

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

**FOR ARCHIVE
DO NOT DESTROY**

Annual Report

**of the
Certification Officer for Northern Ireland**

2006

(Covering Period 1 April 2005 to 31 March 2006)

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Roy Gamble
Certification Officer for Northern Ireland

1 December 2006

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This is the fourteenth Annual Report to be published since the post of Certification Officer for Northern Ireland was established in 1992. It deals with activities during the period 1 April 2005 to 31 March 2006. I succeeded Mr Scott McElrea as Certification Officer on 11 April 2005.

The statutory functions of the Certification Officer are contained in the Industrial Relations (Northern Ireland) Order 1992 as amended and in the Trade Union and Labour Relations (Northern Ireland) Order 1995 as amended.

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

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

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

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

Under the 1995 Order -
Article 5 - dealing with complaints by members that a trade union has failed to maintain an accurate register of members;

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

Articles 45 to 72 - ensuring observance by Northern Ireland based trade unions of the statutory procedures governing the setting up, operation and review of political funds, approving the "contracting-in" rule and amendments for Northern Ireland members of trade

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

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

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

The Employment Relations (Northern Ireland) Order 2004¹ introduced, with effect from 24 July 2005, a number of provisions relating to my work and that of the Office. These include:

- An express power to strike out complaints or responses to complaints which, amongst other things, are scandalous or 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.
- Appeals to the High Court from my decisions on the listing of a trade union or employers' association or on the refusal or withdrawal of a certificate of

¹ S.I. 2004 / 3078 (N.I.19)

independence of a trade union are restricted to appeals 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.

Twenty-three decisions on complaints made by trade union members were issued in the period of this report (details are in chapter 9 below). These included the decisions made by my predecessor Mr McElrea in a case (*Arbuckle v NASUWT*) which were recorded in last year's report, but which were in fact issued after 31 March 2005. A further 13 complaints were being processed by the Office at 31 March 2006.

The Seaman's Union of Ireland – headquartered in the Republic of Ireland has not made returns to the Office for several years. Last year's report stated that a prosecution of the union had been initiated, but this was an error. The Office will, however, be pursuing this matter.

FINANCE AND SUPPORT SERVICES

The Labour Relations Agency (LRA) is responsible for providing me with finance and support services but this in no way affects my independence both of the LRA and the Department for Employment and Learning (DEL) in the performance of my duties.

Accounts relating to the activities of the Office, prepared under Paragraph 15(2) of Schedule 4 to the 1992 Order, are published separately by the LRA. The total expenditure of the Office for the year ended 31 March 2006 was £230,074. My salary at 31 March 2006 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 2006 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 from time to time and any increase normally becomes effective from 1 April. During this period the fees were not changed; they are set out in Appendix 9.

In terms of work, about 60% of the Office's resources were allocated to work connected with Annual Returns from Trade Unions and Employers' Associations, 38% to work relating to complaints and trade union finances, 1% to work relating to trade union political funds, and the remainder to various matters including independence.

The Certification Officer may make payment towards the expenses incurred by complainants and their witnesses in attending hearings to determine complaints. During the period of this report such payments amounted to £321.00. Assistance with legal costs is not available.

ADVICE AND CONTACTS FOR INFORMATION

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

It would also be clearly inappropriate for the Office to comment on the merits of a possible complaint. Where a complaint is made, I have to investigate it and decide it impartially in the light of the facts of the case and the representations made by the parties concerned. I and my staff must avoid giving advice which might seem in any way to prejudice that impartiality.

However, the Office will assist where it can and guidance booklets covering different aspects of the Certification Officer's responsibilities are available free of charge. They are listed in Appendix 11. Requests for the booklets and for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 10-12 Gordon Street, Belfast BT1 2LG, telephone 028 9023 7773, fax 028 9023 2271, e-mail: info@nicertoffice.org.uk For those with hearing difficulties a text phone is available – 028 9023 8411.

The website has recently been upgraded and given a new address - www.nicertoffice.org.uk it will continue to be developed and improved and more content will be added over time. All of the Office's publications will be available on the website in due course.

The information available on the website includes:-

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

Comments on the website are welcome.

EQUALITY STATEMENT

The Office of the Certification Officer for Northern Ireland is defined as a “Public Authority” for the purposes of Section 75 of the Northern Ireland Act 1998 and in carrying out all its functions relating to Northern Ireland it will seek to promote equality of opportunity and good relations as required under this legislation. The Office’s Equality Scheme was approved by the Equality Commission for Northern Ireland on 5 July 2001. A copy of the Scheme is on the Office website.

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

Entry in the Lists and its Significance

- 1.1 The Certification Officer maintains a list of trade unions and a list of employers' associations in accordance with the provisions of Article 5 of the 1992 Order. The current lists are available for inspection, free of charge, at the Office and on 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, or by a decision of his to remove its name from that list, may appeal to the High Court on a point of law only. The Employment Relations (Northern Ireland) Order 2004 amended the 1992 Order in respect of appeals on these matters, removing (as from 24 July 2005) the previously existing right of appeal on questions of fact, which had enabled the High Court to hear further evidence and substitute its decision for that of the Certification Officer.
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under Article 6 of the 1992 Order.
- 1.5 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 if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

- 1.6 Application for listing must be made on the appropriate form, CO(NI)1, and be accompanied by the statutory fee (Appendix 9). The form can be obtained on request from the Certification Office.
- 1.7 The Employment Relations (Northern Ireland) Order 2004 amended the 1995 Order to provide that, on the amalgamation of two or more listed organisations, the amalgamated organisation will automatically be listed by the Certification Officer from the date when the instrument of amalgamation takes effect. Within six weeks of that date (or such longer period as the Certification Officer may specify), the rules of the organisation, a list of its officers and the address of its head or main office must be sent to the Certification Officer, together with the prescribed fee (see Appendix 9). If any of these requirements are not met, the organisation must be removed from the list.

Removal from the Lists

- 1.8 If, at any time, it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union or an employers' association, he may, after giving the organisation concerned the opportunity to make representations, remove its name from that list. There is a right of appeal on a point of law to the High Court against removal of a name from a list (see paragraph 1.3). The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.

- 1.9 One name was removed from the lists of Northern Ireland organisations in 2005-2006:
Ulster Launderers Association
- 1.10 During the period of this report, the Great Britain Certification Officer did not remove any trade unions with Northern Ireland members from his list.

One employers' association which had Northern Ireland members was removed from the Great Britain Certification Officer's list:
United Kingdom Jute Goods Association

Additions to the Lists

- 1.11 There were no additions to the Northern Ireland lists during the period of this report.
- 1.12 The Great Britain Certification Officer added no organisations with Northern Ireland members to his lists during the period.

Special Register Bodies

- 1.13 Under Great Britain law (the Industrial Relations Act 1971) a special register was established for organisations which were either companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members. These were usually professional bodies.
- 1.14 Subsequent legislation (the Trade Union & Labour Relations Act 1974) provided that trade unions were no longer allowed to have corporate status, but an exception was made for bodies already on the special register. Bodies which are removed from the special register for any reason are not subsequently allowed to re-enter it.
- 1.15 The statutory requirements affecting trade unions in the 1992 and 1995 Orders take account of the corporate status of special register bodies and their other activities. These bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary; but the voting members of the executive must be elected in accordance with the statutory provisions. Great Britain headquartered special register bodies with Northern Ireland members are as follows:

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

Unlisted Organisations

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

Definitions of a Trade Union and an Employers' Association

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

1.18 The definition of an employers' association given in Article 4 of the 1992 Order is as follows:

- 4.-(1) *Subject to paragraph (2), in this Order "employers' association" means an organisation (whether permanent or temporary) which either -*
- (a) *consists wholly or mainly of employers or individual proprietors of one or more descriptions and is an organisation whose principal purposes include the regulation of relations between employers of that description or those descriptions and workers or trade unions; or*
- (i) *constituent or affiliated organisations which fulfil the conditions specified in subparagraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions); or*
- (ii) *representatives of such constituent or affiliated organisations; and in either case is an organisation whose principal purposes include the regulation of relations between employers and workers or between employers and trade unions, or include the regulation of relations between its constituent or affiliated organisations.*
- (2) *References in this Order to an employers' association include references to a combination of employers and employers' associations.*

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

The Statutory Provisions

2.1 Article 2(1) of the 1992 Order defines an independent trade union as:

'a trade union which -

- (a) is not under the domination or control of an employer or a group of employers or of one or more employers' associations; and
- (b) is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control'.

2.2 The procedure for determining trade union independence is laid down in Article 6 of the 1992 Order. A union must be listed (see Chapter 1) before it can apply for a certificate of independence. The Certification Officer keeps a public record of all such applications and of all decisions reached. A notice that an application has been received is published in the Belfast Gazette at the time. The Certification Officer may not take a decision on any application until at least one month after it has been entered in the record and he must take into account relevant information submitted by any person. He is required to give his reasons if he refuses a certificate of independence. A union whose application is refused has a right of appeal to the High Court on a point of law.

2.3 Once the Certification Officer has determined that a trade union is independent and issued a certificate, that certificate remains valid until it is withdrawn by the Certification Officer or is cancelled.

2.4 The Certification Officer may withdraw a certificate at any time if, in his opinion, the trade union concerned is no longer independent. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal to the High Court on a point of law only: the Employment Relations

(Northern Ireland) Order 2004 removed the previously existing right of appeal on a point of fact (see also paragraph 1.3).

2.5 The Employment Relations (Northern Ireland) Order 2004 also amended the 1995 Order to provide that when a new union is formed by the amalgamation of two or more listed unions, it will automatically be entered on the list; and if each of the amalgamating unions held a current certificate of independence, the new union will automatically be issued with a certificate of independence. Both the listing and the certificate will be effective from the date on which the instrument of amalgamation takes effect. The new union must send a copy of its rules, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 9) within six weeks of the date on which the amalgamation takes effect, or such longer period as the Certification Officer may specify. If it fails to meet any of these requirements, its name will be removed from the list and its certificate of independence withdrawn.2.5

2.6 Where a question as to the independence of a particular union arises in proceedings before the courts, industrial tribunals, the Industrial Court or certain other bodies, and no certificate has been issued or refused, the 1992 Order provides that the proceedings may not continue until the Certification Officer decides that question. The granting of a certificate by the Certification Officer, or its refusal, is conclusive evidence for all purposes that the union is, or is not, independent.

Criteria of Independence

2.7 The principal criteria used by the Certification Officer to determine whether or not an applicant union satisfies the statutory definition are history, membership base, organisation and structure, finance, employer-provided facilities and negotiating record. These are explained further in the Office's booklet *Guidance for trade unions wishing to apply for a certificate of independence*, which is available on

request from the Office. The Certification Officer reaches his decision strictly on the basis of the statutory definition, having regard to the criteria as a whole. Other considerations, such as the effect the issue of a certificate might have on employment relations, may not be taken into account.

Procedure

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

Applications/Decisions

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

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

- 2.10 During the period no certificates of independence were issued, refused or withdrawn by the Great Britain Certification Officer in respect of trade unions with Northern Ireland members.

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

The Statutory Provisions

- 3.1 Article 10 of the 1992 Order provides that every trade union and employers' association whose head or main office is situated in Northern Ireland (except those which consist wholly or mainly of representatives of constituent or affiliated organisations) must keep proper accounting records in respect of its transactions, assets and liabilities, and must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Organisations headquartered in Northern Ireland, and those headquartered in Great Britain which have Northern Ireland members, must submit an annual return to the Certification Officer in the form prescribed, unless they have been in existence for less than 12 months. Any trade union or employers' association carrying on business in Northern Ireland but having its head or main office outside the United Kingdom is required to send to the Certification Officer a statement setting forth, in relation to business carried on in Northern Ireland, such particulars of its receipts and payments, and such other information, as the Certification Officer may require (Articles 11 & 12 of the 1992 Order). There are currently four Republic of Ireland based trade unions with Northern Ireland members, only three of which are making returns to the Office. The Office is not aware of any Republic of Ireland based employers' associations with Northern Ireland members.
- 3.3 The period to be covered by annual returns is the calendar year, and they are to be submitted before 1 June of the following year. However, the Certification Officer may, if he considers it appropriate in any particular case, direct that the return is to cover a period other than the calendar year, and may specify a date other than 1 June before which a return must be sent to him. This is usually done if the normal period or date would cause serious inconvenience to the organisation concerned. For most organisations (approximately 80% of trade unions and 70% of employers' associations) the financial year is the calendar year.
- 3.4 In every case the returns must provide details of all funds maintained for trade union and employers' association purposes, and include revenue and other accounts and a balance sheet which give a true and fair view of the matters to which they relate. A consolidation summary must also be completed. The Certification Officer may require trade unions and employers' associations to provide such other documents relating to those accounts and such further particulars as he may specify. Any changes in the organisation's officers, or in the address of its head office, must be shown on the return, which must be accompanied by a copy of the rules in force at the end of the period covered by the return, whether or not those rules were altered during the period.
- 3.5 The annual return must include a copy of the auditor's report on the accounts. The auditor has a duty to carry out such investigations as will enable an opinion to be formed on whether proper accounting records have been kept, whether a satisfactory system of control has been maintained and whether the accounts are in agreement with the accounting records (Article 10). The 1992 Order sets out the rights of auditors, including access to information and the entitlement to attend and speak at general meetings of the organisation. The auditor must state in the report whether, in his or her opinion, the accounts give a true and fair view of the matters to which they relate. If, in the auditor's opinion, the statutory requirements have not been satisfied or the accounts are not in agreement with the accounting records, or if all necessary information and explanations have not been supplied, the auditor must state these facts in the report by way of qualification. Most qualifications are of a minor technical nature and the Office takes appropriate steps to ensure that they are not required in future.

3.6 Under Schedule 1 to the 1992 Order a person is qualified to act as auditor to a trade union or employers' association if he or she is eligible for appointment as a company auditor under Article 28 of the Companies (Northern Ireland) Order 1990. A trade union - other than a special register body - or an employers' association may use auditors who are not eligible for appointment under the Companies Order if its receipts and payments do not in aggregate exceed £5,000, the value of its assets is less than £5,000 and it has fewer than 500 members. If any one of these conditions is not satisfied, it must use an auditor eligible under the Companies Order. A body corporate may now (since 24 July 2005, when the Employment Relations (Northern Ireland) Order 2004 amended the 1992 Order) act as an auditor of a trade union or an unincorporated employers' association.

3.7 In the case of one return received by the Office in the year to 31 March 2006, the auditors pointed out that the organisation had failed to implement accounting standard FRS17 relating to the pension fund. However, as the organisation, in accompanying notes, described the steps it had taken to protect the interests of the members of its pension scheme and provided full details showing what effect compliance would have had on its accounts, the Certification Officer decided to take no further action. The Certification Officer expects future annual returns to him to comply with FRS17, whilst acknowledging the difficulties FRS17 can cause organisations.

3.8 In order to avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (paras 1.14 - 1.16) or an employers' association incorporated under the Companies Orders to submit with its return a copy of its accounts prepared under the Companies Orders, instead of the accounts prescribed in the return form. There must, however, be no significant diminution in the degree of disclosure, the period covered must be the same and a consolidation summary must be completed. Notwithstanding anything in the Companies Orders, an auditor's report complying with the requirements of the 1992 Order is still required.

3.9 With the exceptions already noted, the duties imposed by Articles 10, 11 and by Schedule 1 apply to all trade unions and employers' associations, whether listed under Article 5 of the 1992 Order or not. Refusal or wilful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, but does not generally undertake prosecutions for other offences, such as

theft or fraud. Any evidence of such offences in the affairs of a trade union or employers' association that came to the notice of the Certification Officer would normally be referred to the appropriate prosecuting authorities for their attention.

Late Submission of Annual Returns

3.10 The 1992 Order requires an organisation to submit an annual return to the Certification Officer before 1 June following the calendar year to which the return relates. (For most organisations the calendar year is also the financial year). In this reporting period the Office anticipated the receipt of a total of 139 annual returns from trade unions and employers' associations. All but 10 of these returns have been received. The Office continues to seek full compliance with the statutory requirements, and will take appropriate steps to improve the performance of organisations which consistently submit late returns. In this reporting period approximately 87% of returns were submitted on time.

Prosecutions

3.11 There were no prosecutions for failure to submit a return during the period of this report. However it is intended to bring a prosecution against the Seaman's Union of Ireland, a Republic of Ireland union which has failed to make returns to the Office for several years despite repeated reminders.

Northern Ireland Resident Address

3.12 Every trade union or employers' association carrying on business in Northern Ireland which has its head or main office outside Northern Ireland must provide the Certification Officer each year with the name and address of at least one Northern Ireland resident authorised to accept on its behalf service of process and any notices required to be served on it. The resident does not have to be a member of the organisation.

3.13 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

3.14 Copies of the annual returns and the rules of trade unions and employers' associations with Northern Ireland members from 1992 onwards are available for public inspection at the Certification Office. While the returns provide detailed and comprehensive financial information, a one-page financial consolidation summary is also included for ease of interpretation.

Statement to Members of a Trade Union

3.15 Trade unions headquartered in Northern Ireland must issue a statement containing specific information to all members within eight weeks of the submission of the annual return to the Certification Officer. The statement must specify:

- (i) the total income and expenditure of the union;
- (ii) how much of the income consisted of payments in respect of membership;
- (iii) the total income and expenditure of any political fund of the union; and
- (iv) the salary and other benefits paid to the president, the general secretary and each member of the executive.

The statement must give the name and address of the auditor, set out in full the auditor's report and not contain anything which is inconsistent with the contents of the annual return.

3.16 The statement must also tell members how they can complain should they be concerned that some irregularity is occurring or has occurred in the financial affairs of the trade union. Article 11A of the 1992 Order specifies exactly what the statement must say on this matter, and the prescribed wording is reproduced below:

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

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

Where a member believes that the financial affairs of the union have been or are being conducted in breach of the law or in breach of the rules of the union and contemplates

bringing civil proceedings against the union or responsible officials or trustees, he should consider obtaining independent legal advice".

3.17 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".

3.18 Trade unions have in the main readily complied with the requirements to provide members with a statement which contained the required information and met the statutory timescale. The Office will endeavour to ensure that full compliance with the Order is maintained.

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

3.19 Under the 1992 Order (Articles 12A to 12E) the Certification Officer has power to investigate the financial affairs of trade unions and employers' associations. He may, if he thinks there is good reason to do so, give a direction to the organisation concerned to produce relevant documents and explanations of them and specify the date by which these are to be provided. In addition, he may appoint inspectors to investigate the organisation's financial affairs and to report to him on them. He may appoint inspectors only if there are circumstances suggesting one or more of the following: *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 and the Certification Officer must then consider whether it is appropriate to exercise any of the powers mentioned above.

3.20 Information suggesting that one or more of the situations described in the previous 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 have evidence of some other kind. In addition, the Certification Office staff monitor the media for references which suggest that such situations may exist

in the financial affairs of a trade union or employers' association.

- 3.21 Not all the information received by the Office is of sufficient merit to warrant an approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Office and the parties concerned or by means of informal meetings with the body or the individual, or a combination of these methods.

Investigations

- 3.22 In his Annual Report for 2005, the Certification Officer noted that he had referred the report of his investigation into the financial affairs of the Hospitality Association of Northern Ireland (HANI), the Institute of Chartered Accountants in Ireland (ICAI) for consideration and any appropriate action (HANI's auditors being a member firm of the ICAI). Following an internal investigation, the ICAI placed the matter before its Complaints Committee. The Committee found that HANI's auditors had signed an unqualified opinion that the association's financial statements gave a true and fair view when that opinion ought to have been qualified because the statements did not adequately disclose certain material facts, including that there was a significant level of concern about the association's ability to continue as a going concern. The ICAI reprimanded HANI's auditors and fined them €2500 with €1500 costs. The findings were published in the ICAI's professional journal, Accountancy Ireland.

- 3.23 The Certification Officer's Annual Report for 2005 (paragraph 3.26) gave details of his investigation into the financial affairs of the Northern Ireland Musicians' Association. The inspector appointed in November 2001 by the then Certification Officer to investigate and report, a member of the Certification Office staff, left the Office in March 2006 without submitting a report. The Certification Officer formed the view that no report will be forthcoming. He therefore had to consider whether a new inspector should be appointed to restart the investigation and make a report. He concluded that this would not serve any useful purpose and would not be an appropriate use of public monies or the resources of his Office. In reaching his decision, the Certification Officer took into account that NIMA no longer exists; that the PSNI concluded that there should be no prosecution of the unqualified person who had signed off NIMA's accounts and annual returns; that the accounts and returns in question had since been properly completed at the expense of the unqualified person, who had also given an undertaking that he would not in future describe himself as a

chartered accountant; and that, since the investigation goes back to 2001, substantial time and cost would be involved in a new inspector reviewing the papers and interviewing (where possible) the principals. The Certification Officer has therefore closed his file on NIMA and has removed its name from the list of trade unions.

- 3.24 In March 2004 the Certification Officer appointed a member of his staff as inspector to investigate the financial affairs of the Lough Neagh Fishermen's Association and make a report. In March 2006 this member of staff left the Office without submitting a report. The Certification Officer has concluded that no report will be forthcoming. The further development of this matter will be reported in the Certification Officer's Annual Report for 2007.

Access to Accounting Records

- 3.25 Article 37 of the 1992 Order provides a member of a trade union with a right of access to any accounting records which the union has available for inspection (under this Article unions have a duty to keep records available for six years). A member who claims that a trade union has failed to comply with his or her request for access to its accounting records under Article 37 may apply to the Certification Officer or the High Court. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court.

- 3.26 The Employment Relations (Northern Ireland) Order 2004 gave the Certification Officer new powers in relation to applications and complaints made to him. From 24 July 2005, a new Article, 70ZA, has been inserted in the 1992 Order. This provides that the whole or any part of an application or complaint, or of a response to such, may be struck out at any stage of the proceedings on the grounds that it is scandalous, vexatious, has no reasonable prospect of success or is otherwise misconceived; or that the manner in which the proceedings have been conducted by or on behalf of the applicant or complainant, or respondent, has been scandalous, vexatious or unreasonable. An application or complaint may be struck out for excessive delay in proceeding with it. The power to strike out may be exercised on the Certification Officer's own initiative or on the application of the complainant or respondent. The party against whom it is proposed to make a striking out order must be given an opportunity to show cause why it should not be made. The Certification Officer may make further

provision about the striking out of proceedings under his general power (Article 70(1) of the 1992 Order) to regulate his own procedure.

- 3.27 On application to him, the Certification Officer is required to make such enquires as he thinks fit and give the applicant and the trade union an opportunity to be heard. So far as is reasonably practicable, applications are to be determined within six months of being made. An applicant's expenses in attending a hearing may in certain circumstances be reimbursed by the Office.
- 3.28 Where the Certification Officer is satisfied that the claim is well-founded he is required to make such an order as he considers appropriate for ensuring that the applicant -
- (a) is allowed to inspect the records requested;
 - (b) is allowed to be accompanied by an accountant when making the inspection of those records; and
 - (c) is allowed to take, or is supplied with, such copies of, or of extracts from, the records as he may require.

An order made by the Certification Officer may be enforced in the same way as an order of the High Court.

- 3.29 Where the Certification Officer requests a person to furnish information in connection with enquiries made by him under Article 37, he must specify the date by which he is to receive the information and may proceed to determine the application if the information has not been provided by that date.
- 3.30 No applications concerning access to accounting records were received in the period of this report.

Branch Funds

- 3.31 Trade unions are required to include details of funds held at branch level in their annual returns. All trade unions which made returns to the Office for the year ending December 2005 have complied with this requirement.

This chapter is about the membership, income and expenditure of trade unions and employers' associations in the year ending 31 December 2005. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.

Financial Information – 2005 Returns

4.1 Appendices 1-7 give financial information derived from annual returns of trade unions and employers' associations submitted to the Certification Office by June 2006. That information and the following comments in this chapter relate to organisations whose financial year ended on 31 December 2005, unless otherwise indicated.

Trade Unions - Salaries and Benefits

4.2 Trade unions are required to include in their annual return information about the salaries and benefits paid from their funds to certain of their national officers and executive members. For the purposes of the returns, "benefits" means benefits designated taxable by the Inland Revenue, pension/superannuation contributions and redundancy/other termination payments. Benefits with a value of £100 or more in any accounting period are included.

4.3 Appendix 6 gives details of the salary and benefits paid by trade unions with Northern Ireland members to their general secretary. The information covers trade unions headquartered in Northern Ireland, the Republic of Ireland and Great Britain. There is no requirement on unions to provide information about the salary or benefits of employees other than the general secretary, even if (as may occasionally happen) they are paid more than the general secretary. Employer's pension contributions make up a significant proportion of the benefits paid. Employer's national insurance contributions are excluded from the information in Appendix 6.

Membership Register

4.4 Under Article 3 of the 1995 Order, a trade union has a duty to maintain a register of the names and addresses of its members, and so far as reasonably practicable to ensure that entries in the register are accurate and up-to-date. A trade union must allow any member, on request, with reasonable notice, to ascertain from the register free of charge whether there is an entry on it relating to him or her. The member may request from

the union a copy of any such entry, and this is to be provided either free of charge, or on payment of a reasonable fee.

4.5 An application that a trade union has failed to comply with the requirements of Article 3 may be made to the Certification Officer or the High Court, but the same applicant may not apply to both in respect of the same alleged failure.

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

- (a) to take such steps to remedy the declared failure, within such period, as may be specified in the order;
- (b) to abstain from such acts as may be so specified with a view to securing that a failure of the same or a similar kind does not occur in future.

4.7 A declaration made by the Certification Officer may be relied on as if it were a declaration made by the High Court. An enforcement order made by the Certification Officer may be enforced in the same way as an order of the High Court.

Trade Unions - Membership and Financial Information

4.8 The annual returns of trade unions must provide figures for both total membership and members who pay contributions. There may be significant differences between these two figures, usually because total membership figures can include student members, retired and unemployed members, members on long term sick leave and maternity/child care leave and those on career breaks. In 2005, one Northern Ireland union had 1777 less subscribers than union members, (i.e. a 27% difference). For 2004, the same union had 2224 less subscribers (i.e. 33% difference). For both years, the differences are accounted for by members who fall within the non-subscribing categories.

- 4.9 The total Northern Ireland membership of all trade unions at 31 December 2005 was recorded as 249,119. 75% of all Northern Ireland trade union members belong to Great Britain based trade unions with 20% and 5% respectively being members of Northern Ireland and Republic of Ireland based trade unions.
- 4.10 Trade union income derives mainly from membership subscriptions and investments. There may also be additional income and assets arising if, for example, a union accepts the transfer of engagements of another union. In 2005 the total income of Northern Ireland based trade unions was approximately £4 million, total expenditure was £3.9 million, and total net assets were £4 million. Compared with 2004, this shows a decrease of approximately £1.4 million in income and a decrease of approximately £3 million in expenditure. The total net assets show an increase of approximately £117,000.
- 4.11 Appendix 1 gives a summary of membership and finance statistics, for Northern Ireland trade unions and Republic of Ireland trade unions with Northern Ireland members for the year 2005. This shows a total of 49,991 members of Northern Ireland unions providing an annual contribution of approximately £3.7 million; while there were 13,174 Northern Ireland members of Republic of Ireland unions providing an annual contribution of approximately €2.3 million. In 2005 the total income of the Republic of Ireland unions was approximately €81 million, total expenditure was approximately €53 million and total net assets were approximately €76 million.
- 4.12 Financial and membership details of 50 Great Britain unions with 100 or more Northern Ireland members are given in Appendix 2. In 2005, 186,767 Northern Ireland members of these unions contributed £15.4 million. The total income of these unions in the year was approximately £792 million, total expenditure was approximately £777 million and total net assets were approximately £510 million.
- 4.13 Membership details of a further 37 Great Britain based trade unions with under 100 Northern Ireland members are listed in Appendix 3. This records a total of 1016 Northern Ireland members contributing approximately £120,000. In 2005 the total income of these unions was approximately £23 million, total expenditure was approximately £20 million and total net assets were approximately £34 million.

Employers' Associations - Membership and Financial Information

- 4.14 Employers' associations are not required to provide the Certification Officer with details of officers' salaries and benefits.
- 4.15 A summary of statistics on the membership and finances of 13 Northern Ireland employers' associations for 2005 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2005 the total income of these organisations was approximately £5.1 million, expenditure was approximately £4.6 million and total net assets were approximately £7.7 million.
- 4.16 Details of 32 Great Britain employers' associations with Northern Ireland members are given in Appendix 5. In 2005 these organisations received contributions amounting to approximately £1 million from their Northern Ireland members. Their total income was approximately £139 million, expenditure was approximately £134 million, and total net assets were approximately £134 million. Compared with 2004, this shows an increase of approximately £10 million in total income and an increase of approximately £4 million in expenditure. The total net assets show a decrease of approximately £8 million. (The introduction of the FRS 17 Accounting Standards may account for this).

It is a legal requirement that any superannuation scheme maintained by a trade union or an employers' association for the benefit of members be actuarially examined at least every five years and a copy of the actuary's report sent to the Certification Officer. An explanation of the statutory provisions is given in this chapter together with information on the number of schemes maintained and the number of reports received.

The Statutory Provisions

- 5.1 Schedule 1 to the 1992 Order requires that any superannuation scheme maintained by a Northern Ireland based trade union or employers' association¹ for its members must be examined periodically by a qualified actuary and a copy of each actuarial report sent to the Certification Officer. The actuarial examination is required to be made not later than five years after the effective date of the preceding examination, but the Certification Officer has power to direct that, in any particular case, the period of five years may be reduced to such shorter period as he may specify. The Certification Officer also has power to exempt a member's superannuation scheme from actuarial examination if it applies only to a small number of members or for any other special reasons. No trade union or employers' association may maintain a members' superannuation scheme unless it also maintains a separate fund for the payment of benefits in accordance with the scheme. A trade union or employers' association must supply a copy of any actuarial report made under Schedule 1 free of charge to any member on request.
- 5.2 Schedule 1 requires that the report by the actuary following his or her examination of any scheme shall state whether in his or her opinion the premium or contribution rates are adequate, whether the accounting or funding arrangements are suitable and whether the separately maintained superannuation fund is adequate.

Schemes Maintained - Northern Ireland based 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 – Great Britain based Trade Unions

- 5.4 The following 4 Great Britain based trade unions, which have Northern Ireland members, maintain members' superannuation schemes at 31 March 2006:
- Amicus (8 schemes)
 - GMB
 - National Union of Rail, Maritime and Transport Workers
 - Transport and General Workers Union

Actuarial Reports

- 5.5 No actuarial reports were received during this period.

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

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

The Statutory Provisions

- 6.1 The 1995 Order and the Trade Unions and Employers' Associations (Amalgamations, etc) Regulations 1965, as amended, lay down procedures governing two types of merger between trade unions and between unincorporated employers' associations. The procedures apply, with certain modifications, to mergers between Northern Ireland organisations and organisations in Great Britain and to both listed and unlisted organisations. Their main purposes are to facilitate the merger process and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it.
- 6.2 The two types of merger are a *transfer of engagements* and an *amalgamation*. Under a transfer of engagements a transferring organisation loses its legal identity whilst the organisation to which it transfers continues in being with its legal identity unchanged. An amalgamation produces a new organisation replacing the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer who must approve them before a ballot of members on the merger proposal can be held. The statutory fee payable for approval of the instrument is shown in Appendix 9.
- 6.4 Ballots must be postal¹ and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a proposed amalgamation or transfer is prohibited. The voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed pre-paid envelope and a document giving instructions for the return of the voting paper. Other requirements relate to storage, distribution and counting of votes by independent persons and the availability of a union's membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers' associations, the provisions are slightly different. Details can be found in the guidance booklet (see para 6.9 below).
- 6.5 In a transfer of engagements, only the members of the transferring organisation vote on the instrument of transfer. In an amalgamation, the members of each amalgamating organisation vote. If the required majority of votes recorded in the ballot is in favour of the transfer or amalgamation, an application to register the instrument may be made to the Certification Officer. Before making such an application, the union must send a copy of the scrutineer's report to every member, or notify them of its contents by other means. Members must also be told that they will, on request, be provided with a copy of the scrutineer's report - either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a transfer or amalgamation.
- 6.6 An interval of six weeks must elapse between the application for registration of an instrument and registration itself; and before the expiry of the six-week period any member of a transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements have not been observed. If, after giving the parties an opportunity to be heard, the Certification Officer finds the complaint justified, he must make a declaration to that effect, and he may make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal

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

against the Certification Officer's decision to the Court of Appeal on a point of law.

6.7 The Employment Relations (Northern Ireland) Order 2004 amended the 1995 Order to make new provision for automatic listing of a new organisation formed by the amalgamation of organisations on the list at the time of amalgamation (see paragraph 1.7), and for automatic issue of a certificate of independence to a new union formed by amalgamation of unions which held a certificate at the time of amalgamation (see paragraph 2.5).

6.8 Formal documents kept by the Certification Officer relating to mergers under the 1995 Order are available for public inspection. The statutory fee payable is shown in Appendix 9.

Advice on Procedures

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

Mergers Proposed or Completed

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

Complaints

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

Changes of Name

6.12 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 Great Britain Certification Officer approved the change of name of 9 trade union and employers' associations with Northern Ireland members:

| Trade Unions: | | Effective date |
|----------------------|--|-----------------------|
| <i>From:</i> | Association of Clinical Biochemists Ltd | |
| <i>To:</i> | Association for Clinical Biochemistry, The | 23/6/05 |
| <i>From:</i> | National Association of Educational Inspectors, Advisors and Consultants | |
| <i>To:</i> | Aspect | 16/9/05 |
| <i>From:</i> | Union of Senior Revenue Officials | |
| <i>To:</i> | Association of Revenue and Customs | 16/9/05 |
| <i>From:</i> | Secondary Heads Association | |
| <i>To:</i> | Association of School and College Leaders | 10/10/05 |
| <i>From:</i> | Ceramic and Allied Trade Union | |
| <i>To:</i> | Unity | 23/02/06 |

| Employers' Associations: | | Effective date |
|---------------------------------|---|-----------------------|
| <i>From:</i> | British Jewellery and Giftware Federation | |
| <i>To:</i> | British Jewellery, Giftware and Finishing Federation | 9/8/05 |
| <i>From:</i> | Cinema Exhibitors' Association | |
| <i>To:</i> | Cinema Exhibitors' Association Ltd, The | 22/8/05 |
| <i>From:</i> | National Pharmaceutical Association Ltd | |
| <i>To:</i> | National Pharmacy Association Ltd | 23/9/05 |
| <i>From:</i> | National Federation of Master Window and General Cleaners | |
| <i>To:</i> | Federation of Window Cleaners | 15/12/05 |

The 1995 Order enables trade unions and unincorporated employers' associations to establish separate funds for the furtherance of political objects. They can only do so if a resolution adopting the political objects has been passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This chapter explains the statutory provisions, including those relating to the exemption of Northern Ireland members and to complaints by trade union members about breaches of political fund rules.

The Statutory Provisions for Northern Ireland - based Organisations

General

- 7.1 A trade union or an unincorporated employers' association, whether listed or not, can include the furtherance of political objects among its objects. A resolution to adopt political objects ("a political resolution") must be passed by the members in a postal¹ ballot held under rules ("political ballot rules") which have been approved by the Certification Officer. An independent scrutineer must be appointed to oversee the ballot. If political objects are adopted, rules governing the expenditure of funds on them must also be adopted. These "political fund rules" must be approved by the Certification Officer.
- 7.2 Trade unions and employers' associations are required to periodically renew their authority to spend money on political objects. They must pass a political resolution by ballot of their members ("a review ballot") at least once in every 10 years. Each new ballot must be held in accordance with rules approved by the Certification Officer.

Exemption

"Contracting-in"

- 7.3 Unlike members of trade unions and employers' associations in Great Britain, members in Northern Ireland must provide a written authority (Article 59 of the 1995 Order) to their organisation before any contribution to the political fund may be taken from them, whether by way of deduction from their normal membership subscription or through a separate levy. This statutory requirement is colloquially known as "contracting-in" (Article 59(1) see para 7.6). The rules of trade unions and employers' associations must provide for each member to know what portion, if any, of his or her normal contribution is a contribution to the political fund. These rules must be approved by the Certification Officer.

- 7.4 Where a member does not "contract-in" or, having "contracted-in", subsequently decides to "contract-out", he or she is exempt from contributing to the political fund and any deduction or levy for that purpose would be unlawful. Any Northern Ireland trade union or employers' association member who believes an unauthorised deduction or levy has been made may complain to the Certification Officer.
- 7.5 Members not contributing to the political fund must not be excluded from any benefits of the organisation or placed under any disability or disadvantage compared with other members, except in relation to the control or management of the political fund. Contribution to the political fund must not be made a condition for admission to the organisation.

"Contracting-out"

- 7.6 Any member who having initially "contracted-in" wishes subsequently to "contract-out" of a political fund must give a written "notice of withdrawal", Article 59(2) of the 1995 Order. This may be delivered at the head office or a branch office of the organisation by the member in person or by any authorised agent or by post. The withdrawal takes effect from the 1 January next following the giving of the notice. If any deduction is made after that date the member may complain to the Certification Officer.

Great Britain and Republic of Ireland Organisations

- 7.7 The statutory requirement that Northern Ireland members of trade unions and unincorporated employers' associations must "contract-in" to a political fund applies regardless of where their organisation is headquartered. The requirements and conditions outlined in paras 7.3 to 7.6 therefore apply also to Northern Ireland members of trade unions and employers' associations headquartered in Great Britain or the Republic of Ireland.

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

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

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. It is included in the booklet "*Guidance for trade unions and employers' associations wishing to establish a political fund (2000)*" issued by the Great Britain Certification Office. Approval for use of the model rule, and for any proposed amendment of it, must be obtained from the Northern Ireland Certification Officer before any lawful political fund contribution may be levied on a Northern Ireland member, even if the member has provided a written authority. Great Britain trade unions and employers' associations which are intending to adopt or amend the model rule should contact the Northern Ireland Certification Office in advance.

Complaints

- 7.10 Any member of a trade union or employers' association 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, he may make an order requiring the organisation to remedy it.
- 7.11 A member may complain to the Certification Officer if a political fund ballot has been held, or is proposed to be held, in a way that does not comply with the approved political ballot rules. Any complaint must be made within the period of one year beginning with the day on which the result of the ballot is announced.
- 7.12 A member who claims that money has been spent on political objects without a political fund resolution being in force or without approved political fund rules may apply to the Certification Officer for a declaration to that effect. If the Certification Officer makes a declaration he may also make such order for remedying the breach as he thinks just in the circumstances. Appeals against decisions of the Certification Officer may be made to the Court of Appeal on a question of law.

- 7.13 As mentioned earlier, Northern Ireland members who consider that political fund contributions are being taken from them without their written authority may complain to the Certification Officer. If he upholds a complaint, the Certification Officer may make an order to remedy the breach. Appeal is as in paragraph 7.12 above.

- 7.14 Northern Ireland members of a Great Britain headquartered trade union or employers' association who consider that its political fund rules have been breached, other than in relation to their political fund contributions, may complain to the Great Britain Certification Officer, 180 Borough High Street, London, SE1 1LW. Any enquiries should be made to his office, tel: 0207 210 3734, e-mail:- info@certoffice.org.

Advice on Procedures

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

Northern Ireland Organisations with Political Fund Rules at 31 December 2005

- 7.16 None.

Great Britain Organisations with Political Fund Rules approved by the Northern Ireland Certification Officer at 31 December 2005

- 7.17 There were 22 Great Britain trade unions with Northern Ireland members operating political funds at 31 December 2005. Of these, 16 had Northern Ireland members "contracting-in".
- 7.18 The 2005 returns show that 39,826 Northern Ireland members of these trade unions - representing some 12% of the total Northern Ireland trade union membership - contributed £163,740 towards political funds. A list of the 16 unions, showing the number of Northern Ireland members and the amount of their financial contributions, is given at Appendix 7. The 6 Great Britain unions whose Northern Ireland members did not contribute to their political funds in 2005 are listed in Appendix 8.

Great Britain Organisations with new Political Fund Rules approved for the first time during 2005 – 2006

7.19 The Public and Commercial Services Union, a Great Britain union with Northern Ireland members, held a ballot on a resolution to establish a political fund in 2005-2006. A majority of those who voted were in favour, but no application for approval of political fund rules had been received by the end of the reporting period.

Amendments to Rules of Great Britain Organisations

7.20 Amendments to political fund rules require the Certification Officer's approval. Such approval is given provided that the amendments have been adopted in accordance with, and satisfy the requirements of, Article 59 of the 1995 Order. One Great Britain trade union with Northern Ireland members (GMB) had amendments approved in this way during 2005-2006.

Great Britain Organisations holding Political Fund Review Ballots in 2005-2006

7.21 During 2005-2006, one union with Northern Ireland members (Union of Construction Allied Trades and Technicians) held a review ballot, in which members voted in favour of maintaining the political fund.

Political Fund Complaints by Northern Ireland members to the Great Britain Certification Officer during 2005-2006

7.22 None.

The 1995 Order requires that certain officers and all members of a trade union's executive committee must be elected by secret postal¹ ballot. No one may continue to hold one of those positions for more than five years without being re-elected. This Chapter deals with the statutory provisions governing elections. As explained in Chapter 9, the Certification Officer also has powers to deal with breaches of a union's own rules governing elections and certain other matters.

The Statutory Provisions

- 8.1 A trade union must ensure that no one takes up a position as a member of its principal executive committee or as its president or general secretary, without having been elected to that position. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are exceptions in respect of amalgamations, special register bodies, newly formed unions and officers nearing retirement. Elections must be by secret postal ballot of the members of the union, conducted in accordance with the provisions in the 1995 Order.
- 8.2 Individual trade union members have a statutory right to apply to the Certification Officer for a declaration that their trade union has failed to comply with one or more of the relevant provisions of the Order. After giving the applicant and the union an opportunity to be heard, the Certification Officer may make or refuse the declaration asked for. Where he makes a declaration he must also, unless he considers it inappropriate, make an order imposing on the union one or more of the following requirements -
- (a) to hold the election in accordance with the order;
 - (b) to take such other steps to remedy the declared failure as may be specified in the order;
 - (c) to abstain from such acts as may be specified with a view to ensuring that a failure of the same or a similar kind does not occur in future.

Disclosure of applicant's identity, hearings, appeals etc

- 8.3 Article 70 of the 1992 Order requires the Certification Officer to make provision about the disclosure or otherwise of the identity of an individual who has made, or is proposing to make, any application or complaint.

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

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

Certification Officer is made by a different person, alleging the same failures which have 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 and Decisions

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

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

- **Currie v Public and Commercial Services Union (D/35-36/05).** The claimant alleged that the union had breached section 46(1)(a) of the 1992 Act by failing to hold an election for the post of general secretary. He further alleged that he had been unreasonably excluded from standing as a candidate in the election in breach of section 47(1) of the 1992 Act. It was found that the provisions relating to an election in the 1992 Act had not been breached in the uncontested election and that the claimant had not been unreasonably excluded from the election by the union, on the grounds that he had failed to secure the required 25 branch nominations to stand.

- **Morgan v National Association of Schoolmasters Union of Women Teachers (D/38/05).** The claimant sought a declaration that the union had breached section 48(4) of the 1992 Act by modifying his election address. The union conceded the breach but the claimant sought an enforcement order requiring the union to abstain from any activity that could be conceived as placing an impediment on his standing in union elections. The Certification Officer made the declaration sought by the claimant but was satisfied the union had taken steps with a view to securing that a failure of the same or similar kind did not occur in future. He did not find it appropriate to make an enforcement order.
- **Bakhsh v UNISON (D/39/05).** The claimant sought a declaration that the union had breached section 48(4) of the 1992 Act by modifying his election address. The claimant also sought an enforcement order requiring the union to re-run the election. The union conceded the breach and the Certification Officer made a declaration. He did not, however consider it appropriate to make an enforcement order, being satisfied that the union had taken steps with a view to securing that a failure of the same or similar kind did not occur in future.

A member of a trade union who claims that there has been a breach or threatened breach of the rules of a trade union relating to certain matters set out in Article 90A(2) the 1995 Order may apply to the Certification Officer for a declaration to that effect. This chapter explains breach of rule applications and how they are dealt with.

The Statutory Provisions

9.1 Individual trade union members have the right to apply to the Certification Officer if they believe there has been a breach or threatened breach of a trade union's rules relating to any of the matters set out in Article 90A(2) of the 1995 Order. The matters are: –

- (a) the appointment or election of a person to, or the removal of a person from, any office;
- (b) disciplinary proceedings by the union (including expulsion);
- (c) the balloting of members on any issue other than industrial action;
- (d) the constitution or proceedings of any executive committee or of any decision-making meeting;
- (e) such other matters as may be specified in an order made by the Department for Employment and Learning.

9.2 The applicant must be a member of the union, or have been a member at the time of the alleged breach or threatened breach. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court.

9.3 The Certification Officer may refuse to accept an application if he is not satisfied that the applicant has taken all reasonable steps to resolve the claim by the use of any internal complaints procedure of the union.

9.4 If the Certification Officer accepts an application he must make such enquiries as he thinks fit and, before reaching a decision on the application, provide the applicant and the trade union with an opportunity to be heard. The Employment Relations Order 2004

amended the 1992 Order to give the Certification Officer the power to strike out certain applications or complaints.

9.5 The Certification Officer must give reasons for his decision in writing and, where he makes a declaration that there has been a breach or threatened breach of rule, he is required to make an enforcement order unless he considers that to do so would be inappropriate. The enforcement order may impose on the union one or more of the following requirements –

- (a) to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order; and
- (b) to abstain from such acts as may be so specified with a view to securing that a breach or threat of the same or similar kind does not occur in future.

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

9.6 An order made by the Certification Officer may be enforced (by any person who is a member of the union and was a member at the time the order was made) in the same way as an order of the High Court.

9.7 An appeal may be made to the Court of Appeal on any question of law arising in proceedings before, or from a determination by, the Certification Officer.

Applications and Decisions

9.8 The Certification Officer issued twenty three decisions on five applications during the period of this report. A feature of breach of trade union rule applications is that a single application often alleges multiple breaches of rule by the union. One enforcement order and one direction were issued. The twenty three decisions are listed below.

- 9.9 **Arbuckle v NASUWT (D/1-7/2005)**. The decisions in this case were made by the previous Certification Officer, Mr Scott McElrea, and were reported in detail in his Annual Report for 2004-2005. The hearing was held in that year, but the decisions were issued in the 2005-2006 year and are listed here for the record. The enforcement order and the direction mentioned above were issued in this case.
- 9.10. **Rea & Others v Transport and General Workers Union (D/8/2005)**. In this case it was found that the union had breached its rules by failing to ensure the election of a representative of the transport sector to the Regional Committee of Region 3 (Ireland). A representative of the transport section was subsequently elected to the Regional Committee following the resignation of an existing member, and the union undertook to provide clearer guidance on Regional Committee elections. In the circumstances it was not considered appropriate to make an enforcement order.
- 9.11 **Edgar v GMB (D/9-14/2005)**. In this case it was found that there had been five breaches of rule by the union in relation to elections and proceedings of one of its branches. The union having remedied the situation, it was considered inappropriate to make an order. The Certification Officer refused to make the declaration sought in a further complaint that by removing the applicant from a training course the union had disciplined her outside its rules.
- 9.12 **Lewis v Prison Officers' Association (D/15-18/2005)**. This case concerned four complaints that the union had breached its rules in disciplinary proceedings which it took against the applicant. The Certification Officer dismissed three of the complaints and upheld one. The applicant has lodged an appeal with the Court of Appeal.
- 9.13 **McGinley v The Northern Ireland Public Service Alliance (D/1-5/2006)**. The applicant complained of five breaches of rule in relation to the award of life membership to a former General Secretary of the union at the union's annual conference. The Certification Officer found that the union had breached its rules by making the award without taking a vote on the conference motion proposing it. In all the circumstances it was not considered appropriate to make an order. The remaining four complaints were dismissed.
- 9.14 One further case **Egan v NASUWT (D/6-7/2006)** was heard in the period of this report, but the decision was issued after the end of the period. Details will be included in the report for 2006-07. An appeal against the decision has been made to the Court of Appeal.
- 9.15 Copies of the Certification Officer's decisions are available, free of charge, from the Office and are published on the Office website:- www.nicertoffice.org.uk.
- 9.16 The Great Britain Certification Officer made the following noteworthy decisions in cases of alleged breach of rule by Great Britain trade unions with Northern Ireland members.
- 9.17 **Gallagher v UNISON (D/5/05)**. The Certification Officer found the union had acted in breach of a rule relating to discipline, namely a rule which provided that any sanctions imposed by the Appeal Committee were final. The National Executive Council adopted a policy which had the effect of excluding the claimant from attending the union's National Delegate Conference by reason of her having been subject to an earlier disciplinary penalty. The Certification Officer issued an enforcement order requiring the union to consider future applications from the claimant to attend any union conference without regard to that policy of exclusion. This decision was appealed successfully to the Employment Appeal Tribunal (EAT) in July 2005. The EAT found that the adoption of the policy by the NEC was not a further disciplinary penalty, in addition to the disciplinary sanction that she had already been given, and that her complaint should have been dismissed as it did not concern a rule of the union relating to discipline (UKEAT/0280/05/MMA).
- 9.18 **Scobie v Transport and General Workers Union (No.1) (D/6-14/05)**. In this case, nine alleged breach of union rule complaints relating to the union's region seven (Scotland) were dismissed.
- 9.19 **Scobie v Transport and General Workers Union (No.2) (D/15/05)**. In this case, it was found that the union had acted in breach of its rules by appointing someone to the post of National Secretary who was not qualified under the rules to take that position. An enforcement order was issued which required the post-holder to relinquish office unless or until appointed in accordance with the rules of the union.
- 9.20 **Moore v UNISON (D/28/05)**. In refusing to make the declaration sought, the Certification Officer found that the union had not breached its rules by restricting the number of witnesses that the claimant was entitled to call at his disciplinary hearing. The Certification Officer went on to comment that this case was decided

on its particular facts and that in most circumstances it is important to permit an accused person to call whatever relevant evidence he or she wishes.

- 9.21 **Walbourn v British Air Line Pilots Association (D/30-34/05)**. The Certification Officer refused to make the declarations sought in five complaints arising out of a pay consultative ballot. In dismissing each of the five complaints the Certification Officer found that the union had not breached its rules concerning the conduct of the ballot.
- 9.22 **Doyle v GMB (D/1/06)**. In this case it was found that the union had acted in breach of its rules by not seeking nominations forthwith from the union's branches for the vacant post of General Secretary. Shortly after the breach, however, the union amended the relevant rule to remove the "forthwith" requirement. In all the circumstances, it was not considered appropriate to make an enforcement order.
- 9.23 **King v GMB (D/4-7/06)**. In this case it was found that the union had acted in breach of rule by a branch having disciplined the claimant without first obtaining authority from the Regional Secretary. In all the circumstances, it was not considered appropriate to issue an enforcement order. Three other complaints concerning quorums at meeting of the branch and of the union's Regional Committee were dismissed.

The full text of these decisions can be found on the Great Britain Certification Office website:-
www.certoffice.org

- 9.24 Not all enquiries made are about matters that can give rise to an application to the Certification Officer. For example, the Certification Officer has no jurisdiction regarding inadequate representation of members by their union or in relation to the provision of union benefits or membership.

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 2005 (UNLESS OTHERWISE INDICATED)

| Northern Ireland Unions | NI Members | Total Members (inc.ROI) | 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 |
| Belfast Airport Police Association (31/3/06)* | 26 | 26 | 3,220 | 7 | 6 | 26 | 26 | 0.3 |
| Lough Neagh Fishermen's Association ¹ | 119 | 119 | 661 | 2 | 0.2 | 2 | 2 | — |
| Northern Ireland Public Service Alliance* | 43,076 | 43,076 | 3,051,698 | 3,407 | 3,390 | 3,213 | 3,423 | 210 |
| Ulster Teachers Union* | 6,770 | 6,852 | 609,274 | 638 | 539 | 802 | 828 | 26 |
| TOTALS | 49,991 | 50,073 | 3,664,853 | 4,054 | 3,935.2 | 4,043 | 4,279 | 236.3 |
| Republic of Ireland Unions (in euros) | NI Members | Total Members | 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 |
| Irish Bank Officials' Association* | 5,322 | 19,230 | 1,233,191 | 30,339 | 4,991 | 37,459 | 51,571 | 14,113 |
| Irish National Teachers' Organisation* ² | 6,145 | 32,881 | 955,282 | 11,770 | 10,317 | 9,836 | 15,811 | 5,975 |
| Seaman's Union of Ireland ^{††} | — | — | — | — | — | — | — | — |
| Services, Industrial, Professional & Technical Union* | 1,707 | 248,341 | 133,506 | 39,018 | 37,428 | 28,450 | 38,739 | 10,289 |
| TOTALS | 13,174 | 300,452 | 2,321,979 | 81,127 | 52,736 | 75,745 | 106,121 | 30,377 |

* Denotes a trade union holding a certificate of independence at 31 December 2005.

†† Denotes an unlisted union and the union has not provided figures for year ending 31 December 2005 to the Certification Officer.

¹ Association has not yet provided figures for year ending 31 December 2005 to the Certification Officer.

² Irish National Teachers' Organisation — figures converted from sterling to euros using an exchange of €1.48 per £ sterling.

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

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

APPENDIX 2 (SEE PARA 4.18) — GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS — AT 31 DECEMBER 2005 (UNLESS OTHERWISE INDICATED)

| | NI Members | GB Members | ROI Members | Elsewhere (incl. Channel Islands) | NI Subscription Contributions £'s | Total Income £000's | Total Expenditure £000's | Funds at the End of the Year £000's | Total Assets at the End of the Year £000's | Total Liabilities at the End of the Year £000's |
|--|---------------|---------------|----------------|--|--|---------------------------|--------------------------------|--|---|---|
| Abbey National Group Union - ANGU | 363 | 7,695 | 1 | 4 | 18,472 | 649 | 631 | 835 | 876 | 41 |
| ACCORD | 1,763 | 24,066 | 88 | 19 | 86,438 | 1,842 | 1,670 | 2,284 | 2,882 | 598 |
| Alliance & Leicester Group Union of Staff | 111 | 2,408 | - | - | 8,337 | 249 | 261 | 196 | 210 | 14 |
| Ambulance Service Union | 241 | 2,633 | - | - | 14,517 | 227 | 197 | 125 | 157 | 32 |
| AMICUS | 29,896 | 1,123,197 | 25,016 | 1,546 | 2,113,139 | 81,960 | 91,728 | 56,707 | 118,672 | 61,965 |
| Association of Educational Psychologists | 105 | 2,914 | 11 | 20 | 15,264 | 732 | 542 | 2,122 | 2,229 | 107 |
| Association of School & College Leaders | 170 | 12,098 | 1 | 72 | 40,816 | 3,526 | 3,138 | 1,700 | 2,206 | 506 |
| Association of Teachers & Lecturers | 5,164 | 196,480 | 651 | 946 | 220,164 | 12,602 | 12,516 | 7,034 | 11,341 | 4,307 |
| Association of University Teachers (31/8/05) ¹ | 1,839 | 46,516 | - | - | 180,212 | 5,335 | 5,205 | 4,564 | 5,796 | 1,232 |
| Aspect | 130 | 3,778 | - | 23 | 23,779 | 1,091 | 1,204 | 245 | 364 | 119 |
| Bakers, Food & Allied Workers Union | 892 | 25,801 | 592 | - | 55,346 | 3,070 | 3,064 | (1,001) | 1,525 | 2,526 |
| British Airline Pilots Association | 116 | 7,784 | 48 | 390 | 56,359 | 5,201 | 3,835 | 6,808 | 7,274 | 466 |
| British Association of Dental Nurses | 109 | 5,601 | 17 | 26 | 3,350 | 229 | 235 | 164 | 171 | 7 |
| British Association of Occupational Therapists (30/9/05) | 869 | 26,659 | 256 | 342 | 64,115 | 4,134 | 4,134 | - | 324 | 324 |
| British Dental Association (30/9/05) | 776 | 20,465 | 76 | 352 | 201,712 | 11,938 | 11,079 | 5,023 | 9,727 | 4,704 |
| British Dietetic Association (28/2/06) | 252 | 5,658 | 60 | 155 | 14,969 | 319 | 293 | 115 | 130 | 15 |
| British Medical Association | 4,439 | 129,402 | 161 | 3,359 | 1,095,000 | 80,610 | 76,014 | 98,545 | 148,802 | 50,257 |
| Broadcasting, Entertainment, Cinematograph & Theatre Union | 585 | 26,710 | 54 | 5 | 98,802 | 6,581 | 5,795 | (4,005) | 3,979 | 7,984 |
| Chartered Society of Physiotherapy | 1,467 | 44,061 | 267 | 1,109 | 264,547 | 12,788 | 12,506 | 4,481 | 10,358 | 5,877 |
| Communication Workers Union | 5,487 | 238,464 | - | 510 | 571,333 | 35,790 | 35,437 | 13,446 | 30,843 | 17,397 |
| Community Youth Workers Union | 120 | 3,948 | 10 | 8 | 11,343 | 519 | 481 | 80 | 114 | 34 |
| Connect — The Union for Professionals in Communication | 550 | 19,004 | 8 | 28 | 84,480 | 3,357 | 3,263 | 4,275 | 5,388 | 1,113 |
| Equity (Incorporating the Variety Artists' Association) | 306 | 35,409 | 100 | 674 | 23,307 | 5,480 | 7,433 | 4,687 | 10,991 | 6,304 |
| FDA | 270 | 15,423 | - | 516 | 54,305 | 2,599 | 2,461 | 1,096 | 1,911 | 815 |
| Fire Brigades Union | 1,690 | 45,121 | - | - | 269,931 | 12,523 | 14,561 | 2,359 | 6,776 | 4,417 |

¹ Association has not yet provided figures for year ending August 2005

GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS — AT 31 DECEMBER 2005 (UNLESS OTHERWISE INDICATED)

| | NI Members | GB Members | ROI Members | Elsewhere (incl. Channel Islands) | NI Subscription Contributions £'s | Total Income £000's | Total Expenditure £000's | Funds at the End of the Year £000's | Total Assets at the End of the Year £000's | Total Liabilities at the End of the Year £000's |
|---|---------------|---------------|----------------|--|--|---------------------------|--------------------------------|--|---|---|
| GMB | 13,913 | 561,131 | 61 | — | 1,012,988 | 55,079 | 52,855 | (36,792) | 40,565 | 77,357 |
| Musicians Union | 164 | 30,908 | 47 | 29 | 21,065 | 5,057 | 4,649 | 6,827 | 11,673 | 4,846 |
| National Association of Head Teachers | 1,035 | 38,087 | — | 399 | 109,596 | 7,197 | 6,165 | 4,241 | 6,473 | 2,232 |
| National Association of Schoolmasters & UWT | 14,618 | 273,560 | — | 1,752 | 1,257,912 | 24,231 | 23,095 | 25,413 | 31,519 | 6,106 |
| National Association of Teachers in F&HE (17 months ended 31/5/06) | 2,373 | 67,373 | — | 103 | 359,786 | 13,953 | 11,936 | (1,181) | 5,051 | 6,232 |
| National Federation of Sub-Postmasters | 401 | 8,743 | — | 19 | 40,460 | 2,269 | 1,704 | 4,676 | 5,134 | 458 |
| National Union of Journalists (at 30/9/05) | 1,080 | 33,567 | 4,214 | 806 | 111,849 | 9,891 | 4,872 | 5,111 | 7,872 | 2,761 |
| National Union of Marine, A & ST Officers (NUMAST) | 369 | 16,417 | 266 | 953 | 44,045 | 2,871 | 2,640 | 5,122 | 5,463 | 341 |
| Nationwide Group Staff Union | 207 | 12,195 | — | — | 12,087 | 929 | 924 | 440 | 619 | 179 |
| Prison Officers Association | 1,644 | 33,673 | — | — | 232,100 | 5,461 | 5,078 | 2,432 | 3,785 | 1,353 |
| Professional Association of Teachers Prospect | 635 | 32,981 | — | 29 | 9,532 | 1,869 | 1,845 | 605 | 1,063 | 458 |
| Public and Commercial Services Union | 1,064 | 97,808 | 3 | 3,286 | 131,000 | 13,247 | 13,645 | 19,624 | 27,249 | 7,625 |
| Retained Firefighters Union | 2,922 | 309,075 | 14 | 714 | 273,480 | 34,028 | 32,360 | 11,556 | 12,908 | 1,352 |
| | 102 | 4,051 | — | — | 9,060 | 368 | 334 | 119 | 122 | 3 |
| Royal College of Midwives (at 31/8/05) | 1,391 | 35,789 | 30 | 435 | 235,285 | 5,982 | 5,967 | 360 | 375 | 15 |
| Royal College of Nursing of the UK (at 31/3/06) | 12,919 | 376,703 | 380 | 1,345 | 744,000 | 26,178 | 26,178 | — | 5,033 | 5,033 |
| Society of Chiroprodists and Podiatrists | 338 | 7,516 | 188 | 249 | 99,710 | 3,056 | 2,860 | 3,287 | 3,738 | 451 |
| Society of Radiographers (at 30/9/05) | 780 | 17,709 | — | 199 | 135,000 | 3,904 | 3,532 | 1,473 | 1,798 | 325 |
| Transport & General Workers Union | 25,760 | 725,716 | 15,420 | 10,429 | 2,477,415 | 77,982 | 70,876 | 89,212 | 116,622 | 27,410 |
| Transport Salaried Staffs Association | 514 | 29,493 | 1,349 | — | 59,904 | 7,544 | 5,512 | 22,709 | 23,390 | 681 |

GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2005 (UNLESS OTHERWISE INDICATED)

| | NI Members | GB Members | ROI Members | Elsewhere (incl. Channel Islands) | NI Subscription Contributions £'s | Total Income £000's | Total Expenditure £000's | Funds at the End of the Year £000's | Total Assets at the End of the Year £000's | Total Liabilities at the End of the Year £000's |
|---|----------------|------------------|----------------|--|--|---------------------------|--------------------------------|--|---|---|
| Union of Construction Allied Trades & Technicians | 2,152 | 101,864 | 17,093 | - | 79,756 | 6,845 | 5,760 | 5,351 | 9,620 | 4,269 |
| Union of Finance Staff | 106 | 3,934 | - | - | 9,329 | 726 | 729 | 221 | 354 | 133 |
| UNISON | 35,346 | 1,281,654 | - | - | 1,777,403 | 156,751 | 165,466 | 69,107 | 143,297 | 74,190 |
| Union of Shop, Distributive & Allied Workers | 9,076 | 331,577 | - | - | 557,507 | 32,405 | 30,149 | 8,460 | 34,718 | 26,258 |
| Unity | 148 | 7,928 | - | - | 14,179 | 1,215 | 1,061 | 7,319 | 7,497 | 178 |
| TOTALS | 186,767 | 6,510,747 | 66,482 | 30,851 | 15,404,485 | 792,389 | 777,875 | 510,556 | 888,984 | 421,407 |

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APPENDIX 3 (SEE PARA 4.19) – GB TRADE UNIONS WITH LESS THAN 100 NI MEMBERS – AT 31 DECEMBER 2005 (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 |
|---|---------------|---------------|----------------|--|--|---------------------------|--------------------------------|--|---|---|
| Association for Clinical Biochemistry, The | 51 | 1,453 | 58 | 199 | 5,787 | 980 | 957 | 2,106 | 2,436 | 330 |
| Association for College Management | 29 | 3,771 | – | 1 | 5,616 | 796 | 784 | 395 | 631 | 236 |
| Association of Local Authority Chief Executives | 26 | 306 | – | – | 6,500 | 88 | 76 | 32 | 44 | 12 |
| Association of Principal Fire Officers | 4 | 477 | – | 4 | 1,248 | 62 | 92 | 39 | 69 | 30 |
| Association of Professional Ambulance Personnel | 5 | 2,588 | – | 36 | 679 | 283 | 284 | (23) | 56 | 79 |
| Association of Professional Music Therapists | 9 | 579 | 3 | 39 | 780 | 61 | 57 | 13 | 16 | 3 |
| Association of Revenue and Customs | 41 | 2,574 | – | 5 | 2,686 | 170 | 168 | 464 | 473 | 9 |
| Boots Pharmacists' Association (BPA) | 7 | 528 | – | – | 280 | 21 | 19 | 7 | 9 | 2 |
| Britannia Staff Union | 7 | 2,964 | – | – | 318 | 132 | 116 | 351 | 386 | 35 |
| British Association of Journalists | 14 | 906 | – | 22 | 1,245 | 118 | 114 | 19 | 24 | 5 |
| British Orthoptic Society | 29 | 1,107 | 25 | – | 865 | 31 | 31 | 2 | 5 | 3 |
| British Union of Social Work Employees (at 31/5/05) | 33 | 1,630 | – | – | 1,980 | 114 | 116 | 91 | 94 | 3 |
| Community (18 months return) | 20 | 34,508 | – | – | 1,316 | 12 | 13 | 44 | 50 | 5 |
| Community and District Nursing Association (at 31/3/05)* | 51 | 3,763 | – | – | 5,954 | 405 | 376 | 210 | 248 | 38 |
| Diageo Staff Association | 79 | 370 | – | – | 4,659 | 32 | 30 | 35 | 46 | 11 |
| Gallaher Sales Staff Association | 6 | 178 | – | – | 288 | 12 | 9 | 89 | 89 | – |
| General Dental Practitioners Association | 46 | 1,187 | – | – | 9,734 | 226 | 236 | (5) | 102 | 107 |
| Guild of Professional Teachers of Dancing Headmasters and Headmistresses' Conference (at 31/3/06) | 38 | 851 | – | 2 | 1,824 | 43 | 40 | 29 | 31 | 2 |
| Hospital Consultants & Specialists Association (at 30/9/05) | 8 | 236 | 3 | 67 | 2,195 | 1,264 | 1,004 | 1,556 | 2,640 | 1,084 |
| Institute of Journalists Leeds & Holbeck Building Society Staff Association | 66 | 2,957 | – | – | 9,180 | 453 | 397 | 274 | 290 | 16 |
| | 6 | 900 | 18 | 132 | 840 | 66 | 61 | 10 | 13 | 3 |
| | 5 | 470 | – | – | 126 | 9 | 6 | 36 | 37 | 0.8 |

*Union has not yet provided figures for the year ending 31 March 2006.

2006

GB TRADE UNIONS WITH LESS THAN 100 NI MEMBERS – AT 31 DECEMBER 2005 (UNLESS OTHERWISE INDICATED)

| | NI Members | GB Members | ROI Members | Elsewhere (incl. Channel Islands) | NI Subscription Contributions £'s | Total Income £000's | Total Expenditure £000's | Funds at the End of the Year £000's | Total Assets at the End of the Year £000's | Total Liabilities at the End of the Year £000's |
|---|---------------|----------------|----------------|--|--|---------------------------|--------------------------------|--|---|---|
| National Association of Co-operative Officials | 9 | 2,424 | - | 16 | 1,727 | 596 | 527 | 1,162 | 1,285 | 123 |
| National Association of Group Secretaries to NFU (at 31/10/05) | 73 | 487 | - | - | 8,690 | 131 | 136 | 65 | 113 | 48 |
| NAPO – The Trade Union & Professional Association for Family Court & Probation Staff | 97 | 8,590 | - | - | 23,989 | 2,036 | 1,750 | 1,368 | 1,414 | 46 |
| National Society for Education in Art & Design (at 30/9/05) | 26 | 2,247 | 5 | 47 | 1,845 | 737 | 618 | 161 | 288 | 127 |
| National Union of Rail, Maritime & Transport Workers | 94 | 73,194 | 59 | - | 8,557 | 11,706 | 9,949 | 23,952 | 28,807 | 4,855 |
| Offshore Industry Liaison Committee | 8 | 1,838 | 5 | 70 | 960 | 205 | 234 | 32 | 43 | 11 |
| Prison Governors Association | 18 | 1,119 | - | 3 | 2,700 | 161 | 172 | 47 | 59 | 12 |
| Prison Service Union | 8 | 5,010 | - | - | 842 | 375 | 361 | 11 | 79 | 68 |
| Retired Officers Association (at 30/6/05) | 11 | 974 | - | 98 | 66 | 14 | 10 | 123 | 126 | 3 |
| Royal Society for the Protection of Birds Staff Association (at 31/3/06) | 26 | 795 | - | - | 255 | 15 | 7 | 51 | 51 | - |
| Society of Authors Ltd | 30 | 7,353 | 74 | 571 | 2,163 | 785 | 770 | 687 | 1,168 | 481 |
| Society of Union Employees (UNISON) | 10 | 290 | - | - | 922 | 22 | 16 | 73 | 73 | - |
| UBAC | 11 | 1,558 | - | - | 870 | 199 | 119 | 226 | 245 | 19 |
| Writers Guild of Great Britain | 15 | 1,955 | 7 | 74 | 2,010 | 385 | 415 | 111 | 244 | 133 |
| TOTALS | 1,016 | 172,137 | 257 | 1,386 | 119,696 | 22,745 | 20,070 | 33,871 | 41,784 | 7,939.8 |

APPENDIX 4 (SEE PARA 4.21) – NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS – 31 DECEMBER 2005 (UNLESS OTHERWISE INDICATED)

| NI Employers' Association | 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 31/7/05) | 86 | 88,486 | 86 | 210,495 | 201,088 | 626,948 | 1,006,875 | 379,927 |
| 2 Construction Employers Federation Ltd | 963 | 514,730 | 963 | 673,158 | 660,520 | 526,665 | 844,126 | 317,461 |
| 3 Engineering Employers' Federation NI Association | 133 | 564,567 | 133 | 711,623 | 669,516 | 534,857 | 587,327 | 52,470 |
| 4 Federation of the Retail Licensed Trade NI (31/10/05) | 644 | 90,070 | 644 | 261,324 | 275,008 | 501,845 | 668,356 | 166,511 |
| 5 Northern Ireland Bakery Council (at 31/3/06) | 3 | 15,000 | 3 | 18,312 | 18,289 | 3,423 | 5,666 | 2,243 |
| 6 Northern Ireland Fish Producers Organisation Ltd | 126 | 2,000 | 157 | 998,880 | 886,251 | 3,163,687 | 3,651,527 | 487,840 |
| 7 Northern Ireland Grain Trade Association | 33 | 26,465 | 33 | 26,465 | 23,038 | 15,165 | 17,984 | 2,819 |
| 8 NI Local Government Association (31/3/06) | 26 | 349,998 | 26 | 642,723 | 540,022 | 320,916 | 378,228 | 57,312 |
| 9 Northern Ireland Textiles & Apparel Association Ltd ¹ | 10 | 42,807 | 10 | 144,761 | 139,327 | 9,538 | 28,350 | 18,812 |
| 10 Northern Ireland Timber Trade Association ¹ | 16 | 5,600 | 20 | 71,824 | 72,420 | 10,877 | 19,627 | 8,750 |
| 11 Ulster Chemists Association (30/9/05) | 485 | 65,222 | 485 | 110,684 | 54,855 | 305,400 | 373,159 | 67,759 |
| 12 Ulster Farmers' Union | 11,687 | 854,049 | 11,687 | 1,305,328 | 1,147,795 | 1,698,522 | 1,899,905 | 201,383 |
| 13 Ulster Launderers Association (31/10/05) | 4 | 500 | 4 | 500 | 507 | 1,930 | 1,930 | – |
| Ulster Launderers Association (to winding up 24/3/06) | – | – | – | – | 1930 | – | – | – |
| TOTALS | 14,216 | 2,619,494 | 14,251 | 5,176,077 | 4,690,566 | 7,719,773 | 9,483,060 | 1,763,287 |

¹ Association has not yet provided figures for the year ending 2005.

APPENDIX 5 (SEE PARA 4.22) – GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS – 31 DECEMBER 2005 (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) ¹ | 2 | 10,483 | 25 | 686,432 | 720,372 | 14,564 | 95,676 | 81,112 |
| 2 British Amusement Catering Trades Association ² (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 | 1,945 | 82 | 486,582 | 811,265 | 6,297,077 | 7,039,418 | 742,341 |
| 4 British Jewellery, Giftware and Finishing Federation | 11 | 5,318 | 2,634 | 2,362,475 | 2,183,051 | 9,505,904 | 10,461,996 | 956,092 |
| 5 British Pre-Cast Concrete Federation Ltd | 2 | 25,304 | 112 | 626,821 | 627,444 | 108,849 | 310,487 | 201,638 |
| 6 Chemical Industries Association (30/6/05) | 2 | – | 142 | 7,175,646 | 6,773,779 | 1,215,453 | 3,181,896 | 1,966,443 |
| 7 Cinema Exhibitors' Association Ltd, The | 5 | 4,095 | 164 | 353,753 | 342,796 | 357,307 | 408,632 | 51,325 |
| 8 Construction Plant Hire Association (30/6/05) | 7 | 3,133 | 1,400 | 835,958 | 617,217 | 840,248 | 1,304,575 | 464,367 |
| 9 Electrical Contractors' Association | 27 | 50,000 | 2,694 | 22,159,551 | 19,390,936 | 49,136,291 | 84,884,977 | 35,748,686 |
| 10 Engineering Employers Federation | 1 | 158,377 | 13 | 5,439,536 | 8,041,166 | 36,883,287 | 39,017,906 | 2,134,619 |
| 11 Federation of Master Builders | 380 | 54,360 | 13,071 | 4,413,129 | 4,415,207 | 4,113,033 | 5,858,528 | 1,745,495 |
| 12 Freight Transport Association | 266 | 72,105 | 12,467 | 21,537,495 | 19,904,988 | (8,663,343) | 9,537,189 | 18,200,532 |
| 13 Glass and Glazing Federation ³ | 19 | 49,395 | 527 | 1,762,008 | 1,659,890 | 1,980,244 | 2,385,587 | 405,343 |
| 14 Heating and Ventilating Contractors' Association (28/2/06) | 51 | 118,890 | 1,310 | 12,096,196 | 11,849,007 | 3,453,791 | 12,490,645 | 9,036,854 |
| 15 National Bed Federation | 3 | 1,320 | 96 | 185,608 | 195,608 | 160,019 | 183,285 | 23,266 |
| 16 Federation of Window Cleaners | 17 | 786 | 1,736 | 160,241 | 184,301 | 317,115 | 322,750 | 5,635 |
| 17 National Federation of Retail Newsagents ⁴ | 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 (31/1/06) | 21 | 8,849 | 873 | 929,169 | 860,877 | 390,642 | 597,722 | 207,080 |
| 19 National Hairdressers Federation | 36 | 6,192 | 6,334 | 1,423,250 | 1,218,089 | 1,679,988 | 2,318,319 | 638,33 |

¹ Association has not yet provided figures for year end March 2006.

² Association has not yet provided figures for year end June 2005.

³ Association has not yet provided figures for year end December 2005.

⁴ Association has not yet provided figures for year end December 2005.

| GB Employers Associations with NI Members | NI Members | NI Contributions | Total Members (incl. Channel Islands and ROI) | Total Income | | Total Expenditure | | Funds at the End of the Year | | Total Assets | | Total Liabilities | |
|---|---------------|---------------------|---|--------------------|--------------------|----------------------|--------------------|------------------------------------|---|-----------------|---|----------------------|--|
| | | | | £ | £ | £ | £ | £ | £ | £ | £ | | |
| 20 National Pharmacy Association Ltd | 246 | 149,387 | 4,163 | 7,053,907 | 4,266,198 | 4,512,005 | 10,158,933 | 5,646,928 | | | | | |
| 21 National Sawmilling Association | 1 | - | 21 | - | 750 | 168 | 1,181 | 1,013 | | | | | |
| 22 Producers Alliance for Cinema and Television Ltd (30/9/06) | 18 | 12,600 | 780 | 2,597,137 | 2,860,137 | 957,982 | 1,456,708 | 448,726 | | | | | |
| 23 Publishers Association | 3 | 500 | 102 | 2,016,068 | 2,027,285 | (248,531) | 374,164 | 622,695 | | | | | |
| 24 Radio Electrical and Television Retailers' Association (31/10/05) | 15 | 3,075 | 1,388 | 530,897 | 497,616 | 895,519 | 980,888 | 85,369 | | | | | |
| 25 Retail Motor Industry Federation Ltd | 152 | 60,800 | 8,481 | 29,251,000 | 30,153,000 | 1,798,000 | 15,720,000 | 13,922,000 | | | | | |
| 26 Scottish Association of Master Bakers | 2 | 300 | 454 | 1,017,323 | 1,152,477 | 1,558,435 | 1,777,799 | 219,364 | | | | | |
| 27 Scottish and NI Plumbing Employers' Federation | 100 | 40,443 | 749 | 746,361 | 746,001 | 490,209 | 799,008 | 308,799 | | | | | |
| 28 Screen Printing Association (UK) Ltd (31/1/06) | 1 | 985 | 134 | 102,778 | 104,953 | 22,935 | 57,300 | 34,365 | | | | | |
| 29 The Newspaper Society | 3 | 37,879 | 148 | 3,842,319 | 3,615,492 | 1,331,153 | 3,712,091 | 2,380,939 | | | | | |
| 30 Theatrical Management Association | 6 | 5,981 | 351 | 580,568 | 582,054 | 144,331 | 345,809 | 201,478 | | | | | |
| 31 Thermal Insulation Contractors Association | 3 | 2,757 | 233 | 1,004,822 | 958,467 | 532,303 | 764,327 | 232,024 | | | | | |
| 32 Vehicle Builders and Repair Association Ltd | 15 | 5,534 | 927 | 621,242 | 669,082 | 1,169,655 | 1,329,347 | 159,692 | | | | | |
| TOTALS | 2,175 | 1,090,179 | 80,362 | 138,899,078 | 133,753,842 | 134,966,225 | 225,155,199 | 99,737,889 | | | | | |

APPENDIX 6 (PARAS 4.5 – 4.7) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2005 (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 | 49,847 | 11,165 |
| Ulster Teachers' Union | General Secretary | 46,586 | 33,086 |

| REPUBLIC OF IRELAND | OFFICE HELD | SALARY | BENEFITS |
|--|-------------------|-----------|-------------------------|
| | | €'s | (Excluding PRSI) €'s |
| Irish Bank Officials Association | General Secretary | 92,213 | 50,186 |
| Irish National Teachers' Organisation ¹ | General Secretary | 154,337 | Nil |
| Seaman's Union of Ireland | General Secretary | Not known | Not known |
| Services, Industrial, Professional and Technical Union (SIPTU) | General President | 109,325 | 3,397 |
| | General Secretary | 109,325 | 3,197 |
| | Vice President | 109,325 | 8,493 |

| GREAT BRITAIN | OFFICE HELD | SALARY | BENEFITS |
|---|------------------------|--------|-------------------------------------|
| | | £'s | (Excluding NI Contributions) £'s |
| Abbey National Group Union – ANGU | General Secretary | 21,783 | 8,401 |
| Accord | General Secretary | 86,866 | 23,622 |
| Alliance & Leicester Group Union of Staff | General Secretary | Nil | 6,830 |
| The Ambulance Service Union | Asst General Secretary | 27,500 | Nil |
| | General Secretary | Nil | 5,000 |
| AMICUS | General Secretary | 86,927 | 66,410 |
| ASPECT | General Secretary | 63,615 | Nil |
| Association of Clinical Biochemists | General Secretary | Nil | Nil |
| Association for College Management | General Secretary | 78,841 | 10,915 |
| Association of Educational Psychologists | General Secretary | 51,589 | 4,624 |
| Association of Local Authority Chief Executives | Honorary 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 | 1,760 | Nil |
| Association of Revenue and Customs | General Secretary | Nil | Nil |
| Association of Schools and College Leaders | General Secretary | 77,404 | 17,665 |
| Association of Teachers & Lecturers | General Secretary | 96,735 | 21,309 |
| Association of University Teachers (31/8/04) ² | General Secretary | 67,646 | 17,453 |
| Bakers, Food & Allied Workers Union | General Secretary | 37,943 | 16,371 |
| Boots Pharmacists' Association (BPA) | Chief Executive | 6,500 | Nil |
| Britannia Staff Union | General Secretary | Nil | Nil |
| British Airline Pilots Association | General Secretary | 94,670 | 20,300 |
| British Association of Dental Nurses | Chief Executive | 27,844 | 1,431 |

¹ Irish National Teachers's Organisation from sterling to euros using an exchange of €1.48 per £ sterling.

² Association has not yet provided figures for the year ending August 2005.

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2005 (UNLESS OTHERWISE INDICATED)

| GREAT BRITAIN | OFFICE HELD | SALARY £'s | BENEFITS (Excluding NI Contributions) £'s |
|--|--------------------------|---------------|--|
| British Association of Journalists | General Secretary | 16,976 | 439 |
| British Association of Occupational Therapists (30/9/05) | Chairman | 8,970 | Nil |
| | General Secretary | 65,596 | 13,841 |
| British Dental Association (30/9/05) | Chief Executive | 102,310 | 15,300 |
| | Chair of C.E. Board | 35,477 | Nil |
| British Dietetic Association (28/2/06) | General Secretary | Nil | Nil |
| British Medical Association | Treasurer | 49,130 | Nil |
| | Chairman of Council | 62,662 | Nil |
| British Orthoptic Society | General Secretary | Nil | Nil |
| British Union of Social Work Employees (31/5/05) | General Secretary | 7,138 | 1,335 |
| Broadcasting, Entertainment, Cinematograph & Theatre Union | General Secretary | 53,395 | 15,455 |
| Chartered Society of Physiotherapy | Chief Executive | 80,926 | 16,266 |
| Communication Workers Union | General Secretary | 77,188 | 22,813 |
| Community | General Secretary | 113,453 | 18,326 |
| | Deputy Gen Secretary | 91,224 | 11,470 |
| Community & District Nursing Association (31/3/05) | Director | 45,000 | 2,250 |
| | Chair | 15,000 | Nil |
| Community & Youth Workers Union | General Secretary | 42,148 | 2,861 |
| Connect – The Union for Professionals in Communication | General Secretary | 71,440 | 11,689 |
| Diageo Staff Association | Chairman | Nil | Nil |
| Equity (Incorporating the Variety Artistes' Association) | General Secretary | 60,596 | 12,503 |
| | (from Jan to Oct 05) | | |
| | General Secretary | 10,825 | 2,057 |
| | (from Oct to Dec 05) | | |
| FDA | General Secretary | 79,266 | 24,730 |
| Fire Brigades Union | General Secretary | 26,335 | 25,616 |
| | (to June 05) | | |
| | General Secretary | 38,097 | 32,531 |
| | (from June 05) | | |
| | Asst General Secretary | 39,462 | 33,500 |
| | (to Sept. 05) | | |
| | Asst General Secretary | 14,372 | 10,354 |
| | (from October 2005) | | |
| Gallaher Sales Staff Association | General Secretary | Nil | Nil |
| General Dental Practitioners Association | Chief Executive | 56,399 | Nil |
| GMB | General Secretary | 88,000 | 14,000 |
| | Acting General Secretary | 68,000 | 29,000 |
| | Deputy General Secretary | 70,000 | 26,000 |
| Guild of Professional Teachers of Dancing | General Secretary | 10,577 | Nil |
| Headmasters & Headmistresses' Conference (31/3/06) | General Secretary | 116,182 | 905 |
| Hospital Consultants & Specialists Association (30/9/05) | Chief Executive | 58,241 | 4,554 |
| Institute of Journalists | General Secretary | 28,000 | 1,439 |
| Leeds & Holbeck Building Society Staff Association | General Secretary | Nil | Nil |
| Musicians' Union | General Secretary | 66,280 | 24,399 |
| National Association of Co-operative Officials | General Secretary | 78,675 | 16,443 |
| | President | Nil | 200 |
| National Association of Group Secretaries to the NFU (31/10/05) | General Secretary | 1,657 | Nil |
| | (from 11/03/05) | | |

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2005 (UNLESS OTHERWISE INDICATED)

| GREAT BRITAIN | OFFICE HELD | SALARY | BENEFITS |
|---|--------------------------------|---------|-------------------------------------|
| | | £'s | (Excluding NI Contributions) £'s |
| National Association of Head Teachers | General Secretary (Jan–Aug) | 88,414 | 13,930 |
| | General Secretary (Aug–Dec) | 30,346 | 10,158 |
| NAPO-The Trade Union and Professional Association for Family Court and Probation Staff | General Secretary | 50,774 | 11,611 |
| NASUWT | General Secretary | 87,847 | 23,775 |
| National Association of Teachers in F & HE | General Secretary | 87,028 | 20,250 |
| National Federation of Sub-Postmasters | General Secretary | 70,224 | 28,292 |
| National Society for Education in Art & Design (30/9/05) | General Secretary | 46,906 | Nil |
| National Union of Journalists (30/9/05) | General Secretary | 54,303 | 4,593 |
| NUMAST | General Secretary | 69,705 | 14,082 |
| National Union of Rail, Maritime & Transport Workers | General Secretary | 80,394 | 23,100 |
| | President | Nil | 32,821 |
| Nationwide Group Staff Union | General Secretary | 78,893 | 17,725 |
| Offshore Industry Liaison Committee | General Secretary | 30,549 | 5,398 |
| Prison Governors Association | General Secretary | Nil | Nil |
| Prison Officers Association | General Secretary | 59,597 | 49,550 |
| | Dept General Secretary | 53,782 | 21,357 |
| Prison Service Union | General Secretary | 66,812 | 11,514 |
| Professional Association of Teachers | General Secretary | 66,307 | 7,951 |
| PROSPECT | General Secretary | 85,560 | 25,654 |
| Public and Commercial Service Union | General Secretary | 83,115 | 29,427 |
| Retained Firefighters Union | General Secretary | 37,037 | 3,400 |
| Retired Officers Association (30/6/05) | Treasurer | 1,292 | Nil |
| Royal College of Midwives (31/8/05) | General Secretary | 100,324 | 36,175 |
| Royal College of Nursing of the UK ¹ (31/3/06) | General Secretary | 49,435 | 7,935 |
| Royal Society for the Protection of Birds | | | |
| Staff Association (31/3/06) | Chairperson | 750 | Nil |
| Society of Authors | General Secretary | 80,500 | 37,824 |
| Society of Chiropractors and Podiatrists | General Secretary | 63,001 | 5,040 |
| Society of Radiographers (30/9/05) | Chief Executive | 33,388 | 4,526 |
| Society of Union Employees (UNISON) | General Secretary | Nil | Nil |
| Transport & General Workers Union | General Secretary | 80,043 | 10,221 |
| | Dep General Secretary | 68,041 | 8,688 |
| Transport Salaried Staffs Association | General Secretary | 58,429 | Nil |

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.

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2005 (UNLESS OTHERWISE INDICATED)

| GREAT BRITAIN | OFFICE HELD | SALARY | BENEFITS |
|--|------------------------|--------|-------------------------------------|
| | | £'s | (Excluding NI Contributions) £'s |
| Society of Authors | General Secretary | 80,500 | 37,824 |
| Society of Chiropodists and Podiatrists | General Secretary | 63,001 | 5,040 |
| Society of Radiographers (30/9/05) | Chief Executive | 33,388 | 4,526 |
| Society of Union Employees (UNISON) | General Secretary | Nil | Nil |
| Transport & General Workers Union | General Secretary | 80,043 | 10,221 |
| | Dep General Secretary | 68,041 | 8,688 |
| Transport Salaried Staffs Association | General Secretary | 58,429 | Nil |
| UBAC | General Secretary | 41,728 | 5,799 |
| UCATT | General Secretary | 59,382 | 10,714 |
| Union of Finance Staff | General Secretary | 82,604 | 2,002 |
| UNISON | General Secretary | 87,659 | 29,967 |
| Unity | General Secretary | 37,935 | 20,672 |
| | Asst General Secretary | 32,990 | 18,617 |
| Union of Shop, Distributive & Allied Workers | General Secretary | 76,016 | 19,828 |
| Writers Guild of Great Britain | General Secretary | 52,500 | 4,463 |

APPENDIX 7 (SEE PARA 7.21) – LIST OF GB UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – 31 DECEMBER 2005 (unless otherwise indicated)

| | NI Members | NI Contributions £ |
|--|---------------|-----------------------|
| AMICUS | 15,533 | 84,571 |
| Association of Revenue and Customs | 35 | 105 |
| Association of University Teachers (31/8/04) ¹ | 493 | 568 |
| Community | 1 | 8 |
| Communication Workers Union | 3,174 | 16,587 |
| CONNECT | 79 | 275 |
| Fire Brigades Union | 435 | 2,925 |
| GMB | 49 | 331 |
| National Association of Schoolmasters and Union of Women Teachers | 3,689 | 1,634 |
| National Association of Teachers in Further And Higher Education | 406 | 487 |
| National Union of Rail, Maritime and Transport Workers | 94 | 125 |
| Prison Officers Association | 1,640 | 2,952 |
| Prospect | 86 | 52 |
| Transport and General Workers Union | 12,421 | 36,000 |
| Transport Salaried Staffs Association | 147 | 630 |
| Union of Shop, Distributive and Allied Workers | 3,544 | 16,728 |
| TOTALS | 39,826 | 163,740 |

¹ Association has not yet provided figures for year ending August 2005.

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APPENDIX 8 (SEE PARA 7.21) – LIST OF GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2005 (unless otherwise indicated)

Bakers, Food and Allied Workers Union

Broadcasting, Entertainment, Cinematograph and Theatre Union

Musician's Union

Union of Construction Allied Trades and Technicians

UNISON

Unity

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 MSF – 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/9–15/2004 – McCreight v CWU – Alleged breaches of union rules: The complaints are dismissed upon withdrawal by the complainant.*
21. *D/16–21/2004 – Ms P Buchannan v CWU – Alleged breaches of union rules: The complaints are dismissed upon withdrawal by the complainant.*
22. *D/1–7/2005 – Arbuckle v NASUWT – The decisions in this case were made by the previous Certification Officer, Mr Scott McElrea, and were reported in detail in his Annual Report for 2004–2005. The hearing was held in that year, but the decisions were issued in the 2005–2006 year and are listed here for the record. The enforcement order and the direction mentioned above were issued in this case.*

23. *D/8/2005 – Rea & Others v Transport and General Workers Union* – In this case it was found that the union had breached its rules by failing to ensure the election of a representative of the transport sector to the Regional Committee of Region 3 (Ireland). A representative of the transport section was subsequently elected to the Regional Committee following the resignation of an existing member, and the union undertook to provide clearer guidance on Regional Committee elections. In the circumstances it was not considered appropriate to make an enforcement order.
24. *D/9–14/2005 – Edgar v GMB* – In this case it was found that there had been five breaches of rule by the union in relation to elections and proceedings of one of its breaches. The union having remedied the situation, it was considered inappropriate to make an order. The Certification Officer refused to make the declaration sought in a further complaint that by removing the applicant from a training course the union had disciplined her outside its rules.
25. *D/15–18/2005 – Lewis v Prison Officers’ Association* – This case concerned four complaints that the union had breached its rules in disciplinary proceedings which it took against the applicant. The Certification Officer dismissed three of the complaints and upheld one. The applicant has lodged an appeal with the Court of Appeal.
26. *D/1–5/2006 – McGinley v The Northern Ireland Public Service Alliance* – The applicant complained of five breaches of rule in relation to the award of life membership to a former General Secretary of the union at the union’s annual conference. The Certification Officer found that the union had breached its rules by making the award without taking a vote on the conference motion proposing it. In all circumstances it was not considered appropriate to make an order. The remaining four complaints were dismissed.

APPENDIX 12 – FREEDOM OF INFORMATION

Within the course of the reporting year three requests came in under the Freedom of Information Act 2000, two from the media, and one from a member of the public. In two, the information sought was released in accordance with the Act. In the other, it was refused in accordance with the Act, and at reporting year end was under appeal to the Information Commissioner.

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