

Northern Ireland
Certification Officer
For Trade Unions and
Employers' Associations

FOR ARCHIVE
DO NOT DESTROY

Annual Report

of the
Certification Officer for Northern Ireland

2005

Covering period 1 April 2004 to 31 March 2005

Northern Ireland
Certification Officer

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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 2004 to 31 March 2005, during which time I was the Certification Officer.

Scott McElrea
Certification Officer for Northern Ireland
(for the period 1 April 2004 to 31 March 2005)

12 December 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.

Mr Patrick McCartan
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This is the thirteenth 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 2004 to 31 March 2005, 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 Employment Relations (Northern Ireland) Order 2004¹ (the 2004 Order) was made on 17 November 2004. The Order contains a number of provisions which came into operation on 24 July 2005 that will impact on the work of the Certification Officer and his Office from that date. These include:

- An express power to strike out those complaints or responses to complaints which are, amongst other things, scandalous, vexatious, have no reasonable prospect of success or are otherwise misconceived.
- On the amalgamation of two or more listed unions the newly amalgamated union is to be automatically listed and in certain circumstances, automatically granted a certificate of independence.

¹ S.I. 2004 / 3078 (N.I.19)

- Appeals from the Certification Officer's decisions on the listing of a trade union or employers' association or on the refusal or withdrawal of a certificate of independence of a trade union are restricted to appeals to the High Court on a point of law.
- The former prohibition on an auditor of the accounts of a trade union or employers' association being a body corporate is lifted (see paragraph 3.9).

The equivalent legislation in Great Britain, The Employment Relations Act 2004 came into effect on 6 April 2005. Further details of the impact of the 2004 Order will be included in the Certification Officer's next report.

In the period under review in response to multiple complaints from trade union members, a total of twenty declarations (decisions) one "direction" and one enforcement order were issued by me (for further details refer to paragraphs 9.9 to 9.11). The prosecution of one trade union for failure to submit an annual return has now been initiated and a draft summons has been prepared. 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 453 enquiries in this period (see paragraph 9.13 for details). A further six applications containing multiple complaints were currently being processed by the Office, at 31 March 2005.

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. The Fraud Squad reported to me in July 2004. For further details see paragraph 3.26.

In July 2003 The Lough Neagh Fishermen's Association (a Northern Ireland based trade union) applied for a certificate of independence, the first such application in a decade. I granted the certificate in August 2004: for further details see paragraph 2.8.

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 2005 was £208,830. My salary at 31 March 2005 was £18,646, excluding Employers NI contribution, for a two-day week. This sum is not pensionable and is taxed under PAYE. At 31 March 2005 there were four staff in post in the Office. 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 £141.60. 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 2005 there were 6,458 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 six 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 2004/2005 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 were no applications for listing during the period of this report.

Removal from the Lists

- 1.8 If, at any time, it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union or an employers' association, he may, after giving the organisation concerned the opportunity to make representations, remove its name from that list. There is a right of appeal to the High Court against removal of a name from 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 its name from the list has been held in abeyance until the Certification Officer's investigation into its financial affairs is concluded and his report published. Please refer to 3.26 for further details.
- 1.10 The Northern Ireland Hotels Federation Ltd (an employers' association) requested its name be removed from the list, and the Certification Officer has done so.
- 1.11 During the period of this report, the GB Certification Officer removed the names of the following four trade unions which had Northern Ireland members, from his list. They all ceased to exist as a result of mergers.
 - 1) Graphical, Paper and Media Union
 - 2) Iron and Steel Trades Confederation (ISTC)
 - 3) National Union of Knitwear, Footwear and Apparel Trades
 - 4) UNIFI

In the same period no GB employers' associations which had Northern Ireland members were removed from his list.

Additions to the List

- 1.12 There were no additions to the Northern Ireland lists during the period of this report.
- 1.13 The GB Certification Officer added the following trade union with Northern Ireland members to his list:
- Community (created by the amalgamation of the ISTC and the National Union of Knitwear Footwear and Apparel Trades).

During the period no employers' associations were added to the list.

Special Register Bodies

- 1.14 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.
- 1.15 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.
- 1.16 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

- 1.17 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

- 1.18 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 An application was made (July 2003) by the listed trade union, The Lough Neagh Fishermen's Association for a certificate of independence, the first such application from a Northern Ireland based trade union in ten years. After due consideration, in line with the principal criteria outlined in paragraph 2.6 above, and in accordance with Article 6(5) of the 1992 Order, the Certification Officer granted the certificate to the Association in August 2004. The

employer, Lough Neagh Fishermen's Co-Operative Society initiated a legal challenge against the Certification Officer's decision, but subsequently (January 2005) the solicitors representing the Society, informed the Certification Officer that its client did not intend to continue its challenge.

- 2.9 The Certification Officer previously reported concerns about the independence of the Northern Ireland Musicians' Association (NIMA) whose financial affairs he has been investigating. 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 the following decisions in relation to certificates of independence concerning trade unions with Northern Ireland members.

Certificates of Independence issued: Community

Certificates of Independence refused: None

Certificates cancelled because the union ceased to exist as a result of a merger: Graphical, Paper and Media Union Iron and Steel Trades Confederation National Union of Knitwear, Footwear and Apparel Trades UNIFI

Certificates cancelled because the union was dissolved: None

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 2005, two 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 2004¹ has now amended the 1992 Order and removes this restriction, with effect from 24th July 2005 (see page iii of introduction).
- 3.10 A special register body (paras 1.14 - 1.16) 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 Fishermen's 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 145 annual returns from trade unions and employers' associations. All but 4 of these returns have been received. The Office continues to seek full compliance with the statutory requirements, and will take appropriate steps to improve the performance of 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.

Prosecutions

- 3.15 There were no prosecutions for failure to submit a return during the period of this report, but the prosecution of the Seaman's Union of Ireland has now been initiated.

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

¹ Article 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 Certification Officer reported previously that his investigation into the financial affairs of the Hospitality Association of Northern Ireland (HANI) has been concluded and that he had published his final report on 4 September 2003. Also as reported previously, the final report of the chartered forensic auditor appointed by the Certification Officer to investigate HANI's financial affairs was referred (January 2004) by him to the auditors' professional regulatory body, the Institute of Chartered Accountants of Ireland (ICAI) for its consideration and action, as it deems appropriate. The Institute's initial response was received on 14 March 2005 inviting the Certification Officer's comments.

- 3.26 The Certification Officer also 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.

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 forwarded its findings to the Certification Officer in July 2004. It reported that the allegations had been investigated and a number of matters considered. Offences under the 1992 Order were considered but believed to be outside the prosecution time limits. Police also were of the view that apart from examples in the accounts of 'poor practice' and 'incorrect format' they nevertheless represented a report that is true and fair. In the circumstances the police did not pursue a prosecution against the individual.

The Institute of Chartered Accountants in Ireland also informed the Certification Office that it has written to the individual concerned: he has responded to it 'confirming that he will not describe himself verbally or in writing as a chartered accountant at any time in the future'.

The Certification Officer expects to publish his final report on this matter in the near future.

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 enquires 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 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 2004, have complied with this requirement.

This Chapter identifies trade union membership income and expenditure and employers' association income and expenditure at 31 December 2004. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.

Financial Information – 2004 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 2004, (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	2004	
		(£) 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 ¹	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary	48,449	8,236
Ulster Teachers' Union	General Secretary (1/1/04 – 31/7/04)	28,555	14,593
	General Secretary (1/8/04 - 31/12/04)	18,788	6,713

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	2004	
		(€) Salary	(€) Benefits excluding PRSI
Irish Bank Officials Association	General Secretary	88,631	38,674
Irish National Teachers Organisation ²	General Secretary	97,990	Nil
Seaman's Union of Ireland ³	General Secretary	Not Known	Not Known
Services, Industrial, Professional and Technical Union (SIPTU) ⁴	General Secretary	104,953	2,216

¹ NIMA is still listed as a trade union, but has ceased to function.

² 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.

³ No returns made.

⁴ 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.

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 2004 was recorded as 245,516; 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 2004 the total income of Northern Ireland based trade unions was approximately £5.5 million; total expenditure was £6.9 million; total net assets of these unions amounted to £3.9 million.
- 4.17 A summary of statistics concerning the membership and finances for the year 2004, 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 48,617 members of Northern Ireland unions providing an annual contribution of approximately £3.4 million; while there were 12,794 Northern Ireland members of Republic of Ireland unions providing an annual contribution of approximately €2.1 million. In 2004 the total income of the Republic of Ireland unions was approximately €51 million, total expenditure was approximately €49 million. Total net assets of these unions amounted to some €53 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 183,146 Northern Ireland members making an annual contribution of £15 million. In 2004 the total income of these unions was approximately £815 million; total expenditure was approximately £739 million. Total net assets of these unions amounted to £750 million.

- 4.19 Membership details of a further 36 Great Britain based trade unions with less than 100 Northern Ireland members are listed in Appendix 3. This records a total of 975 Northern Ireland members contributing approximately £129,000. In 2004 the total income of these unions was approximately £18 million, total expenditure was approximately £17 million. Total net assets of these unions amounted to approximately £54 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 13 Northern Ireland employers' associations for 2004 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2004 the total income of these organisations was approximately £5 million; expenditure was approximately £4.6 million. Total net assets of these associations amounted to approximately £6.7 million.

Great Britain

- 4.22 Details of 33 Great Britain based employers' associations with Northern Ireland members is given in Appendix 5. In 2004 Northern Ireland members of these organisations contributed approximately £1.1 million. The total income of these organisations was approximately £129 million; expenditure was approximately £130 million. Total net assets of these organisations amounted to approximately £142 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' association¹ for its members must be examined periodically by a qualified actuary and a copy of each actuarial report sent to the Certification Officer. The actuarial examination is required to be made not later than five years after the effective date of the preceding examination, but the Certification Officer has power to direct that, in any particular case, the period of five years may be reduced to such shorter period as he may specify. The Certification Officer also has power to exempt a member's superannuation scheme from actuarial examination 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 4 GB based trade unions, which have Northern Ireland members, maintain members' superannuation schemes at 31 March 2005.

Amicus
- AEEU Section
- MSF Section (2 schemes)
- Graphical, Paper and Media Union (5 schemes)

GMB
National Union of Rail, Maritime and Transport
Workers - Workers Orphan Fund
Transport and General Workers Union

Actuarial Reports

- 5.5 No actuarial reports were received during this period.

¹ 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 employers' associations, with Northern Ireland members, were completed in this period. During this reporting period the GB Certification Officer approved the transfers of engagement of the following GB based trade unions with Northern Ireland members:

From UNIFI (this merger involved some 137,000 members in total).	To Amicus (21 October 2004)
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Graphical, Paper and Media Union	Amicus (1 November 2004)
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- 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 approved the change of name of one trade union with Northern Ireland members:

From COMMUNITY To Community (13 October 2004)
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Employers' Associations (with Northern Ireland members) None.
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^{**} 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.

- 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 Great Britain 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 Great Britain 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. Great Britain 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.

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

- 7.14 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.
- 7.15 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.
- 7.16 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.

Breaches of Political Fund Rules - Great Britain Trade Unions

- 7.17 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.

[†] 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.

Advice on Procedures

- 7.18 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 2004

- 7.19 None.

GB based Organisations with Political Fund Rules, approved by the Northern Ireland Certification Officer, at 31 December 2004

- 7.20 There were 23 GB based trade unions with Northern Ireland members operating political funds at 31 December 2004. Of these, 17 had Northern Ireland members "contracting-in" (see Appendices 7 and 8).

- 7.21 The 2004 returns show that, 30,433 Northern Ireland members - representing some 12% of the total Northern Ireland trade union membership - contributed £105,445 towards political funds. A detailed list of the 17 unions, their Northern Ireland membership and their financial contributions is given at Appendix 7. Details of those 6 GB unions with Northern Ireland members who did not contribute to the unions' political funds in 2004 are listed in Appendix 8.

GB Organisations with New Political Fund Rules Approved for the First Time During 2004 – 2005

- 7.22 During the reporting period, no GB based unions (with Northern Ireland members), held ballots of their members on a resolution to establish political funds.

GB Amendments to Rules

- 7.23 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. Six GB based trade unions with Northern Ireland members had amendments approved in this way during the reporting period:
- Broadcasting, Entertainment, Cinematograph and Theatre Union;
 - Communication Workers Union;
 - Musicians Union;
 - National Union of Rail, Maritime and Transport Workers;
 - Union of Shop, Distributive and Allied Workers;
 - Transport and General Workers Union;

GB Organisations with Political Fund Review Ballots

- 7.24 During the period, twelve GB based unions, with Northern Ireland members, held a review ballot:
- Bakers, Food and Allied Workers Union;
 - Broadcasting, Entertainment, Cinematograph and Theatre Union;
 - Communication Workers Union;
 - Community;
 - Fire Brigades Union;
 - GMB;
 - Graphical, Paper and Media Union;
 - Musicians Union;
 - National Union of Rail, Maritime and Transport Workers;
 - Transport Salaried Staffs Association;
 - Union of Shop, Distributive and Allied Workers;
 - Unison;

GB Political Fund Complaints

- 7.25 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 also 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 he may 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 to the effect that 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

[†] See paras 1.14 to 1.16 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.

application has been made to the Certification Officer the same matter may not be put to the High Court even if the applicant withdraws his/her application to the Certification Officer. Where an application to the Certification Officer is made by a different person, alleging the same failures which 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 –

Simms v Amicus (D/2/04). Ms Simms complained that Amicus had breached section 48(4) of the 1992 Act¹ by modifying her election address. At the hearing the union conceded it had breached the statute and the Certification Officer made the declaration sought by the claimant. It was not considered appropriate to make an enforcement order.

Beaumont v Amicus (D/3/04). The Certification Officer declared that Amicus had breached section 46(1)(b) of the 1992 Act¹ in that Mr R Lyons, a Joint General Secretary of the union, had continued to hold a position to which Chapter IV of the 1992 Act applied for a period of more than five years without having been re-elected at an election which satisfied the requirements of the Act. The Certification Officer made an enforcement order requiring that Mr Lyons should cease forthwith to hold office as Joint General Secretary of the union.

Cook v National Union of Rail, Maritime and Transport Workers (D/21-28/04). The claimant alleged that the inclusion of a message from the General Secretary in the same envelope as the balloting material in the election for President of the union, amounted to interference with the members entitlement to vote without such interference or constraint and was therefore a breach of section 51(3)(a) of the 1992 Act¹. In refusing to make the declaration, the Assistant Certification Officer found that the General Secretary's actions did not constitute such interference or constraint. (See paragraph 9.15 regarding breach of union rule complaints relating to the same matter.)

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 (by any person who is a member of the union and was a member at the time the enforcement order was made) 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 twenty declarations (decisions) one "direction" and one enforcement order arising out of alleged breaches of union rules complaints during the period of this report.
- 9.10 Of the Certification Officer's decisions issued in the period of this report, the following is noteworthy. **Arbuckle v NASUWT (D/1-7/2005)** (hearing held

over 4 days June/August 2004): the applicant was suspended for three years from the elected post of Honorary Secretary of the Northern Ireland Executive Committee, following an internal disciplinary hearing and appeal. He alleged numerous breaches of union rules which the Certification Officer decided to group under six separate complaints.

Mr Arbuckle alleged that he had been denied a fair and impartial hearing because of the way the union applied its National disciplinary rules and conducted its disciplinary / appeal processes. The Certification Officer declared that the applicant had been denied a fair and impartial hearing and made an enforcement order requiring the union to remove the suspension imposed on the applicant with immediate effect. The Certification Officer refused to make the declaration sought by the applicant that the union breached its National rules by accepting an improperly constituted complaint against him.

The Certification Officer declared that the union breached its National rules when its General Secretary failed directly to involve himself in the initial administration of the complaint: a further enforcement order was considered inappropriate. The applicant also alleged that his removal from office, breached National rules and denied him membership rights. The Certification Officer made the declaration sought by the applicant in relation to his membership rights; a further enforcement order was considered inappropriate. The remainder of the applicant's complaints were about the way the union filled the casual vacancy created by his suspension. The Certification Officer refused to make the four declarations sought.

Evidence was presented at the hearing by the union that it had sought to amend its Northern Ireland rules at a meeting of the National Recruitment Committee (July 2002) however it did not follow the correct procedure set out at National rule 17. The union subsequently published an amended set of rules although the amendment had not been properly ratified. This caused confusion amongst its members as to which set of rules apply and the Certification Officer "directed" the union to remedy this by ratifying the published rules or publishing the correct rules.

9.11 **McCreight v CWU (D/9-15/2004) and Buchannan v CWU (D/16-21/2004)**. At hearing (June 2004) before the Certification Officer, the representative of the parties agreed the terms of a settlement and the applications were withdrawn. The Certification Officer dismissed the complaints on withdrawal by the claimants.

9.12 Copies of the Certification Officer's decisions are available, free of charge, from the Office and/or by accessing the Office website.

9.13 In the period 1 April 2004 to 31 March 2005, a total of 453 enquiries were received. The analysis of these enquiries is as follows:

General advice on the role of the Certification Officer	177
Appointment, election or removal from any office in the union	77
Disciplinary proceedings by the union	64
Balloting of union members (other than industrial action)	5
Constitution or proceedings of a union's executive or certain other meetings	28
Inadequate representation of members by their union ¹	63
Union benefits or membership issues ¹	11
Others	28
Total	453

This is an increase of 40 enquiries on the corresponding period in 2003 – 2004.

9.14 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 of union benefits or membership.

9.15 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:

Eadie v Amicus (D/4/05). The Certification Officer found the union in breach of its rules when, at an Annual Regional Political Conference of the union held in Glasgow, it failed to elect delegates to its Regional Political Committee in accordance with its rules.

Horton v UNISON (D/3/05). In refusing to make a declaration, the Certification Officer found that the claimant was not a member of the union at the relevant time and therefore did not have the standing to bring a complaint under the 1992 Act¹. On the substantive issue the Certification Officer found that the union had not breached its rules relating to a branch election.

Cook v National Union of Rail, Maritime and Transport Workers (D/21-28/04). The claimant alleged that his union had breached its rules by including a message from the General Secretary in the same envelope as the ballot paper and election addresses of the candidates at the time of the union's election of its President. The Assistant Certification Officer refused to make the declarations sought. (See paragraph 8.10 regarding an election complaint relating to the same matter).

Fenton v GMB (D/16-20/04). The Certification Officer dismissed five complaints that the union had breached its rules relating to its internal complaints procedure and the claimants application to the union for legal assistance.

Saunders v Musicians' Union (No2) (D/13/04). In refusing to make the declaration sought, the Certification Officer found that the union had not breached its rules in relation to a rule change ballot.

Paul v Union of Construction, Allied Trades and Technicians (D/7-12/04). In refusing to make the declarations sought by the claimant on each of six complaints, the Certification Officer found that the union had not breached its rules in relation to elections to the Scottish Regional Council.

Howley v Graphical, Paper and Media Union (D/6/04). The Certification Officer refused to make the declaration sought by the claimant that the union had breached its rules at its Biennial Delegates Conference when a rule change was approved removing the Retired Members category of membership.

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

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 2004 (UNLESS OTHERWISE INDICATED)

Northern Ireland Unions	NI Members	Total Members	NI 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
Belfast Airport Police Association (31/03/05)*	27	27	3,200	6	8	25	25	0.3
Lough Neagh Fishermen's Association	119	119	661	2	0.2	2	2	-
Northern Ireland Musician's Association**	-	-	-	-	-	-	-	-
Northern Ireland Public Service Alliance*	41,880	41,880	2,890,514	4,965	6,350	3,196	3,357	161
Ulster Teachers Union*	6,575	6,591	496,994	520	533	703	735	32
TOTALS	48,601	48,617	3,391,369	5,493	6,891.2	3,926	4,119	193.3

Republic of Ireland Unions (in euros)	NI Members	Total Members	NI 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
Irish Bank Officials' Association*	4,991	18,240	1,060,632	4,659	4,296	13,733	17,991	4,257
Irish National Teachers' Organisation ^{††}	5,873	31,406	879,606	9,635	8,882	12,537	13,571	1,034
Seaman's Union of Ireland**	-	-	-	-	-	-	-	-
Services, Industrial, Professional & Technical Union*	1,930	251,384	213,432	36,246	35,512	26,859	37,271	10,412
TOTALS	12,794	301,030	2,153,670	50,540	48,690	53,130	68,833	15,703

* Denotes a trade union holding a certificate of independence at 31 December 2004.

** Ceased to function: still listed.

†† Denotes an unlisted union and the union has not provided figures for year ending 31 December 2004 to the Certification Officer.

1 Irish National Teachers' Organisation - figures converted from sterling to euros using an exchange of €1.43 per £ sterling.

APPENDIX 2 (SEE PARA 4.18) - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2004 (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
Abbey National Group Union - ANGU	426	8,523	1	2	20,152	593	528	774	879	105
ACCORD	1,797	23,825	120	17	96,489	1,870	1,487	2,113	2,620	507
Ambulance Service Union	248	1,570	-	-	14,352	173	158	95	116	21
AMICUS	28,513	1,104,331	24,635	2,276	1,808,000	68,301	70,474	121,569	142,493	20,924
Association of Educational Psychologists	107	2,798	12	24	14,960	730	544	1,956	2,097	141
Association of Teachers & Lecturers	5,032	189,087	477	915	215,591	12,401	11,961	8,937	12,254	3,317
Association of University Teachers (31/8/04)	1,839	46,516	-	-	180,212	5,335	5,205	4,564	5,796	1,232
Bakers, Food & Allied Workers Union	892	25,801	749	-	57,291	2,845	2,788	684	1,125	442
British Association of Dental Nurses	109	5,377	21	28	3,670	227	215	170	177	7
British Association of Occupational Therapists (30/9/04)	859	25,316	45	501	66,272	3,856	3,856	-	391	391
British Dental Association (30/9/04)	589	17,571	74	368	168,702	10,784	11,759	4,059	9,920	5,861
British Dietetic Association (28/2/05)	228	5,271	89	160	12,656	297	281	89	98	9
British Medical Association	4,030	125,467	170	3,493	967,000	77,263	75,252	109,035	136,713	27,678
Broadcasting, Entertainment, Cinematograph & Theatre Union	547	25,688	40	10	90,057	4,403	4,604	1,051	5,426	4,375
Ceramic & Allied Trades Union	135	9,031	-	-	4,820	1,044	1,935	7,206	7,939	733
Chartered Society of Physiotherapy	1,118	41,378	81	1,171	199,029	12,164	11,933	4,910	6,769	1,859
Communication Workers Union	5,503	235,815	-	531	559,533	34,247	32,827	21,223	28,345	7,122
Community Youth Workers Union	150	4,700	30	13	13,500	429	427	41	112	70
Connect - The Union for Professionals in Communication	486	19,020	2	253	69,754	3,326	3,083	4,748	5,576	828
Equity (Incorporating the Variety Artists' Association)	300	35,579	97	692	26,448	4,563	4,266	10,783	14,527	3,743
FDA	237	12,442	-	86	48,061	2,470	2,339	958	1,505	547
Fire Brigades Union	1,716	47,828	-	-	253,900	11,284	12,312	5,493	6,585	1,092
General Dental Practitioners Association	73	1,141	-	5	9,125	190	263	3	130	125
GMB	14,922	556,706	62	-	1,245,120	54,437	50,367	30,867	39,600	8,733
Graphical, Paper and Media Union (31/10/04)	1,692	88,404	2,937	165	167,176	20,702	25,555	27,238	31,593	4,355
Musicians Union	150	29,947	45	240	21,735	4,795	4,233	8,388	11,463	3,075

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GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2004 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
National Association of Educational Inspectors, Advisors and Consultants	121	3,643	-	21	21,328	1,318	1,346	358	505	147
National Association of Head Teachers	939	39,283	-	302	111,435	6,651	6,210	5,062	5,801	739
NAPO – The Trade Union & Professional Association for Family Court & Probation Staff	109	8,323	-	-	24,766	1,878	1,586	1,082	1,175	92
National Association of Schoolmasters & UWT	16,118	310,008	-	1,827	1,188,726	23,862	21,721	26,687	29,536	2,849
National Association of Teachers in F&HE	2,140	65,280	-	103	222,295	7,829	7,501	4,237	5,280	1,043
National Federation of Sub-Postmasters	439	9,636	-	19	42,777	1,983	1,668	4,112	4,563	451
National Union of Journalists (at 30/9/04)	917	29,949	4,219	759	155,020	4,961	4,704	329	3,167	2,837
National Union of Marine, A & ST Officers (NUMAST)	372	17,102	284	961	41,592	2,563	2,352	4,560	4,897	337
National Union of Rail, Maritime & Transport Workers	100	71,306	58	80	13,399	9,375	8,319	22,762	25,847	3,085
Nationwide Group Staff Union	211	11,867	-	-	12,690	879	864	435	503	68
Prison Officers Association	1,634	32,824	-	-	219,020	5,566	4,955	2,049	2,995	946
Professional Association of Teachers	858	33,212	-	34	18,840	1,827	1,860	580	1,130	549
Prospect	1,052	103,259	3	465	126,300	13,069	13,369	28,197	29,102	905
Public and Commercial Services Union	2,444	308,008	14	783	213,809	34,797	32,166	9,888	10,757	869
Retained Firefighters Union	103	4,107	-	-	8,753	337	324	85	89	4
Royal College of Midwives (at 31/8/04)	1,353	35,163	34	457	222,689	5,924	5,926	345	382	36
Royal College of Nursing of the UK (at 31/3/05)	12,624	366,430	356	2,731	692,614	24,320	24,320	-	8,572	8,572
Secondary Heads Association	170	11,320	-	67	35,892	3,440	3,192	1,312	2,269	957
Society of Chiropractors and Podiatrists	311	7,485	94	218	87,005	3,086	3,020	2,966	3,378	412
Society of Radiographers (at 30/9/04)	570	16,557	-	256	90,222	3,566	3,238	1,102	1,438	336
Transport & General Workers Union	26,630	754,613	15,492	10,203	2,412,000	71,420	67,970	93,467	106,833	13,366
Transport Salaried Staffs Association	515	30,549	1,362	-	77,750	5,178	5,136	16,404	17,588	1,184
UNIFI (20/10/04)	143	135,776	-	1,028	11,362	8,948	10,077	3,687	6,807	3,120

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GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2004 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
Union of Construction Allied Trades & Technicians	1,934	96,556	14,790	-	72,000	61,880	5,937	5,953	7,094	1,141
Union of Finance Staff	100	4,243	-	-	8,400	670	589	224	407	183
UNISON	30,715	1,279,285	-	-	1,939,385	140,589	132,396	109,791	125,372	15,581
Union of Shop, Distributive & Allied Workers	8,826	331,375	-	-	575,258	30,087	29,186	27,612	32,056	4,444
TOTALS	183,146	6,806,291	66,393	31,264	14,978,932	814,668	738,519	750,240	911,792	161,545

APPENDIX 3 (SEE PARA 4.19) – GB TRADE UNIONS WITH LESS THAN 100 NI MEMBERS – AT 31 DECEMBER 2004 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£000's	£000's	£000's	£000's	£000's
AEGIS – The Aegon Staff Association (at 30/6/04)	9	2,518	-	-	122	49	32	133	133	0.2
Alliance & Leicester Group of Staff	91	2,363	-	-	7,270	259	272	209	226	17
Association for Clinical Biochemistry	51	1,444	67	205	4,452	1,497	1,421	2,082	2,170	88
Association for College Management	31	3,627	-	2	6,138	769	739	384	415	31
Association of Local Authority Chief Executives	26	302	-	-	6,500	122	82	21	35	15
Association of Principal Fire Officers	4	492	-	4	950	62	47	69	80	11
Association of Professional Ambulance Personnel	6	3,076	-	38	703	294	297	22	67	89
Association of Professional Music Therapists	11	519	4	40	825	50	56	9	17	8
Boots Pharmacists' Association (BPA)	7	474	-	-	280	22	21	6	7	2
Britannia Staff Union	9	2,328	-	-	444	126	101	336	339	3
British Airline Pilots Association	87	7,689	9	247	37,558	5,809	5,822	5,441	5,747	306
British Association of Journalists	12	886	-	22	700	114	121	15	18	3
British Orthoptic Society	28	1,058	-	-	800	31	31	2	8	6
British Union of Social Work Employees (at 31/5/04)	29	1,745	-	-	1,740	113	111	93	96	3
Community and District Nursing Association (at 31/3/04)*	48	3,910	-	5	5,604	404	374	182	234	52
Diageo Staff Association	82	428	-	-	4,699	32	35	33	44	11
Gallaher Sales Staff Association	7	175	-	-	336	9	15	86	86	-
Guild of Professional Teachers of Dancing	29	794	-	-	912	43	40	27	29	2
Headmasters and Headmistresses' Conference (at 31/3/05)	7	248	2	70	12,740	1,116	869	1,206	2,139	933
Hospital Consultants & Specialists Association (at 30/9/04)	55	2,896	-	-	6,917	422	377	210	233	23
Institute of Journalists	7	859	20	131	849	60	51	6	9	3
Iron & Steel Trades Confederation	23	27,638	-	-	430	3,028	3,331	40,511	41,017	506
Leeds & Holbeck Building Society Staff Association	3	448	-	-	54	9	6	33	34	0.8

GB TRADE UNIONS WITH LESS THAN 100 NI MEMBERS – AT 31 DECEMBER 2004 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£000's	£000's	£000's	£000's	£000's
National Association of Co-operative Officials	18	2,499	-	15	3,370	591	470	1,093	1,265	172
National Association of Group Secretaries to NFU (at 31/10/04)	71	522	-	-	8,402	134	152	70	104	34
National Society for Education in Art & Design (at 30/9/04)	25	2,031	6	53	1,434	402	385	42	88	46
Offshore Industry Liaison Committee	8	1,653	4	73	960	191	181	61	71	10
Prison Governors Association	20	1,114	-	3	2,880	150	159	58	71	14
Prison Service Union	18	4,751	-	-	2,160	283	278	3	46	49
Retired Officers Association (at 30/6/04)	18	1,123	-	112	108	16	12	119	121	2
Royal Society for the Protection of Birds Staff Association (at 31/3/05)	22	709	-	-	175	13	8	43	43	-
Society of Authors Ltd	29	7,084	63	603	1,740	795	776	671	1,155	484
Society of Union Employees (UNISON)	12	292	-	-	942	22	13	66	66	-
UBAC	14	1,799	-	-	788	226	219	226	238	12
Union of Senior Revenue Officials	51	2,319	-	-	2,981	149	151	462	472	10
Writers Guild of Great Britain	7	2,055	4	74	2,220	386	373	141	301	160
TOTALS	975	93,868	179	1,697	129,183	17,798	17,428	54,171	57,224	3,106

* Union has not yet provided figures for the year ending 31 March 2005.

APPENDIX 4 (SEE PARA 4.21) - NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS
- 31 DECEMBER 2004 (UNLESS OTHERWISE INDICATED)

NI EMPLOYERS' ASSOCIATIONS	NI Members	NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
1 Anglo-North Irish Fish Producers Organisation (at 31/7/04)	86	104,427	86	199,333	229,696	593,989	899,115	305,126
2 Construction Employers Federation Ltd	743	488,347	743	594,787	601,111	477,818	659,189	181,371
3 Engineering Employers' Federation NI Association	145	527,538	145	649,113	634,261	501,506	551,951	50,445
4 Federation of the Retail Licensed Trade NI (31/10/04)	809	100,321	809	253,154	250,942	517,765	672,175	154,410
5 Northern Ireland Bakery Council (at 31/3/05)	3	6,600	3	6,600	6,071	3,400	4,820	1,420
6 Northern Ireland Fish Producers Organisation Ltd	116	1,750	147	1,109,527	879,825	2,639,450	3,150,716	511,266
7 Northern Ireland Grain Trade Association	33	24,627	33	24,627	24,829	11,738	13,288	1,550
8 NI Local Government Association (31/3/05)	26	349,998	26	617,714	553,585	218,215	268,426	50,208
9 Northern Ireland Textiles & Apparel Association Ltd	10	42,807	10	144,761	139,327	9,538	28,350	18,812
10 Northern Ireland Timber Trade Association	16	5,600	20	71,824	72,420	10,877	19,627	8,750
11 Ulster Chemists Association (30/9/04)	480	64,375	480	98,352	55,314	239,397	295,447	56,050
12 Ulster Farmers' Union	11,985	847,122	11,985	1,255,298	1,109,896	1,544,624	1,741,254	196,630
13 Ulster Launderers Association (31/10/04)	5	400	5	400	723	1,938	1,938	-
TOTALS	14,457	2,563,912	14,492	5,025,490	4,558,000	6,770,255	8,306,296	1,536,038

APPENDIX 5 (SEE PARA 4.22) - GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS -
31 DECEMBER 2004 (UNLESS OTHERWISE INDICATED)

GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS	NI Members	NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
1 Association of Newspapers and Magazine Wholesalers (31/3/05)	2	10,483	25	686,432	720,372	14,564	95,676	81,112
2 British Amusement Catering Trades Association (30/6/04)	4	6,386	626	1,585,794	1,357,653	1,546,384	2,468,513	922,129
3 British Clothing Industry Association Ltd	2	1,895	91	404,926	756,474	6,370,174	7,139,177	769,003
4 British Jewellery and Giftware Federation	14	5,125	2,667	2,256,636	2,141,262	8,693,448	9,523,633	830,185
5 British Pre-Cast Concrete Federation Ltd	2	19,779	108	527,958	525,323	109,472	363,098	253,626
6 Chemical Industries Association (30/6/04)	1	-	154	6,861,642	6,535,513	918,317	2,766,089	1,847,772
7 Cinema Exhibitors' Association	5	4,200	182	317,384	338,095	346,349	398,058	51,709
8 Construction Plant Hire Association (30/6/04)	8	3,676	1,325	784,560	693,231	716,739	1,155,833	439,094
9 Electrical Contractors' Association	30	50,000	2,340	18,775,859	18,924,755	46,394,928	80,156,089	33,761,161
10 Engineering Employers Federation	1	101,628	13	4,998,026	7,881,081	35,121,219	37,245,251	2,124,032
11 Federation of Master Builders	371	62,686	13,047	4,510,964	4,363,025	3,964,788	5,474,198	1,509,410
12 Freight Transport Association	224	64,395	11,410	20,865,368	19,871,751	5,211,150	8,598,903	3,387,753
13 Glass and Glazing Federation	6	33,543	518	1,371,414	1,237,163	1,577,710	1,985,106	407,396
14 Heating and Ventilating Contractors' Association (28/2/05)	52	105,086	1,345	11,618,303	11,140,806	5,965,750	11,002,749	5,036,999
15 National Bed Federation	3	1,320	98	184,960	162,498	157,267	180,871	23,604
16 National Federation of Master Window and General Cleaners	28	1,256	2,018	172,987	191,009	341,175	374,917	33,742
17 National Federation of Retail Newsagents	754	193,000	18,145	5,315,012	4,966,684	3,553,334	5,496,543	1,943,209
18 National Federation of Roofing Contractors Limited (31/1/05)	20	10,420	900	835,630	767,418	341,185	444,470	103,285
19 National Hairdressers Federation	32	5,298	6,289	1,337,485	1,135,571	1,443,870	2,113,532	669,662

GB EMPLOYERS' ASSOCIATIONS
WITH NI MEMBERS

	NI Members	NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
	£	£	£	£	£	£	£	£
20 National Pharmaceutical Association Ltd	269	182,486	4,140	4,751,083	3,701,921	3,695,535	6,540,115	2,844,580
21 National Sawmilling Association	1	-	21	-	863	918	2,781	1,863
22 Producers Alliance for Cinema and Television Ltd	17	17,000	843	2,216,667	2,215,088	1,225,799	1,499,593	273,794
23 Publishers Association	5	127,455	125	1,940,888	2,021,794	159,155	602,930	443,775
24 Radio Electrical and Television Retailers' Association	13	2,470	1,419	508,149	474,977	838,477	919,908	81,431
25 Retail Motor Industry Federation Ltd	189	75,498	9,461	29,609,000	30,978,000	7,486,000	16,134,000	8,648,000
26 Scottish Association of Master Bakers	1	145	458	801,210	779,087	1,352,350	1,568,395	216,045
27 Scottish and NI Plumbing Employers' Federation	106	43,241	775	650,371	670,470	489,849	792,378	302,529
28 Screen Printing Association (UK) Ltd	3	1,781	130	100,505	99,558	25,110	63,915	38,805
29 The Newspaper Society	3	33,440	148	3,146,845	3,121,230	2,175,614	3,882,136	1,706,521
30 Theatrical Management Association	6	5,981	345	478,880	495,382	131,536	293,149	161,613
31 Thermal Insulation Contractors Association	3	2,625	235	932,324	981,751	480,415	700,431	220,016
32 UK Jute Goods Association*	-	-	-	-	-	-	-	-
33 Vehicle Builders and Repair Association Ltd	15	6,500	961	657,504	707,604	1,217,495	1,363,391	145,896
TOTALS	2,190	1,178,798	80,362	129,204,766	129,957,409	142,066,076	211,345,828	69,279,751

* Association has not yet provided figures for the year ending 31 December 2004 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 2004 (UNLESS OTHERWISE INDICATED)

NORTHERN IRELAND	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
		£	£
Belfast Airport Police Association (31/3/05)	Chairman	Nil	Nil
Lough Neagh Fishermen's Association	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary	48,449	8,236
Ulster Teachers' Union	General Secretary (1/1/04 – 31/7/04)	28,555	14,593
	General Secretary (1/8/04 – 31/12/04)	18,788	6,713
REPUBLIC OF IRELAND	OFFICE HELD	SALARY	BENEFITS (Excluding PRSI)
		€'s	€'s
Irish Bank Officials Association	General Secretary	88,631	38,674
Irish National Teachers' Organisation ¹	General Secretary	97,990	Nil
Seaman's Union of Ireland	General Secretary	Not known	Not known
Services, Industrial, Professional and Technical Union (SIPTU)	General President	104,953	2,216
	General Secretary	104,953	2,796
GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
		£'s	£'s
Abbey National Group Union – ANGU	General Secretary	18,702	8,035
AEGIS – The Aegon UK Staff Association (30/6/04)	General Secretary	Nil	Nil
Accord	General Secretary	84,425	23,372
Alliance & Leicester Group Union of Staff	General Secretary	Nil	6,917
The Ambulance Service Union	Asst General Secretary	16,667	3,000
AMICUS	General Secretary	83,906	78,257
Association of Clinical Biochemists	General Secretary	Nil	Nil
Association for College Management	General Secretary	75,938	10,560
Association of Educational Psychologists	General Secretary	51,197	6,031
Association of Local Authority Chief Executives	General Secretary	Nil	2,000
Association of Principal Fire Officers	General Secretary	Nil	Nil
Association of Professional Ambulance Personnel	Treasurer	10,140	Nil
Association of Professional Music Therapists	Chairperson	Nil	2,205
Association of Teachers & Lecturers	General Secretary	93,052	20,658
Association of University Teachers (31/8/04)	General Secretary	67,646	17,453
Bakers, Food & Allied Workers Union	General Secretary	36,431	14,975
Boots Pharmacists' Association (BPA)	Chief Executive	6,500	Nil
Britannia Staff Union	General Secretary	Nil	Nil
British Airline Pilots Association	General Secretary	86,557	14,834
British Association of Dental Nurses	Chief Executive	25,808	1,431
British Association of Journalists	General Secretary	22,000	439
British Association of Occupational Therapists (30/9/04)	Chairman	6,713	Nil
	General Secretary	63,503	12,255
British Dental Association (30/9/04)	Chief Executive	98,810	14,821
	Finance Officer	60,258	25,744
British Dietetic Association (28/2/05)	General Secretary	Nil	Nil

¹ Irish National Teachers' Organisation – figures converted from sterling to euros using an exchange of €1.43 per £ sterling

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS –
AT 31 DECEMBER 2004 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
British Medical Association	Treasurer	49,180	Nil
	Chairman of Council	95,677	Nil
British Orthoptic Society	General Secretary	Nil	Nil
British Union of Social Work Employees (31/5/04)	General Secretary	6,930	802
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	51,690	14,323
Ceramic & Allied Trades Union	General Secretary	37,550	23,112
	Asst General Secretary	34,886	21
Chartered Society of Physiotherapy	Chief Executive	78,569	15,792
Communication Workers Union	General Secretary	75,324	19,653
Community & District Nursing Association (31/3/05)	Director	Not Known	Not Known
	Secondment	Not Known	Not Known
Community & Youth Workers Union	General Secretary	35,662	2,861
Connect – The Union for Professionals in Communication	General Secretary	65,875	11,138
Diageo Staff Association	Chairman	Nil	Nil
Equity (Incorporating the Variety Artists' Association)	General Secretary	69,011	18,771
FDA	General Secretary	79,016	23,911
Fire Brigades Union	General Secretary	61,856	56,060
	Asst General Secretary	57,577	45,960
Gallaher Sales Staff Association	General Secretary	Nil	Nil
General Dental Practitioners Association	Chief Executive	64,514	Nil
	General Secretary	23,667	500
GMB	General Secretary	78,000	17,000
	Deputy General Secretary	65,000	20,000
Graphical Paper & Media Union	General President	60,454	16,202
	General Secretary	72,405	14,492
Guild of Professional Teachers of Dancing	General Secretary	7,650	Nil
Headmasters & Headmistresses' Conference	General Secretary	89,145	887
Hospital Consultants & Specialists Association	Chief Executive	52,157	4,070
Institute of Journalists	General Secretary	25,000	Nil
Iron & Steel Trades Confederation	General Secretary	35,753	4,892
	Asst Gen Secretary	27,113	5,159
Leeds & Holbeck Building Society Staff Association	General Secretary	Nil	Nil
Musicians' Union	General Secretary	59,920	23,172
National Association of Co-operative Officials	General Secretary	75,264	15,282
	President	Nil	200
National Association of Educational Inspectors, Advisors & Consultants	General Secretary	60,255	Nil
National Association of Group Secretaries to the NFU	General Secretary	7,703	Nil
National Association of Head Teachers	General Secretary	106,235	19,301
	President	Nil	2,900
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	49,942	10,392
NASUWT	General Secretary	40,642	12,334
	General Secretary	57,107	15,388
National Association of Teachers in F & HE	General Secretary	58,385	12,383
National Federation of Sub-Postmasters	General Secretary	70,387	19,084
National Society for Education in Art & Design (30/9/04)	General Secretary	44,263	Nil
National Union of Journalists	General Secretary	52,702	4,363
NUMAST	General Secretary	65,806	12,914
National Union of Rail, Maritime & Transport Workers	General Secretary	75,975	18,205
	President	Nil	32,403

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS –
AT 31 DECEMBER 2004 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
Nationwide Group Staff Union	General Secretary	77,376	18,546
Offshore Industry Liaison Committee	General Secretary	29,211	1,802
Prison Governors Association	General Secretary	Nil	Nil
Prison Officers Association	General Secretary	56,349	39,851
	Dep General Secretary	52,226	19,637
Prison Service Union	General Secretary	45,673	12,805
Professional Association of Teachers	General Secretary	64,437	7,761
PROSPECT	General Secretary	83,068	23,602
Public and Commercial Service Union	General Secretary	67,352	20,940
Retained Firefighters Union	General Secretary	34,950	3,495
Retired Officers Association	Treasurer	2,101	Nil
Royal College of Midwives	General Secretary	96,686	24,849
Royal College of Nursing of the UK ¹	General Secretary	47,814	7,382
Royal Society for the Protection of Birds Staff Association	Chairperson	500	Nil
Secondary Heads Association	General Secretary	86,196	14,113
Society of Authors	General Secretary	78,600	38,784
Society of Chiropractors and Podiatrists	Chief Executive	61,159	4,893
Society of Radiographers	Chief Executive	15,889	Nil
Society of Union Employees (UNISON)	General Secretary	Nil	Nil
Transport & General Workers Union	General Secretary	80,043	14,839
	Dep General Secretary	66,767	7,242
Transport Salaried Staffs Association	General Secretary	10,332	Nil
	(1/1/04 – 28/2/04)		
	General Secretary	47,825	9,530
	(1/3/04 – 31/12/04)		
UBAC	General Secretary	40,836	5,885
UCATT	General Secretary	56,452	8,974
	(1/1/04 – 22/10/04)		
	General Secretary	11,188	1,341
	(23/10/04 – 31/12/04)		
UNIFI	General Secretary	71,596	18,706
	Joint General Secretary	71,408	17,609
Union of Finance Staff	General Secretary	83,538	Nil
UNISON	General Secretary	84,927	26,573
Union of Shop, Distributive & Allied Workers	General Secretary	36,526	7,578
	(1/1/04 – 21/5/04)		
	General Secretary	43,907	11,378
	(22/6/04 – 31/12/04)		
Union of Senior Revenue Officials	General Secretary	Nil	Nil
Writers Guild of Great Britain	General Secretary	50,000	3,750

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 7.21) – LIST OF GB UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE
“CONTRACTED IN” TO POLITICAL FUNDS – 31 DECEMBER 2004 (unless otherwise indicated)

	NI Members	NI Contributions £
AMICUS	6,006	27,853
Association of University Teachers (31/8/04)	493	568
Communication Workers Union	2,951	16,086
CONNECT	59	205
Fire Brigades Union	466	2,572
GMB	46	296
Graphical, Paper and Media Union (31/10/04)	107	919
Iron and Steel Trades Confederation	1	3
National Association of Schoolmasters and Union of Women Teachers	2,414	1,382
National Association of Teachers in Further and Higher Education	421	505
National Union of Rail, Maritime and Transport Workers	57	178
Prison Officers Association	1,630	2,934
Prospect	27	16
Transport and General Workers Union	12,421	38,000
Transport Salaried Staffs Association	123	527
Union of Senior Revenue Officials	51	3
Union of Shop, Distributive and Allied Workers	3,160	13,398
TOTALS	30,433	105,445

APPENDIX 8 (SEE PARA 7.21) - LIST OF GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS
WHO DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2004 (unless otherwise indicated)

Bakers, Food and Allied Workers Union

Broadcasting, Entertainment, Cinematograph and Theatre Union

Ceramic and Allied Trades Union

Musician's Union

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

APPENDIX 11 - CERTIFICATION OFFICE PUBLICATIONS

The following publications are available free of charge on request:

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

Decisions of the Certification Officer

9. *D/1/2000 - Gilliland & Wilson v NIMA - Failure to properly appoint a scrutineer in an election for the post of President in 1999.*
10. *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.*
11. *Gilliland & Wilson v NIMA - Failure to hold an election for the post of General Secretary.*
12. *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.*
13. *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.*
14. *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.*
15. *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.*
16. *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.*
17. *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.*
18. *D/6-7/2003 - Manly v GMB - Alleged breaches of trade union rules - complaints dismissed upon withdrawal by the complainant.*
19. *D/1-8/2004 - Sweeney v UNISON - Breach of trade union rules regarding the appointment or election of a person, or the removal of a person from any office.*
20. *D/1-7/2005 - Arbuckle v NASUWT - 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; and the constitution or proceedings of any executive committee of any decision-making meeting.*
21. *D/9-15/2004 - Mc Creight v CWU - Alleged breaches of union rules: The complaints are dismissed upon withdrawal by the complainant.*
22. *D/16-21/2004 - Ms P Buchanan v CWU - Alleged breaches of union rules: The complaints are dismissed upon withdrawal by the complainant.*

APPENDIX 12 - ANNUAL REPORT TO THE EQUALITY COMMISSION FOR NORTHERN IRELAND (2004-2005)

EXECUTIVE SUMMARY

In 2004/2005 the Northern Ireland Certification Officer has continued with his commitment towards progressing his Office's Equality Scheme.

The Office has identified the fifteen policies/procedures which it subjected to internal screening in compliance with its Equality Scheme. The outcome was published for external publication in November 2004.

The feedback received from interested groups was incorporated in the planning process. Following a review of requirements in the context of resources available, the Office took external advice to identify the most effective way forward.

The Office now plans to conduct one EQIA per year commencing with Complaints & Enquiries in 2005 and Investigation & Reporting in 2006.

The Certification Officer will take into account the outcome of any equality screening for the particular policy/procedure under consideration. In this way, the Office will seek to embed equality within its policy formulation mechanisms.

R. GAMBLE
Certification Officer for Northern Ireland

S. McELREA
Assistant Certification Officer for Northern Ireland

October 2005

The full report to the Commission is published on the office website: www.nicertoffice.com

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