and requires him to provide for a hearing to determine any valid complaint that is made to him. Following comments, made both by the Better Regulation Task Force and some trade unions on the Certification Officer's lack of powers relating to the disposal of weak or vexatious cases, the Department for Employment and Learning included this issue in a consultative document (published in 2003) arising out of its review of the 1999 Order. New provisions were inserted in the 1992 Order by Part V of the Employment Relations (Northern Ireland) Order 2004, which were commenced on 24 July 2005 and which from that date, will enable the Certification Officer at any stage of proceedings on an application or complaint made to him, to order the application or complaint, or any response, to be struck out

on the grounds that it is scandalous, vexatious, has no reasonable prospect of success or is otherwise misconceived.

The extension of the Certification Officer's powers by the 1999 Order brought with it a significant increase in the number of enquiries to the Office by members with a grievance against their union. The 1999 Order requires the Certification Officer to be satisfied that complainants have taken all reasonable steps to resolve their grievance by the use of any internal complaints procedure of the union (if these exist) before he becomes involved. Each complaint has to be determined by the Certification Officer, within six months if possible, and he must offer the parties an opportunity to be heard in a formal hearing.

In the period under review in response to 15 complaints from trade union members, a total of six declarations and one enforcement order were issued by the Certification Officer (for further details refer to paragraphs 9.9 to 9.11). The prosecution of one trade union for failure to submit an annual return remains under active consideration. This is in relation to the Seaman's Union of Ireland – headquartered in the Republic of Ireland – which has not made returns to the Office for several years. The office received 413 enquiries in this period (see paragraph 9.12 for details) and dates for six days of formal hearings were arranged for June, July & August 2004. Several applications containing multiple complaints were currently being processed by the Office, at 31 March 2004.

My investigations into the financial affairs of the Hospitality Association of Northern Ireland (HANI) were concluded and I published my final report on 4th September 2003: for further details see paragraph 3.25.

During the period covered by this report the Office was contacted on two separate occasions by the Parliamentary Commissioner for Administration (the Parliamentary Ombudsman) following receipt by him of complaints from an individual named in the HANI report. The Ombudsman concluded that he does not have the authority to investigate those decisions and actions of the Certification Officer which are of a judicial nature and in respect of which there is an appeal through the judicial system. In respect of other issues raised by the complainant, the Ombudsman concluded that there was no evidence of maladministration and therefore no basis for the Ombudsman's intervention.

Following investigations into the financial affairs of the Northern Ireland Musicians' Association the Office passed information to the PSNI Fraud Squad relating to an unqualified person who "held himself out" as a chartered accountant and registered auditor and who audited NIMA's annual returns from 1992 to 2000. For further details see paragraph 3.26.

FINANCE AND SUPPORT SERVICES

The Labour Relations Agency (LRA) is responsible for providing the Certification Officer with the finance and support services necessary for the performance of his statutory duties but this in no way affects the exercise of his functions independently both of the LRA and the Department for Employment and Learning (DEL).

Accounts relating to the activities of the Office, prepared under Paragraph 15(2) of Schedule 4 to the 1992 Order, are published separately by the LRA. The total expenditure of the Office for the year ended 31 March 2004 was £159,498. My salary at 31 March 2004 was £18,280, excluding Employers NI contribution, for a two-day week. This sum is not pensionable and is taxed under PAYE. At 31 March 2004 there were three staff in post in the Office. In response to the increasing workload, and at my request DEL commissioned a review of the Certification Officer's administrative support needs and in November 2003 this resulted in additional resources being recommended, which is welcome. The statutory fees to be paid for certain items of work undertaken by the Office are reviewed regularly and any increase normally becomes effective from 1 April. During this period there was no increase in the fees; these are set out in Appendix 10 and are available on the website www.nicertoffice.com.

The Office is committed to the prompt payment of bills for goods and services received in accordance with the Prompt Payment Practice Code. Unless otherwise stated in the contract, payment is due within 30 days of the receipt of goods or services on presentation of a valid invoice or similar demand, whichever is the later. During the period of this report, in excess of 95% of bills were paid to this standard.

Where it is necessary to hold a hearing to determine a complaint, the Certification Officer may make payment towards the expenses incurred by the complainant and his or her witnesses in attending the hearing. During the period of this report such payments amounted to £226. Assistance with legal costs is not available.

COMPLAINTS AND HEARINGS

The Office receives many enquiries and requests for guidance from trade unions, employers' associations, their members and the general public. Often it can help, but there are constraints on the advice that can be given. It is, for example, inappropriate (unless the law requires it) to give guidance on, or prior approval to, a specific course of action in those areas where complaints can be made to the Certification Officer by an individual member.

It would also be clearly inappropriate for the Office to comment on the merits of a possible complaint. Where a

complaint is made, I have to investigate it and decide it impartially in the light of the facts of the case and the representations made by the parties concerned. I and my staff must avoid giving advice which might seem in any way to prejudice that impartiality.

ADVICE AND CONTACTS FOR INFORMATION

That said, 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 11. Requests for the booklets and for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 10-12 Gordon Street, Belfast BT1 2LG, telephone 028 9023 7773, fax 028 9023 2271, e-mail: info@nicertoffice.com. For those with hearing difficulties a text phone is available – 028 9023 8411.

During this reporting period the Office website continued to be a well used source of information and guidance: in the year to 31 March 2004 there were 8796 individual visits to the site. All of the Office's publications are available on the website at www.nicertoffice.com.

The information available on the website includes:-

- Certification Officer's last five Annual Reports;
- Certification Officer's report of the Investigation into the Financial Affairs of the Hospitality Association of Northern Ireland;
- The full text of all Certification Officer's decisions (from February 1999);
- Application forms;
- Procedures at formal hearings;
- The Office's Equality Scheme and annual progress reports of the Equality Commission;
- The Office's Freedom of Information Act Publication Scheme; and
- Links with the GB Certification Office giving the full text of all the GB Certification Officer's decisions made after August 2001 and a selection of key decisions made before then.

Comments on the website are welcome.

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

EQUALITY STATEMENT

The Office of the Certification Officer for Northern Ireland is defined as a "Public Authority" for the purposes of Section 75 of the Northern Ireland Act 1998 and in carrying out all its functions relating to Northern Ireland it will seek to promote equality of opportunity and good relations as required under this legislation.

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

A summary of the Office's 2003/2004 Annual Report to the Equality Commission is given in Appendix 12.

Entry in the Lists, its Significance and their Inspection by the Public

- 1.1 The Certification Officer maintains a list of trade unions and a list of employers' associations in accordance with the provisions of Article 5 of the 1992 Order. The current lists are available for inspection, free of charge, at the Office and the Office website.
- 1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. If the Certification Officer is satisfied that the organisation falls within the appropriate definition in the 1992 Order he must enter its name in the relevant list. Entry in the list is usually straightforward and means no more than that the body concerned satisfies the statutory definition. The 1992 Order does not impose any test of size, effectiveness or viability.
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list may appeal to the High Court.
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under Article 6 of the 1992 Order.
- 1.5 It is also one of the requirements for obtaining tax relief in respect of expenditure on provident benefits (section 467 of the Income and Corporation Taxes Act 1988) and a listed trade union enjoys certain procedural advantages in connection with the devolution of property following a change of trustees under Article 7 of the 1992 Order. There are no corresponding advantages for employers' associations.

However, there are two benefits of listing which are shared by trade unions and employers' associations. The fact of being on the list is evidence that the organisation is a trade union or employers' association. Further, the name of a trade union or employers' association is protected by the provision that an organisation shall not be entered in the relevant list by the Certification Officer if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

- 1.6 Application must be made on the appropriate form and be accompanied by the statutory fee (Appendix 9). The form CO(NI)1 can be obtained on request from the Certification Office and the Office website www.nicertoffice.com.

- 1.7 There was one application for listing during the period of this report (see 1.11 below).

Removal from the Lists

- 1.8 If, at any time, it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union nor an employers' association, he may, after giving the organisation concerned the opportunity to make representations, remove its name from that list. There is a right of appeal to the High Court against removal of a name from a list. The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.
- 1.9 The Northern Ireland Musicians Association (a trade union) has ceased to function but a decision to remove it from the list will be made once the Certification Officer's investigation into its financial affairs is concluded. Please refer to 3.26 for further details. The Hospitality Association (an employers' association) has ceased to exist and has been removed from the list.
- 1.10 During this period the GB Certification Officer removed one employers' association, which had Northern Ireland members, from his list. The organisation concerned, the National Association of Self Employed of Great Britain and Northern Ireland, ceased to exist.

Additions to the List

- 1.11 During the period of this report, one Northern Ireland trade union, The Lough Neagh Fishermen's Association was entered on the list. Discussions were also ongoing with two organisations which considered themselves to be employers' associations.
- 1.12 The GB Certification Officer did not add any organisations with Northern Ireland members to his lists.

Special Register Bodies

- 1.13 Under GB law (the Industrial Relations Act 1971) a special register was established in 1971 which allowed organisations which were either registered companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members to be registered. These were usually professional bodies.
- 1.14 Subsequent legislation in 1974 (the Trade Union & Labour Relations Act 1974) resulted in trade unions no longer being allowed to have corporate status, although an exception was built into the legislation to preserve the corporate status of those bodies which were already on the special register. Bodies which are removed from the special register for whatever reason are not subsequently allowed to re-enter the register.
- 1.15 The statutory requirements affecting trade unions in the 1992 and 1995 Orders are, therefore, adapted to take account of the corporate status of these bodies and their other activities. Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary; the voting members of the executive must, however, be elected in accordance with the statutory provisions. A full list of the GB headquartered special register bodies with Northern Ireland members was produced in the 2000 Annual Report at paragraph 1.15. There are no changes to this list.

Unlisted Organisations

- 1.16 As entry in the lists is voluntary, it is not possible to say precisely how many trade unions and employers' associations are in existence at any given time. There may be others meeting the statutory definition of which this Office is unaware. Being unlisted does not limit an organisation's statutory responsibilities in relation to trade union law, and returns from unlisted bodies of which this office is aware are available for public inspection along with those of listed organisations.

Definitions of a Trade Union and an Employers' Association

- 1.17 These were given in full in the Certification Officer's 2000 report at paragraph 1.17.

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

The Statutory Provisions

- 2.1 Article 2(1) of the 1992 Order defines an independent trade union as:
- 'a trade union which -
- (a) is not under the domination or control of an employer or a group of employers or of one or more employers' associations; and
- (b) is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control'.
- 2.2 The procedure for determining trade union independence is laid down in Article 6 of the 1992 Order. A union must be listed (Chapter 1) before it can apply for a certificate of independence. The Certification Officer keeps a public record of all applications for such certificates and of all decisions reached. He may not take a decision on any application until at least one month after it has been entered in the record. (The Certification Officer must take into account any relevant information submitted by third parties.) A notice that an application has been received is published in the Belfast Gazette at the time. He is required to give his reasons if he refuses a certificate of independence. The union concerned has a right of appeal to the High Court.
- 2.3 The Certification Officer may withdraw a certificate at any time if, in his opinion, the trade union concerned is no longer independent. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal to the High Court.
- 2.4 Once the Certification Officer has determined that a trade union is independent and issued a certificate, that certificate remains valid until it is withdrawn by the Certification Officer or is cancelled.
- 2.5 Where a question as to the independence of a particular union arises in proceedings before the courts, industrial tribunals, the Industrial Court or

certain other bodies, and no certificate has been issued or refused, the 1992 Order provides that the proceedings may not continue further until the Certification Officer decides that question. The granting of a certificate by the Certification Officer, or its refusal, is conclusive evidence for all purposes that the union is, or as the case may be, is not independent.

Determining Criteria

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

Procedure

- 2.7 An application for a certificate of independence must be made on form CO(NI)5 and be accompanied by the statutory fee (Appendix 9). The form is available, on request, from the Certification Office and the Office website.

Applications/Decisions

- 2.8 During the period of this report an application was made (July 2003) by the trade union, The Lough Neagh Fishermen's Association for a certificate of independence. After due consideration and in accordance with Article 6(5) of the 1992 Order, the Certification Officer granted the certificate in August 2004. Further details will be given in my next annual report.
- 2.9 The Certification Officer previously reported concerns about the independence of the Northern Ireland Musicians' Association (NIMA) whose

financial affairs he had been investigating. He decided that the matter of NIMA's independence would be held in abeyance until he had completed his investigations. Please refer to 3.26 for further details.

GB Certification Officer Decisions on Trade Unions with Northern Ireland Members

- 2.10 During this period the GB Certification Officer made no decisions in relation to certificates of independence concerning trade unions with Northern Ireland members.

The requirements for trade unions and employers' associations to keep proper accounting records and to submit annual returns to the Certification Officer are set out in this chapter. It also deals with provisions relating to the investigation of the financial affairs of trade unions and employers' associations; Northern Ireland registered addresses; provisions giving union members a right of access to accounting records and the duty to secure that certain offenders do not hold positions on a trade union's executive committee.

The Statutory Provisions

- 3.1 Article 10 of the 1992 Order provides that every trade union and employers' association whose head or main office is situated in Northern Ireland (except those which consist wholly or mainly of representatives of constituent or affiliated organisations) must keep proper accounting records in respect of its transactions, assets and liabilities, and must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Those organisations headquartered in Northern Ireland and Great Britain (which have Northern Ireland members) must submit an annual return to the Certification Officer in the form prescribed, unless they have been in existence for less than 12 months. Also, any trade union or employers' association carrying on business in Northern Ireland but having its head or main office outside the United Kingdom is required to send to the Certification Officer a statement setting forth, in relation to business carried on in Northern Ireland, such particulars of its receipts and payments, and such other information, as the Certification Officer may require (Articles 11 & 12 of the 1992 Order). The Certification Officer is also empowered to require trade unions and employers' associations to provide such other documents relating to those accounts and such further particulars as the Certification Officer may require.
- 3.3 There are currently four Republic of Ireland based trade unions with Northern Ireland members, only three of whom are making returns to the Office. The Office is not aware of any Republic of Ireland employers' associations with Northern Ireland members.
- 3.4 In every case the returns must provide details of all funds maintained for trade union and employers' association purposes, including revenue and other accounts and a balance sheet which must give a true and fair view of the matters to which they relate. A

consolidation summary must also be completed. Any changes in the organisation's officers, or in the address of its head office, must be shown on the return which must be accompanied by a copy of the rules in force at the end of the period covered by the return, regardless of whether those rules were altered or not.

- 3.5 The 1992 Order requires each trade union and employers' association to submit (before 1 June) an annual return covering the preceding calendar year. However, the Certification Officer may, on application, direct that the return is to relate to a different annual period, if the statutory period would cause serious inconvenience to the organisation concerned. For most organisations (approximately 80% of trade unions and 70% of employers' associations) the financial year coincides with the calendar year.
- 3.6 The accounting records must be such as are necessary to allow an auditor to prepare a report. The auditor has a duty to carry out such investigations as will enable an opinion to be formed on whether proper accounting records have been kept, whether a satisfactory system of control has been maintained and whether the accounts are in agreement with the accounting records (Article 10).
- 3.7 The annual return must include a copy of the registered auditor's report on the accounts. The 1992 Order sets out the rights of auditors including access to information and the entitlement to attend and speak at general meetings of the organisation. The auditor must state in his report whether, in his opinion, the accounts give a true and fair view of the matters to which they relate. If, in his opinion, the statutory requirements have not been satisfied, or if the accounts to which the report relates are not in agreement with the accounting records, or he fails to obtain all the necessary information and explanations, he must state these facts in his report by way of qualification. Most qualifications are of a minor technical nature and the Office takes appropriate steps to ensure that such qualifications are not required in future.

- 3.8 Of all the returns received by the Office in the year to 31 March 2004, four were qualified by the auditors under a category of audit qualification which relates to returns not complying with the statement of standard accounting practice (SSAP24) which requires pension costs to be accounted for on an accruals basis. However, as full details showing what effect compliance would have had on these accounts were given in the notes to these accounts (and in the statutory statement to members) the Certification Officer decided to take no further action.
- 3.9 The Certification Officer has noted that an increasing number of audit firms are becoming 'limited liability partnerships' or adopting other forms of corporate status. Although such body corporate firms were not permitted to act as auditor of a trade union or an unincorporated employers' association, during the period of this report, the Certification Officer is aware that the Employment Relations (Northern Ireland) Order 2004 has now amended the 1992 Order and removes this restriction¹.
- 3.10 A special register body (paras 1.13 - 1.15) or an employers' association incorporated under the Companies Orders may submit with its return, in lieu of the prescribed accounts, a copy of its accounts prepared under the Companies Orders thereby avoiding the duplication of broadly similar financial statements; however there must be no significant diminution in the degree of disclosure, the period covered must be the same and a consolidation summary must be completed. In such circumstances, and notwithstanding anything in the Companies Orders, an auditor's report is still required to be made and this report must comply with the requirements of the 1992 Order.
- 3.11 Schedule 1 of the 1992 Order contains provisions relating to the qualifications, appointment and removal of auditors and sets out, the rights of auditors, including access to information and the entitlement to attend and speak at general meetings of the organisation. A person is qualified to act as registered auditor to a trade union or employers' association if he or she is eligible for appointment as a company auditor under Article 28 of the Companies (NI) Order 1990.
- 3.12 A trade union - other than a special register body - or an employers' association may use auditors who are not eligible for appointment under Schedule 1 of the 1992 Order provided its receipts and payments do not

in aggregate exceed £5,000, the value of its assets are less than £5,000 and it has less than 500 members. If any one of these conditions is not satisfied, it must use auditors specified in Schedule 1 of the 1992 Order. During the period of this report one trade union (the Lough Neagh Fishermens' Association) submitted its return under these criteria.

- 3.13 With the exceptions already noted, the duties imposed by Articles 10, 11 and by Schedule 1 apply to all trade unions and employers' associations, whether listed under Article 5 of the 1992 Order or not. Refusal or wilful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions and for hearing complaints under Article 13 of the 1992 Order, but does not generally undertake prosecutions for offences such as theft or fraud which would normally be dealt with by other prosecuting authorities. However, the Certification Officer is empowered to require the production of documents and an explanation of them and to appoint inspectors to investigate allegations of financial irregularities in the affairs of a trade union or employers' association, and the decision to instigate legal proceedings in such cases is a matter for the Certification Officer (para 3.22).

Late Submission of Annual Returns

- 3.14 The 1992 Order requires an organisation to submit an annual return to the Certification Officer before 1 June in the calendar year following the year to which the annual return relates. For most organisations the financial year coincides with the calendar year and ends on 31 December, but others differ. In this reporting period the Office anticipated the receipt of a total of 146 annual returns from trade unions and employers' associations. By the end of December 2003 all but 3 of these returns had been received. The Office continues to seek full compliance with the statutory requirements, and will take appropriate steps to improve the performance of persistent offenders. The Seaman's Union of Ireland, a Republic of Ireland based union, has failed to make returns to the Office for several years despite repeated reminders and is now currently being considered for prosecution.

Prosecutions

- 3.15 No prosecutions for failure to submit a return were initiated during the period of this return.

Northern Ireland Resident Address

- 3.16 Every trade union or employers' association carrying on business in Northern Ireland which has its head or main office outside Northern Ireland must, on an annual basis, provide the Certification Officer with the name and address of at least one Northern Ireland resident authorised to accept on its behalf service of process and any notices required to be served on it. The resident does not have to be a member of the organisation.
- 3.17 Every trade union and employers' association headquartered outside Northern Ireland which has submitted a return to the Office has complied with this statutory requirement.

Public Inspection of Annual Returns

- 3.18 The Certification Officer must ensure that clear accounts, covering all funds administered by the organisation, are available for public inspection. Copies of the annual returns and the rules of trade unions and employers' associations with Northern Ireland members from 1992 onwards are available for public inspection at the Certification Office. Whilst the returns include detailed and comprehensive financial information, a one-page financial consolidation summary is also included with each return for ease of interpretation.

Statement to Members

- 3.19 Northern Ireland headquartered trade unions must issue a statement containing specific information to all members within eight weeks of the submission of the annual return to the Certification Officer. The Certification Officer is required to ensure total compliance with this requirement. The statement must specify:
- the total income and expenditure of the union;
 - how much of the income consisted of payments in respect of membership;
 - the total income and expenditure of any political fund of the union; and
 - the salary and other benefits paid to each member of the executive, the president and the general secretary.

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

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

Trade unions have in the main readily complied with the requirements to provide members with a statement which contained the required information and met the statutory timescale.

- 3.20 The 1995 Order is specific about how this must be done; the exact wording of the statement is reproduced below:

"A member who is concerned that some irregularity may be occurring, or has occurred, in the conduct of the financial affairs of the union may take steps with a view to investigating further, obtaining clarification and, if necessary, securing regularisation of that conduct.

The member may raise any such concern with such one or more of the following as it seems appropriate to raise it with: the officials of the union, the trustees of the property of the union, the auditor or auditors of the union, the Certification Officer for Northern Ireland (who is an independent officer appointed by the Department for Employment and Learning) and the police.

Where a member believes that the financial affairs of the union have been or are being conducted in breach of the law or in breach of the rules of the union and contemplates bringing civil proceedings against the union or responsible officials or trustees, he should consider obtaining independent legal advice."

- 3.21 During the period of this report every Northern Ireland trade union complied with this statutory requirement. The Office will continue to ensure that full compliance with the Order is maintained.

Financial Affairs of Trade Unions and Employers' Associations - Use of Statutory Powers

- 3.22 The 1992 Order (as amended) allows the Certification Officer to investigate the financial affairs of trade unions and employers' associations. Under the provisions, the Certification Officer may, if he thinks there is good reason to do so, give a direction to the organisation concerned to produce relevant documents and explanations of them and to specify the date by which such information is to be provided. In addition, he may appoint inspectors to investigate the organisation's financial affairs and to report to him on them. He may only appoint inspectors if one

¹Article 27 of the Employment Relations (Northern Ireland) Order 2004, which amends Schedule 1 of the 1992 Order (annual returns and auditors) came into operation on 24th July 2005.

or more of the following circumstances are suggested: *that the financial affairs of the trade union or employers' association have been or are being conducted fraudulently or unlawfully; that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management; that the organisation concerned has failed to comply with a duty under the Order relating to its financial affairs or that a rule of the organisation relating to its financial affairs has not been complied with.* A member may complain to the Certification Officer that there are circumstances suggesting any of the foregoing. The Certification Officer must then consider whether it is appropriate to exercise any of the powers conferred on him by the 1992 Order (para 3.13).

- 3.23 Information suggesting circumstances where one or more of the situations described in the above paragraph have occurred may come to the Certification Officer's attention from a variety of sources including, for example, members who query information supplied by a trade union in its statement to members, or from other approaches by members. In addition, the Office staff monitor references in the media for situations which suggest that such circumstances may exist in the financial affairs of a trade union or employers' association.
- 3.24 Not all the information received by the Office is of sufficient merit to warrant any approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Office and the parties concerned or by means of informal meetings with the body or the individual, or a combination of these methods.

Investigations

- 3.25 The investigation into the financial affairs of the Hospitality Association of Northern Ireland (HANI) has been concluded and the Certification Officer published his final report on 4th September 2003 containing his comments and observations: it can be viewed on the Office website.

He recorded in his Annual Report for 2003 (paragraph 3.25) that he had appointed Ms Kay Linnell, a chartered forensic auditor, to investigate HANI's financial affairs and report to him. Following the submission of her final report to him, it was subsequently passed to the Police Service of Northern Ireland who conducted its own separate investigation. The Police concluded that there was sufficient evidence to support a prosecution against

HANI for an offence contrary to Article 13(1) of the 1992 Order.

The Director of Public Prosecutions prosecuted HANI for failing in its statutory duty to keep proper accounting records and for failing to maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and payments. It was considered by the Police that the evidence uncovered by the inspector in the course of her investigations "was insufficient to support prosecution against any other person or persons for any offence". This meant that the Police took no prosecution action in regard to HANI staff, its auditor or his immediate predecessor.

The Certification Officer also referred the inspector's final report to the auditors' professional regulatory body, the Institute of Chartered Accountants of Ireland (ICAI) for its consideration and action, as it deems appropriate. At 31 March 2004 no decision had been taken by the ICAI.

- 3.26 The Certification Officer reported previously that he had made enquiries into the Northern Ireland Musicians' Association (NIMA) after receiving complaints alleging financial irregularities and that he had appointed a member of his staff as an inspector under Article 12B of the 1992 Order, to investigate the matter and report to him.

The inspector's interim report (April 2002) said, inter-alia, that the unqualified person who "held himself out" as a chartered accountant and registered auditor and had signed-off NIMA's statutory returns, had decided to co-operate with the inspector's investigation. He also agreed to pay the costs of having NIMA's accounts and annual returns properly completed in accordance with the 1992 Order, for the period 1992 – 2000.

This work was undertaken by T Murphy & Co (April 2002): the proper NIMA accounts and annual returns (for the period 1992 – 2001) are available for inspection at the Office on NIMA's public file.

The Office passed the papers in this matter to the PSNI Fraud Squad to consider, inter-alia, allegations of fraud, forgery and pecuniary advantage by deception on the part of the individual concerned. The Fraud Squad reported its findings to the Certification Officer in July 2004. Further details will be given in my next report.

Access to Accounting Records

- 3.27 Article 37 of the 1992 Order provides a member of a trade union with a right of access to any accounting records of the union which are available for inspection. Under this Article a union is required to retain such records for a period of six years. Where a member claims that a trade union has failed to comply with his or her request for access to the trade union's accounting records under Article 30 of the 1992 Order the member has the option of applying to the Certification Officer or the High Court under Article 37. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court.
- 3.28 On application to him, the Certification Officer is required to make such enquiries as he thinks fit and, before reaching a decision on the application, provide the applicant and the trade union with an opportunity to be heard. Should a hearing be held, expenses incurred by applicants attending the hearings may, in certain circumstances, be reimbursed by the Office. Such hearings are open to the general public.
- 3.29 Where the Certification Officer is satisfied that the claim is well-founded he is required to make such an Order as he considers appropriate for ensuring that the applicant is allowed to -
- inspect the records requested;
 - be accompanied by an accountant when making the inspection of those records; and
 - take, or is supplied with, such copies of, or of extracts from, the records as he may require.

- 3.30 Where the Certification Officer requests a person to furnish information to him in connection with enquiries made by him, he specifies the date by which that information is to be furnished and, unless he considers it inappropriate, will proceed with his determination of the application notwithstanding that the information has not been furnished to him by the specified date.

- 3.31 In exercising these functions the Certification Officer is required to ensure that, so far as is reasonably practicable, an application made to him is determined within six months of being made. An Order made by the Certification Officer may be enforced in the same way as an Order of the High Court.

Branch Funds

- 3.32 The Certification Officer reported previously that he had received an enquiry from a member involving a number of T&G branches in Northern Ireland. A particular concern was an admission by the union's independent auditor (in correspondence to the union) in relation to the management of branch funds that "no records are kept". The union was able to satisfy the Certification Officer and the member involved.
- 3.33 Trade unions are required to include details of funds held at branch level in their annual returns. All trade unions who made returns to the Office for the year ending December 2003, have complied with this requirement.

This Chapter identifies trade union membership income and expenditure and employers' association income and expenditure at 31 December 2003. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.

Financial Information - 2003 Returns

4.1 Financial information derived from the annual returns of trade unions and employers' associations is given at Appendices 1-7. That information and the following comments in this Chapter relate to the year ended 31 December 2003, (unless otherwise indicated).

Salaries and Benefits – Trade Unions

4.2 Trade unions are required to include in their annual return to the Certification Officer information about the salaries and benefits paid to certain of their national officers and executive members from the organisation's funds. For the purposes of making returns, "benefits" is taken to have the same meaning as that applied by the Inland Revenue when calculating "taxable" benefits, pensions, superannuation contributions and redundancy/termination payments. Benefits with a value of £100 or more in any accounting period are included. Employer pension contributions make up a significant, if not major, proportion of the benefits paid. Employer's national insurance contributions are excluded from the information in Appendix 6.

4.3 The General Secretary is usually the highest paid elected official in any trade union. However, in some cases, such as redundancy or retirement, elected officials may receive substantial payments from trade union funds. In those cases where such payments are equal to or exceed the amount paid in salary and benefits to the General Secretary, that additional information is also provided in Appendix 6 of this report.

Employers' Associations

4.4 Employers' associations are not required to provide the Certification Officer with details of officers' salaries and benefits.

Northern Ireland Trade Unions

4.5 The following table gives, in the third and fourth columns, the amount paid in salary and benefits to officers of the five listed trade unions headquartered in Northern Ireland. The benefits consist mainly of superannuation contributions. Employer's national insurance contributions are not included.

UNION	TITLE	2003	
		(£) Salary	(£) Benefits excluding NI Contribution
Belfast Airport Police Association (31/3/03)	Chairman	Nil	Nil
Lough Neagh Fishermen's Association	Secretary	Nil	Nil
Northern Ireland Musician's Association ²	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary 1/4/03-23/4/03	17,791	2,400
	General Secretary 24/4/03-31/12/03	31,534	4,730
Ulster Teachers' Union	General Secretary	53,769	1,473

Republic of Ireland Trade Unions with NI Members

4.6 The following table gives, in the third and fourth columns, the amount paid in salary and benefits in Euros / Sterling to chief officers of trade unions headquartered in the Republic of Ireland with Northern Ireland members. Pay related social insurance (PRSI) contributions are not included.

UNION	TITLE	2003	
		(€) Salary	(€) Benefits excluding PRSI
Irish Bank Officials Association	General Secretary	85,261	63,551
Irish National Teachers Organisation ³	General Secretary	143,548	Nil
Seaman's Union of Ireland ⁴	General Secretary	Not Known	Not Known
Services, Industrial, Professional and Technical Union (SIPTU) ⁵	General Secretary	101,196	2,500

2 NIMA is still listed as a trade union, but has ceased to function.

3 INTO operates a defined benefit pension scheme. Contributions are made to the scheme in accordance with recommendations of independent actuaries. The funding of the scheme is based on total salary roll. The current funding level is 6% of subscription income. Figure converted from sterling to euros using an exchange of €1.42 per £ sterling.

4 No returns made.

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

GB Trade Unions with NI Members

4.7 The amounts paid in salary and benefits to the chief officers of trade unions headquartered in Great Britain and which have Northern Ireland members are included in Appendix 6. The benefits returned consist mainly of superannuation contributions. Employer's national insurance contributions are excluded from the table.

Membership Register

4.8 Under Article 3(3) of the 1995 Order, a trade union has a duty to maintain a register of the names and addresses of its members, and so far as reasonably practicable to ensure that entries in the register are accurate and up-to-date. The 1995 Order provides that a trade union shall allow any member, on request, with reasonable notice, to have information relating to him or her, which is held on the register, free of charge. The member may also request from the union a copy of any entry on the register relating to him or her, and this is to be provided either free of charge, or on payment of a reasonable fee.

4.9 Applications that a trade union has failed to comply with the requirements of Article 3(3) can be made to the Certification Officer or the High Court. The Certification Officer may not consider an application

if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court by the same applicant even if the applicant withdraws his/her application to the Certification Officer.

4.10 Where an application to the Certification Officer, is made by a different person, on a matter on which application has been made to the High Court, the Certification Officer is required to have due regard to any declaration, order, observations or reasons made or given by the High Court which are brought to his notice.

4.11 Where the Certification Officer makes a declaration, he is required, unless he considers that to do so would be inappropriate, to make an enforcement order imposing on the union one or both of the following:

(a) to take such steps to remedy the declared failure, within such period, as may be specified in the order;

(b) to abstain from such acts as may be so specified with a view to securing that a failure of the same or a similar kind does not occur in future.

- 4.12 A declaration made by the Certification Officer may be relied on as if it were a declaration made by the High Court.
- 4.13 An enforcement order made by the Certification Officer may be enforced in the same way as an order of the High Court. One application concerning the maintenance of the register of members' names and addresses was under consideration at the end of the period of this report.

Trade Unions - Membership, Financial and Benefits Information

- 4.14 The annual returns submitted by unions to the Certification Officer require the union to provide figures for both total membership, and members who pay contributions. There may be significant differences between these sets of figures, usually because total membership figures can include student membership, retired and unemployed members, members on long term sick leave and maternity/child care leave and those on career breaks.
- 4.15 The total Northern Ireland membership of all trade unions at 31 December 2003 was 246,059, 75% of all Northern Ireland trade union members belong to Great Britain based trade unions with 20% and 5% respectively being members of Northern Ireland and Republic of Ireland based trade unions.
- 4.16 Trade union income derives mainly from membership subscriptions and investments. There may also be additional income and assets arising if, for example, a union accepts the transfer of engagements of another union. In 2003 the total income of Northern Ireland trade unions was approximately £3.4 million; total expenditure was £3.2 million; total net assets of these unions amounted to £5.3 million.
- 4.17 A summary of statistics concerning the membership and finances for the year 2003, 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 48,675 members of Northern Ireland unions providing an annual contribution of approximately £3 million; while there were 12,629 Northern Ireland members of Republic of Ireland unions providing an annual contribution of approximately €2.1 million. In 2003 the total income of the Republic of Ireland unions was approximately €45 million, total expenditure was approximately €44 million. Total net assets of these unions amounted to some €52 million.

- 4.18 Financial and membership details of 53 Great Britain based unions with 100 or more Northern Ireland members are given in Appendix 2. This shows a total of 183,699 Northern Ireland members making an annual contribution of £14.4 million. In 2003 the total income of these unions was approximately £710 million; total expenditure was approximately £700 million. Total net assets of these unions amounted to £695 million.
- 4.19 Membership details of a further 38 Great Britain based trade unions with less than 100 Northern Ireland members are listed in Appendix 3. These show a total of 1,056 Northern Ireland members contributing approximately £108,000. In 2003 the total income of these unions was approximately £31 million, total expenditure was approximately £30 million. Total net assets of these unions amounted to approximately £59 million.

Employers' Associations - Membership and Financial Information

Northern Ireland

- 4.20 Employers' associations are not required to provide the Certification Officer with details of officers' salaries and benefits.
- 4.21 A summary of statistics concerning the membership and finances of 14 Northern Ireland employers' associations for 2003 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2003 the total income of these organisations was approximately £4.8 million; expenditure was approximately £5.8 million. Total net assets of these associations amounted to approximately £5.8 million.

Great Britain

- 4.22 Details of 33 Great Britain based employers' associations with Northern Ireland members is given in Appendix 5. In 2003 Northern Ireland members of these organisations contributed approximately £870,000. The total income of these organisations was approximately £117 million; expenditure was approximately £120 million. Total net assets of these organisations amounted to approximately £136 million.

It is a legal requirement that any superannuation scheme maintained by a trade union or employers' association for the benefit of members must be subject to periodic actuarial examination and that a copy of the actuary's report must be sent to the Certification Officer. An explanation of the statutory provisions is given in this Chapter together with information on the number of schemes maintained and the number of reports received.

The Statutory Provisions

- 5.1 The 1992 Order requires that any superannuation scheme maintained by a Northern Ireland based trade union or employers' 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 member's superannuation scheme from actuarial examination in certain circumstances. No trade union or employers' association may maintain a members superannuation scheme unless it also maintains a separate fund for the payment of benefits in accordance with the scheme. A copy of the actuarial report made under the above provisions must be supplied free of charge to any member of the trade union or employers' association on application to the organisation concerned.

Actuarial Reports

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

Schemes Maintained - Northern Ireland Trade Unions

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

Schemes Maintained - GB Based Trade Unions

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

Amicus
- AEEU section
- MSF section (2 schemes)

GMB

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

Actuarial Reports

- 5.5 Only one report was received during this period in relation to a GB based union with Northern Ireland members. It concerned the AEEU section Superannuation fund maintained by Amicus. It was submitted to the Government Actuaries Department (GAD) for comment and after receiving GAD's comment, was accepted by the GB Certification Officer.

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

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

The Statutory Provisions

- 6.1 The 1995 Order and the Trade Unions and Employers' Associations (Amalgamations, etc) Regulations 1965 lay down procedures governing two types of merger - *transfers of engagements and amalgamations* - between trade unions and between unincorporated employers' associations. The procedures apply to listed and unlisted organisations. Their main purposes are to facilitate the processes of transfer and amalgamation and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it at no direct cost to themselves.
- 6.2 Under a *transfer of engagements* the transferring organisation ('the transferor') loses its legal identity whilst the organisation to which it transfers ('the transferee') continues in being with its legal identity unchanged. An *amalgamation* produces a new organisation replacing the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer and the documents must have his approval before a ballot of members can be held to approve the instrument. The statutory fee payable is shown in Appendix 9.
- 6.4 Ballots must be 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 instructions for the return of the ballot paper. Other requirements relate to storage, distribution and counting of votes by independent persons and the availability of a union's membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers' associations, the provisions are slightly different. Details can be found in the guidance booklet (para 6.10 below).

- 6.5 In a transfer of engagements, only the members of the transferor organisation vote on the resolution to approve the instrument. An amalgamation requires a favourable vote by the members of each amalgamating organisation. If the required majority of votes recorded in each ballot is in favour of the merger an application to register the instrument may be made to the Certification Officer. Such an application must be preceded by the despatch of a copy of the scrutineer's report to every member of the union or their being notified of its contents by other means. Members must also be told that they will, on request, be provided with a copy of the scrutineer's report - either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a merger.
- 6.6 In the case of both a transfer and an amalgamation, an interval of six weeks must elapse between the application for registration and registration itself; and before the expiry of the six-week period any member of the transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements have not been observed.
- 6.7 The Certification Officer, after giving the parties an opportunity to be heard may dismiss the complaint or, if he finds it justified, he may either make a

declaration but no order, or make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Court of Appeal on a point of law.

Mergers Involving GB Trade Unions

- 6.8 Although the merger provisions of the 1995 Order do not extend to Great Britain, the Order does apply with certain modifications to a transfer of engagements or amalgamation between a Northern Ireland union and a union in Great Britain. No mergers of GB based unions or employers' associations, with Northern Ireland members, were completed in this period.
- 6.9 Formal documents kept by the Certification Officer relating to mergers under the 1995 Order are available for public inspection. The statutory fee payable is shown in Appendix 9.

Advice on Procedures

- 6.10 The Office will offer advice where needed on the statutory provisions and staff are always prepared to meet officials of organisations proposing to merge to discuss procedures and time-tables. The Office has produced two booklets, one on the statutory requirements for transfers of engagements and amalgamations between trade unions and the other dealing with employers' associations. These explain the merger procedures in detail and set out, with explanatory notes, the matters to be included in an instrument of transfer or amalgamation. Copies may be obtained free of charge from the Office and the Office website.

Applications

- 6.11 No formal proposals to enter into a transfer of engagements or an amalgamation were received from any Northern Ireland based union during the period of this report.

Complaints

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

Changes of Name

- 6.13 Article 88 of the 1995 Order stipulates that a change of name of a listed trade union or employers' association must be approved by the Certification Officer before it can take effect (see Appendix 9 for the statutory fee). The Certification Officer did not receive any applications for a name change during the period of this report. The GB Certification Officer did not approve any changes of name to trade unions or employers' associations with Northern Ireland members.

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

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

The Statutory Provisions for Northern Ireland Based Organisations

General

- 7.1 A trade union or an unincorporated employers' association, whether listed or not, can include the furtherance of political objects among the activities of the organisation. If it does, it must adopt political fund rules providing for the expenditure of funds on such objects. Those rules must be approved by the Certification Officer. A resolution to adopt political objects must be approved by the members in a postal ballot held under rules which again require approval by the Certification Officer. An independent scrutineer must always be appointed to oversee the requirements of the ballot.
- 7.2 Trade unions and employers' associations which already have a political fund resolution in force and wish to continue to spend money on political objects are required to pass a political fund resolution again by a further ballot of their members (*a review ballot*) at least once every 10 years. The review ballot must also be held in accordance with rules approved by the Certification Officer.

Exemption

"Contracting-in"

- 7.3 Unlike trade union members in Great Britain, it is a statutory requirement that members in Northern Ireland must provide a written authority to their trade union before any deduction for political purposes may be made from their membership subscription. This is colloquially referred to as "contracting-in" (see para 7.8).
- 7.4 Where a Northern Ireland trade union member does not "contract-in" or, having "contracted-in" subsequently decides to "contract out", he/she is exempt from contributing to the political fund and

any such deduction by a trade union, in these circumstances, would be unlawful. Any Northern Ireland trade union member who finds himself or herself in this position may complain to the Certification Officer. Details on how to complain are given below.

- 7.5 Those members not contributing to the political fund must not be excluded from any benefits of the organisation or placed under any disability or disadvantage compared with other members, except in relation to the control or management of the political fund. Contribution to the political fund must not be made a condition for admission to the organisation.
- 7.6 Northern Ireland members wishing to "contract-in" must do so in writing by using an approved application form (Article 59 of the 1995 Order) or apply in a form to the same effect. Unless contributions are collected by a separate levy, those statutorily exempt members of the organisation must be relieved of the payment of the political fund element of the normal periodical contributions. Trade union rules must also provide for each member to know what portion, if any, of his contribution is a contribution to the political fund. These rules must be approved by the Certification Officer. If the rules do not have his approval any deductions would be unlawful and a member may complain to the Certification Officer.

"Contracting-out"

- 7.7 Any Northern Ireland member having initially "contracted in" who wishes subsequently to "contract out" must also do so in writing. Such "notice of withdrawal" may be given to the union by being delivered at the head office or a branch office of the union or being delivered personally or by any authorised agent or by post. Where a member

"contracts-out", having initially "contracted-in", the law makes provision for the withdrawal to take effect as from 1st January next, following the giving of that notice to the union and any deduction after that date would be unlawful and a member may complain to the Certification Officer.

Members of GB and ROI - Based Trade Unions

- 7.8 The statutory requirement that Northern Ireland trade union members must "contract-in" to a political fund in his/her union applies to every Northern Ireland trade union member, regardless of where his/her union is headquartered. The requirements and conditions outlined in paras 7.3 to 7.7 therefore apply also to Northern Ireland members of unions headquartered in Great Britain or the Republic of Ireland.

Political Fund Model Rule

- 7.9 A political fund model rule, covering Northern Ireland members, has been agreed with the GB Certification Officer for use by Great Britain based unions with members in Northern Ireland, and is included in the booklet "*Guidance for trade unions and employers' associations wishing to establish a political fund (2000)*" issued by the GB Certification Office. However, approval for its use, or proposed amendment, is required from the Northern Ireland Certification Officer before any lawful political fund deduction may be made regardless of whether the union has a signed authority from a member. GB trade unions should contact the Northern Ireland Certification Office before including it in their rule book, or amending their existing Northern Ireland political fund rules.

Republic of Ireland

- 7.10 Only two Republic of Ireland trade unions with Northern Ireland members operate political funds. The unions concerned, Services, Industrial, Professional and Technical Union and the Irish National Teachers Organisation have given the Certification Officer an assurance that they do not deduct political fund subscriptions from Northern Ireland members.

Complaints

- 7.11 Any member of any organisation with a political fund who considers that the political fund rules have been breached may complain to the Certification Officer. If, after investigating the complaint, the Certification Officer considers that a breach has occurred the organisation may be ordered to remedy it.

- 7.12 A member 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.

- 7.13 A trade union member who claims that his or her trade union has spent money on political objects without a political fund resolution being in force or without approved political fund rules may apply to the Certification Officer for a declaration that it has done so. If the Certification Officer makes a declaration he may also make such order for remedying the breach as considered to be just under the circumstances. Appeals against decisions of the Certification Officer may be made to the Court of Appeal but only on a question of law.

Review Ballots

- 7.14 Trade unions and employers' associations which already have a political fund resolution in force and wish to continue to spend money on political objects are required to hold a further ballot of their members at least once every ten years. This review ballot must be held in accordance with rules approved by the Certification Officer.

Unlawful Deductions of Political Fund Contributions from Members - NI, GB and ROI Trade Unions

- 7.15 Any Northern Ireland trade union member who considers that political fund deductions are being made without his or her written consent may complain to the Certification Officer. On a complaint being made to him the Certification Officer makes such enquiries as he thinks fit.
- 7.16 Where the Certification Officer requests a person to furnish information to him in connection with his enquiries, he must specify the date by which that information is to be furnished and, unless he considers it inappropriate, proceeds with his determination of the application notwithstanding that the information has not been furnished to him by the specified date.
- 7.17 Where, after giving the member and a representative of the union an opportunity of being heard, the Certification Officer considers that a breach has been committed, he may make an order for remedying it. An appeal against any decision of the Certification Officer may be made to the Court of Appeal but only on a question of law.

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

Breaches of Political Fund Rules - Great Britain Trade Unions

7.18 Any Northern Ireland member of a GB headquartered trade union who considers that its political fund rules have been breached, other than in relation to his or her political fund deductions, may complain to the GB Certification Officer, 180 Borough High Street, London, SE1 1LW. Any enquiries should be made to his office: 0207 210 3734.

Advice on Procedures

7.19 On request, the Office can give advice on the procedures for establishing political funds and for holding review ballots. Guidance booklets which include model rules, are available free of charge from the Office. Any trade union or employers' association wishing to ballot its members on a political fund resolution should contact the Office at an early stage.

Northern Ireland Organisations with Political Fund Rules at 31 December 2003

7.20 None.

GB based Organisations with Political Fund Rules, approved by the Northern Ireland Certification Officer, at 31 December 2003

7.21 There were 23 GB based trade unions with Northern Ireland members operating political funds at 31 December 2003. Of these, 16 had Northern Ireland members "contracting-in" (see Appendices 7 and 8).

7.22 The 2003 returns show that, 36,439 Northern Ireland members – representing some 15% of the total Northern Ireland trade union membership – contributed £97,384 towards political funds. A detailed list of the 16 unions, their Northern Ireland membership and their financial contributions is given at Appendix 7. Details of those 7 GB unions with Northern Ireland members who did not contribute to the unions' political funds in 2003 are listed in Appendix 8.

GB Organisations with New Political Fund Rules approved for the First Time During 2003 – 2004

7.23 During the reporting period, two GB based unions, with Northern Ireland members, held ballots of their members on a resolution to establish political funds. These were Prospect and the National Union of Journalists. In the case of Prospect the vote was in favour of the resolution and political fund rules were approved on 8 May 2003. The National Union of Journalists notified the GB Certification Officer on 22 March 2004 that the members of the union had voted against the resolution to establish a political fund.

GB Amendments to Rules

7.24 Amendments to political fund rules require the Certification Officer's approval. Such approval is given provided that the amendments have been adopted in accordance with, and satisfy the requirements of, Article 59 of the 1995 Order. Two GB based trade unions (with Northern Ireland members) had amendments approved in this way during the reporting period; Amicus and GMB.

GB Organisations with Political Fund Review Ballots

7.25 During the period, two GB based unions, with Northern Ireland members, held a review ballot; Amicus and Transport and General Workers Union.

GB Political Fund Complaints

7.26 During the period, the GB Certification Officer received no complaints relating to a political fund of a GB union with Northern Ireland members.

The 1995 Order requires that certain officers[†] and all members of a trade union's executive committee must be elected to it by secret postal^{††} ballot; if they remain in that position for more than five years they must be re-elected. This chapter deals with the statutory provisions governing elections. As explained in chapter 9 the Certification Officer has powers to deal with breaches of a union's own rules governing elections and certain other matters.

The Statutory Provisions

- 8.1 Trade unions must ensure that no one takes up a position as a member of the union's principal executive committee or as its president or general secretary, except in limited circumstances, without having been elected to it. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are exceptions in respect of officers facing retirement, amalgamations and newly formed unions. Elections must be by secret postal^{††} ballot of the members of the union, conducted in accordance with the provisions in the 1995 Order.
- 8.2 Individual trade union members have a statutory right to apply to the Certification Officer for a declaration that their trade union has failed to comply with one or more of the relevant provisions of the Order. The 1995 Order also requires the Certification Officer to give the applicant and the trade union concerned an opportunity to be heard. All hearings are in public. After giving the parties an opportunity to be heard, the Certification Officer may make a declaration but no order or make an order imposing on the union one or more of the following requirements -
- (a) to hold the election in accordance with the order;
 - (b) to take such other steps to remedy the declared failure as the Certification Officer may specify in the order; and
 - (c) to abstain from such acts as the Certification Officer specifies with a view to ensuring that a failure of the same, or similar kind, does not occur in the future.
- 8.3 Article 70 of the 1992 Order requires the Certification Officer to make provision about the disclosure or otherwise of the identity of an individual who has made, or is proposing to make any application or complaint. If the application or complaint relates to a trade union, the individual's

identity is to be disclosed to the union unless the Certification Officer thinks the circumstances are such that it should not be disclosed.

- 8.4 The Certification Officer has made provision under Article 70 of the 1992 Order by which the identity of an individual who proposes to make an application or complaint will not generally be disclosed to the union, unless or until an application or complaint is accepted. When an application or complaint is accepted, the Certification Officer will generally disclose the individual's identity to the union (and such others as the Certification Officer thinks fit) unless it is decided that the circumstances are such that it should not be disclosed. The Certification Officer makes that decision on a case by case basis. Fear of denigration will not of itself normally justify non-disclosure. The provision made by the Certification Officer under Article 70 of the 1992 Order is on the Office website.
- 8.5 When a hearing is held, expenses incurred by applicants (and their witnesses) attending the hearings may in certain circumstances be reimbursed by the Office at the discretion of the Certification Officer.
- 8.6 Appeals on any question of law arising in proceedings before or arising from a determination by the Certification Officer, may be made to the Court of Appeal.
- 8.7 If the Certification Officer decides that there has been a breach of the statutory provisions he must state in his declaration any steps which the union has taken or has agreed to take to remedy the breach or prevent such a breach from occurring in the future.
- 8.8 The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer

[†] See paras 1.13 to 1.15 on special register bodies.

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

the same matter may not be put to the High Court even if the applicant withdraws his/her application to the Certification Officer. Where an application to the Certification Officer is made by a different person, alleging the same failures which had been considered and determined by the High Court, the Certification Officer is required to have due regard to any declaration, order, observations or reasons made or given by the High Court which are brought to his notice.

Applications, Investigations, Hearings and Decisions

- 8.9 During this period the Certification Officer had no hearings in respect of ballots and elections.
- 8.10 The GB Certification Officer made the following noteworthy decisions in respect of GB headquartered trade unions with Northern Ireland members –

Ecclestone v NUJ (D/18-03). The applicant complained that the National Union of Journalists (NUJ) failed to secure that the person elected to the post of President had been elected in accordance with the requirements of the 1992 Act¹ (breaching section 46(1)(a) of the 1992 Act¹). The Certification Officer made the declaration sought by the applicant, but refused to make an enforcement order as he was satisfied that the NUJ had taken steps to secure that the same or any similar failure would not occur in the future.

Ecclestone v NUJ (D/19/03). In another application by Mr Ecclestone, the Certification Officer declared that the NUJ had failed to accord equally to all members of the union, entitlement to vote in the election for membership of its National Executive Council (NEC) (breaching section 50(1) of the 1992 Act¹). The Certification Officer found that the union rules did not provide that it could restrict entitlements to vote for certain reserved seats on its NEC only to those members who were in its sections reserved for black members or members with disabilities.

Stokes v GMB (D24-27/03). The Certification Officer issued a declaration that the union had breached section 47(1) of the 1992 Act¹ in unreasonably excluding the applicant from standing as a candidate in the 2003 election for the position of Deputy General Secretary of the Union. The Certification Officer also made an enforcement order requiring the election to be treated as void and of no effect and that a further election be conducted in accordance with the rules of the union and the 1992 Act¹. (See paragraph 9.14 regarding breach of union rule complaints relating to the same matter.) GMB appealed to the Employment Appeal Tribunal (EAT) but its appeal was dismissed (EAT/0769/03). The EAT concluded that the Certification Officer had not misdirected himself or erred in law in arriving at his decision.

¹ *The Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).*

The 1995 Order provides that a member of a trade union who claims that there has been a breach or threatened breach of the rules of a trade union relating to certain matters as set down in the Order, may apply to the Certification Officer for a declaration to that effect. This chapter discusses breach of rule complaints and explains how such applications are dealt with and their outcome.

The Statutory Provisions

- 9.1 Individual trade union members have the right to apply to the Certification Officer if there has been a breach or threatened breach of a trade union's rules relating to any of the matters set out in Article 90A (2) of the 1995 Order. The matters are:–
- the appointment or election of a person to, or the removal of a person from, any office;
 - disciplinary proceedings by the union (including expulsion);
 - the balloting of members on any issue other than industrial action;
 - the constitution or proceedings of any executive committee or of any decision-making meeting;
 - such other matters as may be specified in an order made by the Department for Employment and Learning.
- 9.2 The applicant must be a member of the union, or have been a member at the time of the alleged breach or threatened breach. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court.
- 9.3 The Certification Officer may refuse to accept an application unless he is satisfied that the applicant has taken all reasonable steps to resolve the claim by the use of any internal complaints procedure of the union.
- 9.4 If the Certification Officer accepts an application he is required to make such enquiries as he thinks fit and, before reaching a decision on the application, provide the applicant and the trade union with an opportunity to be heard. Should a hearing be held, in certain circumstances, expenses incurred by applicants and their witnesses attending the hearings may be reimbursed by the Office. All hearings before the Certification Officer are held in public.

- 9.5 The Certification Officer must give reasons for his decision in writing and, where he makes the declaration sought, he is required to make an enforcement order unless he considers that to do so would be inappropriate. The enforcement order may impose on the union one or more of the following requirements –
- to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order; and
 - to abstain from such acts as may be so specified with a view to securing that a breach or threat of the same or similar kind does not occur in future.

Where an order imposes a requirement on the union as in (a) above, the order must specify the period within which the union must comply with the requirement of the order.

- 9.6 An enforcement order made by the Certification Officer may be enforced in the same way as an order of the High Court.
- 9.7 An appeal on any question of law arising in proceedings before or arising from a determination by the Certification Officer, may be made to the Court of Appeal.
- 9.8 A continuing feature of breach of trade union rule complaints is that many of the complaints received and decided by the Certification Officer are multiple applications by one or more members of the union alleging breaches of various union rules.

Applications, Investigations, Decisions and Orders

- 9.9 The Certification Officer issued six declarations and one enforcement order (arising out of fifteen complaints) during the period of this report. At 31 March 2004, 9 applications against 2 trade unions remained outstanding and formal hearings were subsequently arranged for June and July 2004. These will be discussed in my next annual report.
- 9.10 Of the Certification Officer's decisions issued in the period of this report, the following are noteworthy.

Irvine v T&G (D/1-5/2003): The applicant made five complaints alleging breaches of the union's rules in regard to the appointment, election and removal of a branch secretary and also the constitution or proceedings of the branch. Following a jurisdictional hearing in October 2001, the Certification Officer dismissed two of the complaints on the grounds that they were out of time. The union appealed his decision to allow allegations contained in correspondence (in relation to the constitution or proceedings complaint) to be considered as part of the application. The Court of Appeal (October 2002) took the view that as the forms and procedures relating to hearings before him, were not prescribed by legislation, he had discretion in how to deal with complaints, provided he exercised the rules of natural justice.

Following that judgement and in further correspondence (until June 2003) both parties confirmed they were content for the complaints to be determined by the Certification Officer without a formal hearing. On the basis of all written representations and documents provided by the parties, the Certification Officer made five declarations upholding the three complaints and issued an enforcement order requiring (inter-alia) the union to retrieve all monies, benefits and awards to the person who had held the office of branch secretary in breach of rule.

Sweeney v UNISON (D/1-8/2004): In this case the applicant claimed there had been six breaches of the union's rules in relation to a branch election. These centred on the accuracy of the members' register and the timescale set by the union for the election process.

The Certification Officer decided to deal with them together and after a formal hearing made a declaration upholding the complaints. For reasons set out in his decision, he considered it inappropriate to make an enforcement order.

He dismissed a seventh complaint that there was interference in the ballot process. In a separate eighth complaint, the applicant alleged that the union had failed to maintain an accurate and up-to-date register of members. The Certification Officer decided he did not have the jurisdiction to hear this complaint as the union does not have its head or main office in Northern Ireland. He has raised this issue with the Department for Employment and Learning requesting that the legislation be reviewed / amended.

9.11	Copies of the Certification Officer's decisions are available, free of charge, from the Office and/or by accessing the Office website.	
9.12	In this period, a total of 413 enquiries were received as at 31 March 2003. The analysis of these enquiries is as follows:	
	General advice on the role of the Certification Officer	174
	Appointment, election or removal from any office in the union	58
	Disciplinary proceedings by the union	51
	Balloting of union members (other than industrial action)	11
	Constitution or proceedings of a union's executive or certain other meetings	22
	Inadequate representation of members by their union ¹	49
	Union benefits or membership issues ¹	19
	Others	29
	Total	413

This is an increase of almost 200 enquiries on the corresponding period in 2002 – 2003.

9.13 Not all enquiries made can result in applications to the Certification Officer. For example, the Certification Officer has no jurisdiction regarding inadequate representation of members by their unions or in relation to the provision (or otherwise) of union benefits or membership.

9.14 The Great Britain Certification Officer made the following noteworthy decisions in respect of applications relating to alleged breaches of union rule in respect of Great Britain headquartered trade unions with Northern Ireland members:

Dennison v UNISON (D/12/03): The Certification Officer found that the suspension of the applicant's legal assistance from the union was a disciplinary penalty imposed on the applicant by her branch and was in breach of the union's disciplinary rules. The Certification Officer concluded that this was a matter within his jurisdiction as a matter relating to disciplinary proceedings by the union (section 108A(2)(b) of the 1992 Act²). The Certification Officer considered it inappropriate to make an enforcement order on the union.

Foster v Musicians Union (D/13-17/03): The Certification Officer found that the union had neither breached its rules nor Article 6 of the European Convention of Human Rights in denying the applicant access to material he sought in connection with an internal disciplinary case brought against him by another member and in allegedly failing to hear the disciplinary case against him within a reasonable time. The Certification Officer rejected two other complaints deciding that they were out of time.

Stokes v GMB (D/24-27/03): The Certification Officer declared that GMB had breached its rules by disqualifying the applicant from standing in the election for the post of Deputy General Secretary. An enforcement order was made requiring that the election be treated as void and that a further election be held (see also paragraph 8.10). The Certification Officer refused to make the declarations sought in two other matters brought by the applicant relating to the same election.

Fradley v The Transport Salaried Staffs' Association (D/28-30/03): At a preliminary hearing the Certification Officer dismissed the applicant's complaint as being out of time and outside the jurisdiction of the Certification Officer. Two other complaints brought by the applicant were also dismissed. In his decision, the Certification Officer commented on the extent of his jurisdiction under section 108A(2)(d) of the 1992 Act¹.

Brooks v Union of Shop Distributive and Allied Workers (D/31-34/03): The Certification Officer refused to make the declarations sought in respect of four complaints brought by the applicant against his union. These complaints related to the attendance of full-time officials at the union's Annual Delegates Meeting and decisions taken by the union's executive council in relation to that matter.

¹ These are not matters within the Certification Officer's jurisdiction.

² The Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).

¹ The Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).

APPENDIX 1 (SEE PARA 4.17) - LISTS OF TRADE UNIONS WITH HEADQUARTERS IN NORTHERN IRELAND AND WITH HEADQUARTERS IN THE REPUBLIC OF IRELAND WITH NI MEMBERS - AT 31 DECEMBER 2003 (UNLESS OTHERWISE INDICATED)

Northern Ireland Unions	Total Members		NI Subscription Contributions		Total Income €000's	Total Expenditure €000's	Funds at the End of the Year €000's		Total Assets at the End of the Year €000's		Total Liabilities at the End of the Year €000's	
	NI Members	GB Members	€'s	£'s			€000's	€000's	€000's	€000's	€000's	€000's
Belfast Airport Police Association (31/03/04)*	27		4650	7	10	10	27	28	28	0.5		
Lough Neagh Fishermen's Association	115		1762	5	3	3	2	2	2			
Northern Ireland Musician's Association**	-		-	-	-	-	-	-	-			
Northern Ireland Public Service Alliance*	42084		2643818	2834	2601	2601	4580	4683	4683	103		
Ulster Teachers Union*	6449		493458	528	573	573	716	799	799	83		
TOTALS	48675		3143688	3374	3187	3187	5325	5512	5512	4766.5		

Republic of Ireland Unions (in euros)														
	NI Members		Total Members		NI Subscription Contributions		Total Income €000's	Total Expenditure €000's	Funds at the End of the Year €000's		Total Assets at the End of the Year €000's		Total Liabilities at the End of the Year €000's	
	NI Members	GB Members	NI Members	GB Members	€'s	£'s			€000's	€000's	€000's	€000's	€000's	€000's
Irish Bank Officials' Association*	4968		18152		1068599	4543	3945	13478	17478	4000				
Irish National Teachers' Organisation*	5559		29749		844582	8634	8088	11740	12770	1030				
Seaman's Union of Ireland **	-		-		-	-	-	-	-	-				
Services, Industrial, Professional & Technical Union*	2102		250351		238857	32304	31989	26440	35426	8986				
TOTALS	12629		298252		2152038	45481	44022	51658	65674	14016				

* Denotes a trade union holding a certificate of independence at 31 December 2003.

** Ceased to function: still listed.

†† Denotes an unlisted union and the union has not provided figures for year ending 31 December 2003 to the Certification Officer.

‡ Irish National Teachers' Organisation - figures converted from sterling to euros using an exchange of €1.42 per £ sterling.

APPENDIX 2 (SEE PARA 4.18) - G.B. TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2003 (UNLESS OTHERWISE INDICATED)

	NI Members		GB Members		ROI Members		Elsewhere (incl. Channel Islands)		NI Subscription Contributions		Total Expenditure €000's	Funds at the End of the Year €000's		Total Assets at the End of the Year €000's		Total Liabilities at the End of the Year €000's	
	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	€'s	£'s	€000's	€000's	€000's	€000's		€000's	€000's	€000's	€000's	€000's	
	Abbey National Group Union - ANGU	394	8475	1	4	18453	620	555	708	801		93					
ACCORD	1657	23252	4	28	81440	1781	1571	1729	2342	613							
Ambulance Service Union	252	1438	-	-	15344	147	100	81	87	6							
AMICUS	27813	882076	24393	1039	1776000	69162	71507	95251	115945	20694							
Association of Educational Psychologists	105	2696	7	26	14994	662	418	1770	1876	106							
Association of Teachers & Lecturers	5217	195361	334	933	208897	12194	12077	8497	10931	2434							
Association of University Teachers (31/8/03)	1827	45372	-	-	165562	4880	4813	4434	5654	1220							
Bakers, Food & Allied Workers Union	907	25823	749	-	66365	2757	2824	628	931	303							
British Association of Dental Nurses	132	3254	24	32	3892	232	282	158	162	5							
British Association of Occupational Therapists (30/9/03)	759	24161	59	549	61244	3588	3588	-	275	275							
British Dental Association (30/9/03)	800	20663	67	281	155468	7920	8894	2213	7706	5493							
British Dietetic Association (29/2/04)	184	4809	89	179	9437	270	266	73	98	24							
British Medical Association	3990	121336	192	3048	890000	76115	77111	94382	127223	32841							
Broadcasting, Entertainment, Cinematograph & Theatre Union	540	25612	28	12	84946	4205	4400	1266	5392	4126							
Ceramic & Allied Trades Union	153	9820	-	-	9242	1050	1050	7607	7660	53							
Chartered Society of Physiotherapy	1057	40333	128	803	182446	11621	11442	4670	8318	3648							
Communication Workers Union	5826	252371	-	499	561575	33950	27843	19486	27301	7816							
Community Youth Workers Union	110	3709	-	7	6170	459	456	40	95	55							
Connect - The Union for Professionals in Communication	532	18865	7	244	76356	3107	3087	3654	4550	896							
Diego Staff Association	109	441	-	-	5976	34	28	37	49	13							
Equity (Incorporating the Variety Artists' Association)	288	35266	36	-	22435	4091	4106	10728	14365	3637							
FDA	229	11082	-	79	45639	2202	2073	828	1078	250							
Fire Brigades Union	1729	50008	-	-	243317	10667	10904	6521	7800	1279							
GMB	16072	583970	64	-	1267255	49753	54562	25951	49300	23349							
General Dental Practitioners Association	135	2085	-	8	6831	195	205	143	167	25							
Graphical, Paper and Media Union (30/9/03)	1791	97072	3048	177	174654	21757	24938	32092	36771	4680							
Musicians Union	128	30832	54	269	14772	4552	4194	7996	12065	4069							

G.B. TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2003 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'	£000's	£000's	£000's	£000's	£000's
National Association of Head Teachers	900	39018	-	315	119108	6589	6244	4308	4853	545
NAPO – The Trade Union & Professional Association for Family Court & Probation Staff	113	7616	-	-	29570	1687	1558	877	959	82
National Association of Educational Inspectors	109	3412	-	17	18855	1143	1164	385	626	241
Advisors and Consultants	15180	287808	-	1774	1147930	20977	20157	24858	26786	1928
National Association of Schoolmasters & UWT	2093	64679	-	108	208856	7495	7067	3909	4705	795
National Association of Teachers in F & HE	487	11226	-	20	39355	2016	1639	3797	4101	304
National Federation of Sub-Postmasters	858	28894	3908	784	296508	4788	4389	300	3222	2922
National Union of Journalists (at 30/9/03)	107	11444	-	-	1165	1186	1265	9255	9312	57
National Union of Knitwear, Footwear & Apparel Trades	392	17577	279	1010	41858	2587	2732	4350	4981	632
National Union of Marine, A & ST Officers (NUMAST)	127	67255	94	-	16030	8107	6369	19873	23044	3171
National Union of Rail, Maritime & Transport Workers	210	11730	-	-	12378	836	844	416	459	44
Nationwide Group Staff Union	1634	32282	-	-	212420	5527	4615	1038	2447	1409
Prison Officers Association	784	33759	-	35	8640	1803	1819	614	1093	479
Professional Association of Teachers	1143	102055	12	1545	134800	12989	12075	28497	29416	918
Prospect	1645	290390	19	3009	143087	28818	26092	20957	21701	744
Public and Commercial Services Union	124	4235	-	-	9174	325	334	72	95	23
Retained Firefighters Union	1330	34612	39	463	204786	5481	5473	347	355	8
Royal College of Midwives (at 31/8/03)	12205	358220	77	2004	718365	21992	21992	-	8218	8218
Royal College of Nursing of the UK (at 31/3/04)	150	10889	-	45	34508	2882	2813	1070	1848	779
Secondary Heads Association	359	7453	131	157	87250	2769	2849	2802	3177	376
Society of Chiropodists and Podiatrists	525	15846	-	302	91875	3463	3360	775	994	219
Society of Radiographers (at 30/9/03)	26786	763045	16542	10613	2312000	73007	70287	91858	99300	7442
Transport & General Workers Union	492	31034	1413	-	24809	4299	4605	16362	17665	1303
Transport Salaried Staffs Association	2102	92505	16279	-	71000	5786	5537	3605	6297	2692
Union of Construction Allied Trades & Technicians	33500	1267500	-	-	1792000	127518	126842	97138	111164	14026
UNISON	7608	324095	-	-	458450	28112	25029	26785	29635	2850
Union of Shop, Distributive & Allied Workers	183699	6438761	68077	30418	14403487	710153	700444	695191	865395	170210

APPENDIX 3 (SEE PARA 4.19) - G.B. TRADE UNIONS WITH LESS THAN 100 NI MEMBERS – AT 31 DECEMBER 2003 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'	£000's	£000's	£000's	£000's	£000's
AEGIS – The Aegon Staff Association (at 30/6/03)	9	2674	-	-	147	54	30	116	116	0.2
Alliance & Leicester Group Union of Staff	92	2725	-	-	7036	252	259	222	236	14
Association of Clinical Biochemists	50	1475	50	297	1500	1238	1264	2002	2104	103
Association for College Management	38	3338	23	6	5962	731	716	354	395	41
Association of Local Authority Chief Executives	26	286	-	-	5000	75	114	19	4	23
Association of Principal Fire Officers	6	482	-	4	888	55	46	54	70	16
Association of Professional Ambulance Personnel	8	2689	-	-	908	267	303	19	52	71
Association of Professional Music Therapists	4	533	-	26	525	50	57	15	30	15
Boots Pharmacists' Association (BPA)	8	545	-	1	320	21	22	5	7	2
Britannia Staff Union	9	2294	-	-	396	123	90	311	314	3
British Airline Pilots Association	22	7778	-	-	10798	4056	4072	5455	5869	415
British Association of Journalists	11	894	-	23	760	108	92	22	25	3
British Orthoptic Society	28	1058	-	-	722	28	26	2	5	3
British Union of Social Work Employees (at 31/5/03)	29	1729	-	-	1740	112	110	91	99	7
Community and District Nursing Association (at 31/3/04)	48	3910	-	5	5604	404	374	182	234	52
CGNU Staff Association	65	2714	-	5	292	171	271	237	301	64
Gallaher Sales Staff Association	7	178	-	-	336	11	9	92	92	0
Guild of Professional Teachers of Dancing	19	740	3	2	760	37	38	24	26	2
Headmasters and Headmistresses' Conference (at 31/3/04)	7	231	2	72	16905	999	856	911	1824	913
Hospital Consultants & Specialists Association (at 30/9/03)	52	2840	-	-	7147	391	334	165	222	57
Institute of Journalists	5	814	17	171	645	62	60	3	2	5
Iron & Steel Trades Confederation	23	28923	-	-	936	6054	5526	40814	41099	285
Leeds & Holbeck Building Society Staff Association	4	502	-	-	72	10	6	30	31	0.9
National Association of Co-operative Officials	14	2447	-	16	2468	490	401	972	1070	98

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£000's	£000's	£000's	£000's	£000's
National Association of Group Secretaries to NFU (at 31/10/03)	77	518	-	-	8355	121	109	86	111	25
National Society for Education in Art & Design (at 30/9/03)	28	2273	5	51	2148	336	343	24	78	54
Offshore Industry Liaison Committee	6	1598	4	70	720	184	173	50	65	14
Prison Governors Association	20	1136	-	3	2880	158	148	64	87	23
Prison Service Union	23	4360	-	-	1734	279	249	9	29	38
Retired Officers Association (at 30/6/03)	20	1202	-	114	120	18	66	115	117	2
Royal Society for the Protection of Birds	17	702	-	-	160	11	5	38	38	0
Staff Association (at 31/3/04)	32	7106	57	483	2400	812	733	645	1244	599
Society of Authors	20	281	-	-	1445	22	17	58	58	0
Society of Union Employees (UNISON)	20	281	-	-	1445	22	17	58	58	0
UBAC	15	2675	-	-	1002	246	233	219	235	16
UNIFI	76	141080	-	1285	6317	11509	11573	5105	7928	2823
Union of Finance Staff	96	3750	-	-	7500	702	689	143	327	184
Union of Senior Revenue Officials	35	2161	-	-	?	139	139	464	468	4
Writers Guild of Great Britain	7	2055	4	74	1140	349	335	127	275	148
TOTALS	1056	242696	165	2708	107788	30685	29888	59264	65287	6123.1

? Union has not yet provided the NI subscription income for the year ended 31 December 2003 to the Certification Officer

APPENDIX 4 (SEE PARA 4.21) - NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS
- 31 DECEMBER 2003 (UNLESS OTHERWISE INDICATED)

NI Employers' Associations	Members	NI Subscriptions Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
		£	£	£	£	£	£
1 Anglo-North Irish Fish Producers Organisation (at 31/7/03)	84	112682	197357	203958	554339	844410	290071
2 Construction Employers Federation Ltd	413	472956	543576	554756	466052	639235	173183
3 Engineering Employers' Federation NI Association	148	207995	611184	596427	489343	537659	48316
4 Federation of the Retail Licensed Trade NI (31/10/03)	779	99354	240756	233679	515553	674999	159446
5 Northern Ireland Bakery Council (at 31/3/04)	3	6600	6600	5915	2871	5901	3030
6 Northern Ireland Fish Producers Organisation Ltd	140	1550	919907	785969	1897844	2473590	575746
7 Northern Ireland Grain Trade Association	33	24252	30740	24574	11938	13709	1771
8 Northern Ireland Hotels Federation Ltd (31/7/03)	108	85105	232657	225207	89055	150345	61290
9 NI Local Government Association (31/3/04)	26	299999	568137	524203	154086	203885	49799
10 Northern Ireland Textiles & Apparel Association Ltd	34	-	134994	130067	4104	21660	17556
11 Northern Ireland Timber Trade Association	20	5600	67101	70571	11473	39153	27680
12 Ulster Chemists Association (30/9/03)	474	55010	61744	65125	189629	234305	44676
13 Ulster Farmers' Union	11800	-	1176394	1086809	1401804	1602873	201069
14 Ulster Launderers Association (31/10/03)	6	490	490	723	2261	2261	-
TOTALS	14068	1369593	4791637	5790300	5790352	7443985	1655633

APPENDIX 5 (SEE PARA 4.22) – GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS
– 31 DECEMBER 2003 (UNLESS OTHERWISE INDICATED)

GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS	NI Members	NI Contributions	Total Members (inc Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
1 Association of Newspapers and Magazine Wholesalers (31/3/04)	2	11729	25	607616	603216	47161	149977	102816
2 British Amusement Catering Trades Association (30/6/03)	3	?	632	1362010	1317700	1318243	1497298	179055
3 British Clothing Industry Association Ltd	4	13475	104	461345	826980	6436712	6894108	457396
4 British Jewellery and Giftware Federation	14	4397	2542	1738900	1743507	8139112	8838654	699542
5 British Pre-Cast Concrete Federation Ltd	1	10266	79	484069	482772	106837	252537	145700
6 Chemical Industries Association (30/06/03)	1	-	163	7070523	6784239	592188	3045862	2453674
7 Cinema Exhibitors' Association	6	2670	210	304916	296398	367060	395513	24853
8 Construction Plant Hire Association (30/6/03)	8	2957	1262	757716	814923	625410	1057914	432504
9 Electrical Contractors' Association	30	50000	2200	13263041	14487444	45615769	73004859	27389090
10 Engineering Employers Federation	1	113537	13	4700776	8356062	33598131	35751439	2153308
11 Federation of Master Builders	386	60228	12896	4136397	4015463	3297369	4885684	1588315
12 Freight Transport Association	226	57908	10163	19762774	19729202	4217533	7698610	3481077
13 Glass and Glazing Federation	6	33543	518	1371414	1237163	1577710	1985106	407396
14 Heating and Ventilating Contractors' Association (29/2/04)	50	124393	1337	11350107	10060809	5488253	10131709	4643456
15 National Bed Federation	3	1410	101	180597	169873	135147	191822	56675
16 National Federation of Master Window And General Cleaners	36	1727	2124	165867	179768	359197	369372	10175
17 National Federation of Retail Newsagents	775	192000	19863	4928643	4700641	3200391	5074762	1874375
18 National Federation of Roofing Contractors Limited (31/1/04)	18	9266	844	750655	696021	290030	401651	111621
19 National Hairdressers Federation	28	-	6382	1030889	943716	1249480	1864999	615519

GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS	NI Members	NI Contributions	Total Members (inc Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
20 National Pharmaceutical Association	279	-	4415	3930810	3488860	2764365	5178778	2414413
21 National Sawmilling Association	1	-	21	-	1000	1781	2781	1000
22 Producers Alliance for Cinema and Television Ltd	17	17000	843	2031389	2227657	1227086	1508852	281766
23 Publishers Association	3	1110	134	1968478	1808497	225409	528886	303477
24 Radio Electrical and Television Retailers' Association	15	2580	1393	411051	499256	805305	885869	80564
25 Retail Motor Industry Federation Ltd	197	63810	9811	26790728	26896250	8710772	16095644	7384872
26 Scottish Association of Master Bakers	1	141	468	737455	743374	1318326	1547419	229093
27 Scottish and NI Plumbing Employers' Federation	105	40586	788	622621	636941	509948	863199	353251
28 Screen Printing Association (UK) Ltd	5	2268	140	98152	100983	24163	75145	50982
29 The Newspaper Society	5	37646	150	3786885	3723727	2165957	3520983	1355026
30 Theatrical Management Association	6	5801	350	613193	609224	132287	294777	162490
31 Thermal Insulation Contractors Association	2	1210	212	822782	918625	526601	838470	311869
32 UK Jute Goods Association (31/12/03)								
33 Vehicle Builders and Repair Association Ltd	19	8500	1052	676669	670825	1247976	1406457	158481
TOTALS	2253	870158	81235	116918468	119771116	136321709	196239136	59913831

1 Association has not yet provided figures for the year ending 31 December 2003 to the Certification Officer

APPENDIX 6 (PARAS 4.5 – 4.7) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2003 (UNLESS OTHERWISE INDICATED)

NORTHERN IRELAND	OFFICE HELD	SALARY	BENEFITS
		£'s	(excluding NI Contributions) £'s
Belfast Airport Police Association (31/3/04)	Chairman	Nil	Nil
Lough Neagh Fishermen's Association	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary	17791	2400
	General Secretary	31534	4730
	(1/4/03 - 23/4/03)		
	(24/4/03 - 31/12/03)		
Ulster Teachers' Union	General Secretary	53769	1473
REPUBLIC OF IRELAND	OFFICE HELD	SALARY	BENEFITS
		€'s	(excluding PRSI) €'s
Irish Bank Officials Association	General Secretary	85261	63551
Irish National Teachers' Organisation ¹	General Secretary	143548	Nil
Seaman's Union of Ireland	General Secretary	Not known	Not known
Services, Industrial, Professional and Technical Union (SIPU)	General President	101196	2500
	General Secretary	101196	2500
GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(excluding NI Contributions) £'s
Abbey National Group Union – ANGU	General Secretary	11556	7248
AEGIS – The Aegon UK Staff Association (30/6/03)	General Secretary	Nil	Nil
Accord	General Secretary	83069	21357
Alliance & Leicester Group Union of Staff	General Secretary	Nil	6917
The Ambulance Service Union	General Secretary	Nil	3000
AMICUS	Joint General Secretaries	86391	71396
		88451	14383
Association of Clinical Biochemists	General Secretary	Nil	Nil
Association for College Management	General Secretary	67114	9112
Association of Educational Psychologists	General Secretary	47248	5670
Association of Local Authority Chief Executives	General Secretary	Nil	2000
Association of Principal Fire Officers	General Secretary	Nil	Nil
Association of Professional Ambulance Personnel	Treasurer	10640	Nil
Association of Professional Music Therapists	Treasurer	Nil	3750
Association of Teachers & Lecturers	General Secretary	37918	8418
Association of University Teachers (31/8/03)	General Secretary	62613	14037
Bakers, Food & Allied Workers Union	General Secretary	35285	10277
Boots Pharmacists' Association (BPA)	General Secretary	1250	Nil
	Chief Executive	4875	Nil
Britannia Staff Union	General Secretary	Nil	Nil
British Airline Pilots Association	General Secretary	79460	13649
British Association of Dental Nurses	Chief Executive	23201	1431
British Association of Journalists	General Secretary	10625	439
British Association of Occupational Therapists (30/9/03)	Chairman	Nil	Nil
British Dental Association (30/9/03)	Chief Executive	95300	9484
British Dietetic Association (29/2/04)	General Secretary	Nil	Nil

¹ Irish National Teachers' Organisation – figures converted from sterling to euros using an exchange of €1.42 per £ sterling

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2003 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(excluding NI Contributions) £'s
British Medical Association	Treasurer	55670	Nil
	Chairman of Council	55331	Nil
British Orthoptic Society	General Secretary	Nil	Nil
British Union of Social Work Employees (31/5/03)	General Secretary	6300	802
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	50184	14019
Ceramic & Allied Trades Union	General Secretary	34835	16024
CGNU Staff Association	General Secretary	71102	9023
	Assist General Secretary	42762	5426
Chartered Society of Physiotherapy	Chief Executive	76312	14876
Communication Workers Union	General Secretary	74634	19013
Community & District Nursing Association (31/3/04)	Director	40000	2000
	Secondment	40445	
Community & Youth Workers Union	General Secretary	35761	2861
Connect – The Union for Professionals in Communication	General Secretary	24129	5043
		39095	7691
Diageo Staff Association	Chairman	Nil	Nil
Equity (Incorporating the Variety Artistes' Association)	General Secretary	66000	15180
FDA	General Secretary	73001	14746
Fire Brigades Union	General Secretary	54984	33879
Gallaher Sales Staff Association	General Secretary	Nil	Nil
General Dental Practitioners Association	General Secretary	Nil	27235
GMB	General Secretary	71000	15000
		35000	9000
Graphical Paper & Media Union	General Secretary	70625	14085
Guild of Professional Teachers of Dancing	General Secretary	7450	Nil
Headmasters & Headmistresses' Conference	General Secretary	83216	868
	Chairman	Nil	Nil
Hospital Consultants & Specialists Association	General Secretary	20752	3403
	Chief Executive	25000	2000
Institute of Journalists	General Secretary	14422	Nil
Iron & Steel Trades Confederation	General Secretary	65892	12541
	Assist Gen Secretary	50533	10056
Leeds & Holbeck Building Society Staff Association	General Secretary	Nil	Nil
Musicians' Union	General Secretary	58706	21952
National Association of Co-operative Officials	General Secretary	59028	14269
	President	Nil	200
National Association of Educational Inspectors, Advisors & Consultants	General Secretary	58293	Nil
National Association of Group Secretaries to the NFU	General Secretary	Nil	6500
National Association of Head Teachers	General Secretary	101660	18547
	President	Nil	2900
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	48574	9186
NASUWT	General Secretary	80521	27392
National Association of Teachers in F & HE	General Secretary	56691	12330
National Federation of Sub-Postmasters	General Secretary	63883	18242
National Society for Education in Art & Design (30/9/03)	General Secretary	42144	Nil

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (excluding NI Contributions)
		£'s	£'s
National Union of Journalists	General Secretary	50796	3936
National Union of Knitwear, Footwear & Apparel Trades	General Secretary	42115	13943
NUMAST	General Secretary	65088	13032
National Union of Rail, Maritime & Transport Workers	General Secretary	63287	3315
	President	Nil	11864
Nationwide Group Staff Union	General Secretary	73000	16025
Offshore Industry Liaison Committee	General Secretary	28135	Nil
Prison Governors Association	General Secretary	Nil	Nil
Prison Officers Association	General Secretary	54659	36705
Prison Service Union	General Secretary	37150	12801
Professional Association of Teachers	General Secretary	62601	7086
Public and Commercial Service Union	General Secretary	64884	16209
PROSPECT	General Secretary	80963	23100
Retained Firefighters Union	General Secretary	32664	3266
Retired Officers Association	Treasurer	2000	Nil
Royal College of Midwives	General Secretary	90590	23282
Royal College of Nursing ¹	General Secretary	46292	7046
Royal Society for the Protection of Birds			
Staff Association	Chairperson	250	Nil
Secondary Heads Association	General Secretary	80647	12872
Society of Authors	General Secretary	77600	38487
Society of Chiropractors and Podiatrists	Chief Executive	24446	1956
		34524	2234
Society of Radiographers	Chief Executive	30351	4095
Society of Union Employees (UNISON)	General Secretary	Nil	Nil
Transport & General Workers Union	General Secretary	49198	4428
	Dep Gen Secretary	15408	1387
Transport Salaried Staffs Association	General Secretary	57269	Nil
UBAC	General Secretary	40368	5482
UCATT	General Secretary	58185	14603
UNIFI	General Secretary	71596	18706
	Joint General Secretary	71408	17609
Union of Finance Staff	General Secretary	77468	3818
UNISON	General Secretary	82397	24972
Union of Shop, Distributive & Allied Workers	General Secretary	70723	19181
Union of Senior Revenue Officials	General Secretary	Nil	Nil
Writers Guild of Great Britain	General Secretary	45000	3375

Notes

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

APPENDIX 7 (SEE PARA 7.22) – LIST OF GB UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – 31 DECEMBER 2003 (unless otherwise indicated)

	NI Members	NI Contributions £
AMICUS	4283	21186
Association of University Teachers (31/8/03)	488	562
Communication Workers Union	3004	15643
CONNECT	68	237
Fire Brigades Union	489	2573
GMB	30	171
Graphical, Paper and Media Union (30/9/03)	137	1024
Iron and Steel Trades Confederation	1	6
National Association of Schoolmasters and Union of Women Teachers	10344	1430
National Association of Teachers in Further and Higher Education	432	518
National Union of Rail, Maritime and Transport Workers	65	203
Prison Officers Association	1630	2934
Transport and General Workers Union	12684	40466
Transport Salaried Staffs Association	115	502
Union of Senior Revenue Officials	29	3
Union of Shop, Distributive and Allied Workers	2640	9926
TOTALS	36439	97384

APPENDIX 8 (SEE PARA 7.22) - LIST OF GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2003 (unless otherwise indicated)

Bakers, Food and Allied Workers Union

Broadcasting, Entertainment, Cinematograph and Theatre Union

Ceramic and Allied Trade Union

Musician's Union

National Union of Knitwear, Footwear and Apparel Trades

Union of Construction Allied Trades and Technicians

UNISON

APPENDIX 9 - STATUTORY FEES APPLICABLE FROM 14 SEPTEMBER 1997

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

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

APPENDIX 10 – LIST OF CERTIFICATION OFFICE FORMS

TITLE	Form No:
Application for entry in the list of trade unions	CO(NI)1
Application for entry in the list of employers' associations	CO(NI)2
Application for approval of a change of name	CO(NI)3
Declaration in support of an application of a change of name	CO(NI)4
Application for a certificate of independence	CO(NI)5
Application for formal approval of instrument of transfer of engagements	CO(NI)6
Application for formal approval of a notice to members in connection with a transfer of engagements	CO(NI)7
Application for formal approval of an instrument of amalgamation	CO(NI)8
Application for formal approval of a notice to members in connection with an amalgamation	CO(NI)9
Application for the registration of an instrument of transfer of engagements	CO(NI)10
Statutory declaration on behalf of the transferor organization in support of the registration of an instrument of transfer of engagements	CO(NI)11
Statutory declaration on behalf of the transferee organization in support of the registration of an instrument of transfer of engagements	CO(NI)12
Application for registration of an instrument of amalgamation	CO(NI)13
Statutory declaration in support of an application for the registration of an instrument of amalgamation	CO(NI)14
Application for the approval of amendment(s) to political fund rules	PF(NI)1
Application for approval of rules for political fund	PF(NI)2
Application for approval of rules for political fund ballot or political fund	PF(NI)4
Return of result of political fund ballot	PF(NI)5

APPENDIX 11 - CERTIFICATION OFFICE PUBLICATIONS

The following are available free of charge on request:

- Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions and employers' associations.*
- Guidance for trade unions wishing to apply for a certificate of independence.*
- Guidance for trade unions and employers' associations wishing to establish a political fund.*
- A guide to political fund review ballots.*
- Financial Irregularities in Trade Unions and Employers' Associations.*
- Annual Reports of the Certification Officer.*
- Equality Scheme.*
- D/1/2000 - Gilliland & Wilson v NIMA - Failure to properly appoint a scrutineer in an election for the post of President in 1999.*
- D/2/2000 - Thompson v T&G - Breach of trade union rules regarding the appointment or election of a person, or the removal of a person from, any office.*
- Gilliland & Wilson v NIMA - Failure to hold an election for the post of General Secretary.*
- D/2/2001 - Welsh v NIPSA - Alleged interference in the 2001 election ballot for general council and that the scrutineer had failed to carry out his function in accordance with legislation.*
- D/3/2001 - Irvine v T&G - Jurisdictional hearing. Breach of trade union rules regarding the appointment or election of a person to, or the removal of a person from, any office; and the constitution or proceedings of any executive committee of any decision-making meeting.*
- D/2002/01 - Cammock & Doherty v T&G - Breach of trade union rules regarding the appointment or election of a person to, or the removal of a person from, any office; disciplinary proceedings by the union (including expulsion); and the constitution or proceedings of any executive committee of any decision-making meeting.*
- D/2002/02 - McKay v T&G - Jurisdictional hearing. Breach of trade union rules regarding the appointment or election of a person to, or the removal of a person from, any office; and the constitution or proceedings of any executive committee of any decision-making meeting.*
- D/2002/03 - McKay v T&G - Jurisdictional hearing. Breach of trade union rules regarding the appointment or election of a person to, or the removal of a person from, any office; and the constitution or proceedings of any executive committee of any decision-making meeting.*
- D/1-5/2003 - Irvine v T&G - Breach of trade union rules regarding the appointment or election of a person, or the removal of a person from any office.*
- D/6-7/2003 - Manly v GMB - Alleged breaches of trade union rules - complaints dismissed upon withdrawal by the complainant.*
- D/1-8/2004 - Sweeney v UNISON - Breach of trade union rules regarding the appointment or election of a person, or the removal of a person from any office.*

APPENDIX 12 - ANNUAL REPORT TO THE EQUALITY COMMISSION FOR NORTHERN IRELAND
(2003-2004)

SUMMARY

In 2003/2004, the Northern Ireland Certification Office (NICO) has continued with its commitment towards progressing its Equality Scheme.

The Certification Officer has personally involved himself in progress meetings with Equality Commission representatives and has designated the most senior member of his support staff (office manager) to oversee and take responsibility for the implementation of the statutory duties under Section 75. The office participates in a programme of training for all its staff.

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

A complaints monitoring mechanism was established under the responsibility of the office manager last year: no complaints were received under the terms of Section 75 in this period.

The NICO is a very small quasi-judicial office and in order to take forward its Equality agenda, the Certification Office identified the need for additional resources. These have now been approved and it is anticipated the new staffing structure will be in place in autumn 2004.

Despite these difficulties, the office began the process of internally screening its fifteen policy areas in December 2003 and identified two which may require Equality Impact Assessments (EQIA).

The NICO has prioritised these requirements and anticipates a programme of EQIAs beginning in September 2004, and concluding in early 2006.

S McElrea
Certification Officer for Northern Ireland

August 2004