

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

FOR ARCHIVE
DO NOT DESTROY

Annual Report

of the
Certification Officer for Northern Ireland

2011-2012

(Covering Period 1 April 2011 to 31 March 2012)

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Article 69(7) of the Industrial Relations (NI) Order 1992 requires the Certification Officer, as soon as reasonably practicable after the end of each financial year, to make a report of his activities during that year to the Labour Relations Agency. I have pleasure in submitting my report for the period 1 April 2011 to 31 March 2012.

A handwritten signature in black ink that reads "R Gamble". The "R" is a simple capital letter, and "Gamble" is written in a cursive style.

Roy Gamble
Certification Officer for Northern Ireland

30 August 2012

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INTRODUCTION

This is the twentieth Annual Report to be published since the post of Certification Officer for Northern Ireland was established in 1992. It deals with my activities during the period 1 April 2011 to 31 March 2012.

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.

Under Article 70ZA of the 1992 Order (inserted by the Employment Relations (Northern Ireland) Order 2004) the Certification Officer has power to strike out any application or complaint made to him on specified grounds, for example that it is scandalous, vexatious or has no reasonable prospect of success, or that there has been excessive delay in proceeding with it. He must give the party against whom a striking out order is to be made an opportunity to show why it should not be made.

Recorded membership of Northern Ireland trade unions increased by 683 since the last reporting period. Northern Ireland membership of Republic of Ireland unions decreased by 81 while that of Great Britain unions increased by 4,647.

There were no removals from or additions to the list of Northern Ireland unions during the year. There were no removals from or additions to the list of Republic of Ireland unions with Northern Ireland members. One Great Britain union with Northern Ireland members was added to the GB Certification Officer’s list, the Social Workers Union, a new trade union. Three Great Britain unions with Northern Ireland members ceased to exist, one of them as the result of a transfer of engagements (see Chapter 6, paragraph 6.2 for an explanation of this term).

During the year 6 breaches of rule complaints, made by three trade union members, were determined. Details of these cases are in chapter 9. No complaints were being processed by the Office at 31 March 2012.

Within the year the Department asked me to agree to a short extension of my tenure as Certification Officer - to 14 June 2012 - to facilitate it in selecting and appointing my successor. During the extension period my office received one complaint of breach of union rule from a trade union member. Following correspondence and meetings with my office, the applicant chose to withdraw. Accordingly, on 22 May 2012 I dismissed the complaint. Detail will appear in the next annual report.

No requests were received under the Freedom of Information Act 2000.

With advice and assistance from the Public Records Office, my office drew up a Disposal and Retention Schedule to bring its practice regarding retention of documents into line with new statutory criteria. This was laid before the Northern Ireland Assembly in February 2012 and approved for operational use on 9 March.

During the year the Equality Commission advised my office that designated public authorities were required to produce a revised equality scheme under Schedule 9 of the Northern Ireland Act 1998. The date for organisations to submit their revised scheme to the Commission for approval was 1 August 2011. My office applied for an exemption principally on the grounds that its staff, who are seconded from the Labour Relations Agency (LRA), are governed by LRA policies and procedures, and would therefore be covered by the LRA's revised scheme. Alternatively it requested, with the LRA's support, that it and the LRA should be permitted to submit a composite scheme, as it would not be an optimal use of public resources for both bodies to screen the same policies. The Equality Commission considered the submissions before concluding, in December 2011, that it could not in law and on the facts accede to either request. It allowed my office six months from the date of this decision to prepare and consult on a revised scheme. Within this period it reviewed the exemption application, and informed my office that it had reconsidered it and would submit it to the Commissioners. Their decision is expected in September 2012. I am grateful to the Commission for this.

A review of GB trade unions and employers' associations supplying annual returns to the GB Certification Officer revealed five trade unions with Northern Ireland members which had failed to submit a return to me. My office notified these unions of their legal obligations and offered any help that they might need to fulfil them. See paragraph 3.14 for details.

My last Report noted that the Irish Congress of Trade Unions (ICTU), following discussions with my office, had accepted that it had a statutory duty to submit an annual return to me. I was pleased to receive the ICTU's annual return for 2011. Details are provided in Appendix 1 (c).

FINANCE AND SUPPORT SERVICES

The Labour Relations Agency (LRA) is responsible under Article 69 of the 1992 Order for providing me with finance and support services but this in no way affects my independence of both the LRA and its sponsor, the Department for Employment and Learning, 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 2012 was £198,494. My salary at 31 March 2012 was £20,318 excluding Employers NI contribution, for a two-day week. This sum is not pensionable and is taxed under PAYE.

At 31 March 2012 the Office had a complement of four staff. Mr John Bennett continued to hold his appointment as Assistant Certification Officer for Northern Ireland. Over the year about 53% of the Office's resources were allocated to work connected with Annual Returns from Trade Unions and Employers' Associations, 35% to complaints and trade union finances, and the remainder to various matters including trade union political funds, independence, mergers, website development, statutory obligations and staff training. As this is my last Annual Report I would like to thank Mr Bennett and the staff of the office for their excellent work during my tenure.

The Certification Officer may make payment towards the expenses incurred by complainants and their witnesses in attending hearings to determine complaints. The scheme governing such payments is published in the "Documents" section of the Office website – www.nicertoffice.org.uk. During the period of this report no expenses were paid. 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 on the website (www.nicertoffice.org.uk) and free of charge on request from the Office. These are listed in Appendix 11 to this report. Some of them were revised and updated in the course of the year. Requests for the booklets and for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 10-16 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.

All of the Office's forms listed in Appendix 10 and all of the documents in Appendix 11 can be accessed in the Documents section of the website, as can the annual returns of Northern Ireland trade unions and employers' associations and of Republic of Ireland trade unions with Northern Ireland members. The information on the website was improved and corrected during the year, and some new material (including a Guide to the Public Interest Disclosure Order) was added. 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 that Act.

CHAPTER 1

LISTS OF TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This chapter sets out the background to that process. The lists of Northern Ireland organisations are set out in full in Appendices 1 and 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. As required by Article 5(9) the current lists are included in this report (Appendices 1 and 4). They are available for inspection, free of charge, at the Office.
- 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 (given in full at paragraphs 1.19 and 1.20 below), he must enter its name in the relevant list. 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 (Article 5(8) of the 1992 Order, as amended by the Employment Relations (Northern Ireland) Order 2004).
- 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. A certificate of independence, in turn, is essential for any union that wishes to apply for statutory recognition to conduct collective bargaining with an employer on behalf of its members (see paragraph 2.6 below).
- 1.5 Listed trade unions and listed unincorporated employers' associations enjoy certain procedural advantages in connection with the devolution of property following a change of trustees under Article 7 of the 1992 Order. There are other benefits of listing which are shared by trade unions and both incorporated and unincorporated employers' associations. Being on the list is 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). It is also (non-conclusive) evidence that an organisation is a trade union or employers' association. Finally, the name of

a trade union or employers' association is protected by the provision that no organisation shall 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, or downloaded from the office website www.nicertoffice.org.uk

1.7 On the amalgamation of two or more listed organisations, the amalgamated organisation is automatically listed 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. If any of these requirements is 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 There were no removals from the list of Northern Ireland trade unions in 2010-2011.

1.10 During the period of this report, the Great Britain Certification Officer removed three trade unions with Northern Ireland members from his list. These were:

- The Association of Professional Music Therapists, which ceased to exist as a trade union on 5 April 2011
- The Dental Practitioners Association, which ceased to be a trade union on 22 October 2011
- Aspect, which ceased to exist on 1 February 2012, following its merger with Prospect.

The GB Certification Officer maintains a schedule of trade unions which are known to him but which have not applied to be entered on his list. In 2011-2012 no trade union with Northern Ireland members was removed from this schedule.

One employers' association with Northern Ireland members was removed from the Great Britain Certification Officer's list - the National Bed Federation, which ceased to be an Employers' Association on 14 June 2011.

Additions to the lists

1.11 There were no additions to the Northern Ireland lists during the period of this report. As noted in the last Report, the Office held discussions with the Irish Congress of Trade Unions (ICTU), which has not hitherto been entered in the Certification Officer's list of trade unions or a schedule of unlisted unions. ICTU accepted, however, that it does satisfy the statutory definition of a trade union as set out in Article 3(1)(b)(i) of the 1992 Order (reproduced at paragraph 1.19 below). It undertook to submit annual returns to the Certification Officer for the year 2011 and subsequent years. ICTU, as foreseen in last year's Report, has made its first annual return to the Certification Officer, for the year 2011-2012. It has not applied to be listed and has therefore been placed on a schedule as an unlisted trade union (see Appendix 1 to this Report).

1.12 One trade union with Northern Ireland members was added to the Great Britain Certification Officer's list. This was the Social Workers Union, a new trade union which was added in July 2011. It has currently fewer than 100 Northern Ireland members. No union with Northern Ireland members was added to the Great Britain Certification Officer's schedule of unlisted unions during the period.

No employers' association with Northern Ireland members was added to the Great Britain Certification Officer's list or Schedule.

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 Trade Union and Labour Relations Act 1992 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
British Association of Occupational Therapists Ltd
British Dental Association
British Dietetic Association
British Medical Association
Chartered Society of Physiotherapy
Headmasters and Headmistresses' Conference
Royal College of Midwives
Royal College of Nursing of the United Kingdom
Society of Authors Ltd
Society of Chiropodists and Podiatrists
Society of Radiographers

There are no Northern Ireland-headquartered special register bodies.

Changes of name

1.16 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.

1.17 The Great Britain Certification Officer approved the change of name of one trade union with Northern Ireland members:

	Effective Date
<i>From:</i> Lloyds Trade Union	22 November 2011
<i>To:</i> Affinity	

He also approved the change of name of one employers' association with Northern Ireland members:

<i>From:</i> Heating and Ventilating Contractors Association	7 March 2012
<i>To:</i> Building and Engineering Services Association	

Unlisted organisations

1.18 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, including the requirement to make an annual return. Returns from unlisted bodies must be made available for public inspection in the same way as those from listed organisations. An unlisted trade union may not apply for a certificate of independence or for statutory recognition as a body entitled to conduct collective bargaining (see paragraph 2.6 below). ICTU is the only unlisted trade union in Northern Ireland of which the Office is aware (see paragraph 1.11 above). It operates through its Northern Office: Irish Congress of Trade Unions (the Northern Ireland Committee).

Definitions of a trade union and an employers' association

1.19 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 sub-paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions); or

(ii) representatives of such constituent or affiliated organisations;

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

1.20 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

(b) consists wholly or mainly of -

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

(ii) representatives of such constituent or affiliated organisations;

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

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

CHAPTER 2

TRADE UNION INDEPENDENCE

A trade union which is on the Certification Officer's list of trade unions may apply for a certificate of independence. Independence is defined as meaning independence from an employer or group of employers. 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. 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.

- 2.5 When a new union is formed by the amalgamation of two or more listed unions, it is automatically entered on the list; and if each of the amalgamating unions held a current certificate of independence, the new union is automatically issued with a certificate of independence. Both the listing and the certificate are 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.
- 2.6 Where a question as to the independence of a particular union arises in proceedings before the courts, the 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. Only a union that has a certificate of independence may seek statutory recognition to be entitled to conduct collective bargaining on behalf of a group of workers (paragraph 6 of Schedule 1 to the Employment Relations (Northern Ireland) Order 1999).

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 and is on the website. 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 During the period of this report no certificates of independence were issued and none were refused or withdrawn.

Great Britain Certification Officer decisions on trade unions with Northern Ireland members

2.10 Two certificates of independence were issued by the Great Britain Certification Officer to Great Britain-based unions with members in Northern Ireland. These were

- Industrial Workers of the World (issued 26 August 2011)
- The Social Workers Union (issued 18 October 2011).

Three certificates were cancelled because the unions ceased to exist. The cancelled certificates were those of Aspect, which merged with Prospect, of the Dental Practitioners Association, which ceased to exist, and of the Association of Professional Music Therapists, which ceased to be a trade union upon merging with another body to become the British Association of Music Therapists, a charity.

CHAPTER 3

ANNUAL RETURNS AND ACCESS TO ACCOUNTING RECORDS

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 – see paragraphs 1.19 and 1.20 above) 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. (Organisations consisting wholly or mainly of representatives of constituent or affiliated organisations are exempt from this duty). 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). At 31 March 2012 six Republic of Ireland-based trade unions were listed as having Northern Ireland members. 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 12-month 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 The returns must cover 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 summary sheet 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 it covers, 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. 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 act as an auditor of a trade union or an unincorporated employers' association. 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 None of the returns received in this reporting year contained a qualified opinion by the auditors.
- 3.7 In order to avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (paragraphs 1.13 - 1.15 above) 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 summary sheet must be completed. Notwithstanding anything in the Companies Orders, an auditor's report complying with the requirements of the 1992 Order is still required.
- 3.8 With the exceptions already noted, the duties imposed by Articles 10 and 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.

Late submission of annual returns

- 3.9 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 134 annual returns from trade unions and employers' associations. All but five of these returns were received by June 2012. 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 96% of returns were submitted on time.

Prosecutions

3.10 There were no prosecutions during the period of this report for failure to submit a return.

Authorised Northern Ireland resident

3.11 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.

3.12 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

3.13 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 summary is also included for ease of interpretation.

3.14 The Office continued its review to establish whether certain Great Britain-headquartered trade unions and employers' associations, which were not sending annual returns to it, had Northern Ireland members and were therefore required by statute to submit such returns. As a result the trade unions listed below will now be sending annual returns to the Office. Information drawn from returns can be found at Appendices 3 and 5 to this report.

Currys Supply Chain Staff Association
Industrial Workers of the World
Locum Doctors' Association
National House Building Council Staff Association
PDA Union

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 the auditor's report in full 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(6) 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 be distributed individually; 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" (Article 11A(2)).

- 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. Under Article 12B(2) he may appoint inspectors only if there are circumstances suggesting one or more of the following:

- (a) *that the financial affairs of the trade union or employers' association have been or are being conducted fraudulently or unlawfully;*
- (b) *that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management;*
- (c) *that the organisation concerned has failed to comply with a duty under the Order relating to its financial affairs; or*
- (d) *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 such circumstances and the Certification Officer must then consider whether it is appropriate to exercise his powers to give a direction and/or appoint an inspector.

3.20 Information suggesting that one or more of the situations described in the previous paragraph has 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 may often be resolved through correspondence or informal meetings, or both.

3.22 No enquiries into the financial affairs of a trade union or employers association were in progress during this reporting period. The Certification Officer did not have occasion to use his powers to require any trade union or employers' association to produce documents.

3.23 No new enquiries were opened during the period 1 April 2011 to 31 March 2012 by the Great Britain Certification Officer.

Access to accounting records

3.24 Article 37 of the 1992 Order gives members of a trade union 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 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.

3.25 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.

3.26 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.

3.27 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.

- 3.28 No applications concerning access to accounting records were received in the period of this report.
- 3.29 The Great Britain Certification Officer determined two applications in respect of Great Britain unions with Northern Ireland members. One of these (relating to UCATT) had been carried over from the previous year.

Kelly v UCATT (D/55/11-12) The claimant alleged breach of s. 30 of the Trade Union and Labour Relations (Consolidation) Act 1992 by reason of the union's failure to supply him with copies of accounting records within 28 days. The records he had sought related particularly to expenses paid to members of the Executive Council and the General Secretary. The complaint was withdrawn after the union and the claimant reached agreement at the hearing that the records would be made available. (S. 30 is the Great Britain equivalent of Article 37 of the Industrial Relations (NI) Order 1992).

Maguire & Carey v GMB (D/84-85/11-12) The claimants complained that the union had breached s.30 of the 1992 Act by failing to make arrangements for them to inspect the accounting records of their branch within 28 days of their request. The Union conceded that it had not made the arrangements within the statutory time limit and the Certification Officer upheld the complaints. He did not make an order, the claimants having subsequently been allowed to inspect the relevant records.

- 3.30 Article 10 and Article 37 of the 1992 Order do not define "accounting records". However, in Great Britain, where identical provisions apply (Sections 28 to 30 of the Trade Union and Labour Relations (Consolidation) Act 1992), the Certification Officer has considered this matter in three cases: *Mortimer v Amicus* (D/1/03), *Foster v Musicians Union* (D/13-17/03) and *Lee v NASUWT* (D/3/06). His decisions on these cases are available on his website: www.certoffice.org

CHAPTER 4

FINANCIAL AND MEMBERSHIP INFORMATION AND MEMBERSHIP REGISTER

This chapter is about the membership, income and expenditure of trade unions and employers' associations in the year ending 31 December 2011. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.

Information from 2011 returns

4.1 Appendices 1-7 give information derived from annual returns of trade unions and employers' associations submitted to the Certification Office by June 2012. That information and the following comments in this chapter relate to organisations whose financial year ended on 31 December 2011, 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.

Trade unions - 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/childcare leave and those on career breaks.

- 4.9 The total Northern Ireland membership of all trade unions at 31 December 2011 was recorded as 243,235. 72.8% of all Northern Ireland trade union members belong to Great Britain-based trade unions with 21.6% and 5.6% 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 2011 the total income of Northern Ireland-based trade unions was £5.3 million, total expenditure was £4.86 million, and net assets were £3.35 million.
- 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 2011. This shows a total of 52,564 members of Northern Ireland unions providing an annual contribution of £4.9 million; while there were 13,565 Northern Ireland members of Republic of Ireland unions providing an annual contribution of €2.35 million. In 2011 the total income of the Republic of Ireland unions was €79 million, total expenditure was €66 million and net assets were €144.5 million.
- 4.12 Financial and membership details of 41 Great Britain unions with 100 or more Northern Ireland members are given in Appendix 2. In 2011, 176,005 Northern Ireland members of these unions contributed £15.8 million. The total income of these unions in the year was £364.6 million, total expenditure was £ 399.5 million and net assets were £215.5 million.
- 4.13 Membership details of a further 41 Great Britain-based trade unions with under 100 Northern Ireland members are listed in Appendix 3. This records a total of 1,101 Northern Ireland members contributing £133,927. In 2011 the total income of these unions was £35.5 million, total expenditure was £17.6 million and net assets were £68.9 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 9 Northern Ireland employers' associations for 2011 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2011 the total income of these organisations was £5.9 million, expenditure was £5.94 million and net assets were £8.96 million.
- 4.16 Details of 33 Great Britain employers' associations with Northern Ireland members are given in Appendix 5. In 2011 these organisations received contributions amounting to £1.19 million from their Northern Ireland members. Their total income was £105 million, expenditure was £125.75 million, and net assets were £88.58 million.

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, and are available on the website.

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.

Mergers of Great Britain unions with Northern Ireland members

6.11 Three Great Britain unions with Northern Ireland members were involved in mergers in 2011/12. The Nationwide Group Staff Union received the engagements of One Union for Regional Staff (OURS) on 1 September 2011. The latter union had no Northern Ireland members at the time of the transfer. Aspect transferred its engagements to Prospect on 1 February 2012.

CHAPTER 7

POLITICAL FUNDS

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 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(1) 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". 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 Office

¹ See footnote to Chapter 6

7.4 A member who does not “contract-in” to the political fund is exempt from contributing to it and any deduction or levy for that purpose would be unlawful. Any Northern Ireland member of a trade union or employers’ association 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” to a political fund wishes subsequently to “contract-out” of it 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 paragraphs 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.

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

Political fund model rule for Great Britain organisations

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. It is included in the booklet "*Guidance for trade unions and employers' associations wishing to establish a political fund*" 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 who considers that its 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, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. 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. A 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

7.16 No Northern Ireland organisation had political fund rules in force at 31 March 2012.

Great Britain organisations with political fund rules approved by the Northern Ireland Certification Officer

7.17 There were 20 Great Britain trade unions with Northern Ireland members operating political funds at 31 March 2012. Of these, 17 had Northern Ireland members "contracting-in".

7.18 The 2011 returns show that 35,269 Northern Ireland members of these trade unions - representing some 14.5% of the total Northern Ireland trade union membership - contributed £145,851 towards political funds. A list of the 17 unions, showing the number of Northern Ireland members and the amount of their financial contributions, is given at Appendix 7. The three Great Britain unions whose Northern Ireland members did not contribute to their political funds in 2011 are listed in Appendix 8.

Great Britain organisations with new political fund rules approved for the first time in this reporting period

7.19 No new political funds were approved in 2011-2012.

Amendments to rules of Great Britain organisations

7.20 Amendments to the political fund rules of Great Britain organisations require the approval of the Great Britain Certification Officer. To the extent that they relate to the contributions of

Northern Ireland members, they also require the approval of the Northern Ireland Certification Officer. No Great Britain unions with Northern Ireland members had amendments approved during 2011-2012 by the Certification Officers.

Political fund review ballots held by Great Britain organisations

7.21 During the reporting period no Great Britain union with Northern Ireland members held a review ballot (see paragraph 7.2).

Political fund complaints by Northern Ireland members to the Great Britain Certification Officer.

7.22 There were no such complaints in this reporting period.

CHAPTER 8

SECRET POSTAL BALLOTS FOR TRADE UNION ELECTIONS

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 (Articles 12 to 28).
- 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.

¹ See footnote to Chapter 6.

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 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 the period covered by this report the Certification Officer made no decisions relating to alleged breaches of the statutory provisions governing trade union elections.
- 8.10 The Great Britain Certification Officer made the following decisions relating to elections in Great Britain trade unions with Northern Ireland members –

Beaumont and Smith v Unite (D/50-54/11-12) The claimants alleged that the union had unreasonably excluded them from standing as candidates in elections for the National Executive Committee, in breach of s.47(1) of the Trade Union and Labour Relations (Consolidation) Act 1992; and certain rules of the union . The complaint was dismissed. (Article 13(1) of the 1995 Order is the Northern Ireland equivalent of s. 47(1)).

Ross v Fire Brigades Union (D/80- 83/11-12)

See summary in Chapter 9 below

The full text of these decisions is available on the Great Britain Certification Office website: www.certoffice.org.

CHAPTER 9

APPLICATIONS CONCERNING BREACHES OF TRADE UNION RULES

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. Article 70ZA of the 1992 Order gives 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 both 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 is to 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. Appeal is by way of notice of appeal and rehearing, under Order 59 of the Rules of the Supreme Court (Northern Ireland) 1980.

Applications and decisions

9.8 During the period of this report the Certification Officer determined six complaints on three applications by trade union members. Two of the applications were in identical terms and with the agreement of the applicants and the union were heard as a conjoined case.

McKay v Unite the Union (D/1-3/2011). The applicant made three complaints. In the first two he claimed that the Union had breached its rules by allowing a person to be elected to (1) the First Irish Executive Committee and (2) the Regional Committee for Disabled Members, although she was ineligible by virtue of being unemployed and not an accountable representative of workers. The Certification Officer struck out these complaints at the hearing, on the grounds that they had no reasonable prospect of success. The third complaint was that the Union had breached its rules in that the applicant's Branch had failed to hold meetings once each month and to hold Branch elections once every two years. The

Certification Officer upheld this complaint. He did not consider it appropriate to make an enforcement order in respect of it.

Smith & Taylor v Unite the Union (D/1-3/2012). The applicants alleged that the Union had breached its rules in that their Branch had failed to hold elections for Branch officers every second year and to hold meetings once each month; and that it had failed to hold elections for workplace representatives every second year. The Certification Officer refused to make the declarations sought by the applicants.

9.9 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.

9.10 The Certification Officer does not have power to determine every kind of complaint that a union member may wish to make. For example, he has no jurisdiction regarding inadequate representation of members by their union or regarding the provision of union benefits or membership.

9.11 The Great Britain Certification Officer made the following decisions in cases of alleged breach of rule by Great Britain trade unions with Northern Ireland members. The full text of these decisions is available free from the Certification Office, 22nd Floor, Euston Tower, 286 Euston Road, London NW13JJ and is published on that Office's website www.certoffice.org.

McDermott v UNISON (D/1-12/11-12)

The claimant alleged a number of breaches of union rule in relation to disciplinary procedures that had been taken against him. The Certification Officer did not uphold any of the complaints.

O'Hanlon v National Union of Teachers (D/13-17/11-12)

The claimant alleged breaches of rule in relation to the union's disciplinary procedures. The Certification Officer upheld three of the complaints. He did not make an enforcement order.

O’Friel v Association of Professional Ambulance Personnel (D/20-33/11-12)

Weatherhead v the same (D/34-48/11-12)

In two similar applications, Mr Weatherhead and Mr O’Friel alleged a number of breaches of rule in relation to disciplinary procedures, elections for officers of the union and proceedings of meetings of the union. Some of the complaints were upheld and some dismissed. No enforcement order was made in respect of the complaints that were upheld.

Beaumont & Smith v Unite (D/50-54/11-12)

The claimants alleged that s.47(1) of the Trade Union and Industrial Relations (Consolidation) Act 1992 and certain rules of the union had been breached in excluding them from eligibility to stand as candidates in the 2011 National Executive Committee election of the union. The Certification Officer refused to make the declarations sought.

Heffernan v Unison (D/56-62/11-12)

The claimant alleged seven breaches of union rules relating to the 2009 and 2010 elections at her branch of Unison. One complaint was dismissed on withdrawal. The Certification Officer refused to make the declarations sought in the remaining complaints.

Singh & Baker v National Federation of Sub-Postmasters (D/68 -76/11-12)

The claimants alleged a number of breaches of the union’s rules mainly in respect of the suspension of the claimants from the Executive Council in 2011 and subsequent disciplinary action taken against them. Two complaints were dismissed on withdrawal by the claimants and the others after consideration by the Certification Officer.

Sharma v Equity (D/77/11-12) and Eager v Equity (D/78-79/11-12)

In similar applications, Mr Sharma and Mr Eager alleged that Equity had breached its rules in relation to a referendum of members on proposed rule changes which was held in April/May 2011. The Certification Officer dismissed the complaints.

Ross v Fire Brigades Union (D/ 80-83/11-12)

The claimant alleged three breaches of the union’s rules in respect of an election for the position of an Executive Council Member. A fourth complaint (of breach of statutory balloting procedures) was dismissed on withdrawal by the claimant. The Certification Officer dismissed the three complaints of breach of rule.

**APPENDIX 1 (SEE PARA 4.11) - (a) LIST OF NORTHERN IRELAND TRADE UNIONS (b) REPUBLIC OF IRELAND TRADE UNIONS WITH NI MEMBERS
(AT 31 DECEMBER 2011 UNLESS OTHERWISE INDICATED)**

(a) List of Northern Ireland Unions	NI Members	Total Members (inc.ROI)	NI Subscription Contributions £'s	Total Income £'s	Total Expenditure £'s	Funds at the End of the Year £'s	Total Assets at the End of the Year £'s	Total Liabilities at the End of the Year £'s
Belfast Airport Police Association *	21	21	3,950	3,963	4,189	27,789	28,179	390
Lough Neagh Fishermen's Association *	60	60	330	330	922	5,989	5,989	-
Northern Ireland Public Service Alliance *	46,610	46,610	4,251,065	4,714,426	4,210,986	2,321,271	3,439,445	1,118,174
Ulster Teachers Union *	5,873	5,942	646,142	680,284	643,006	995,721	1,016,295	20,574
TOTALS	52,564	52,633	4,901,487	5,399,003	4,859,103	3,350,770	4,489,908	1,139,138
(b) Republic of Ireland Unions	NI Members	Total Members	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
Irish Bank Officials' Association* ¹	4,960	21,193	1,181,577	7,489	4,728	38,596	41,318	2,722
Irish National Teachers' Organisation* ¹	6,702	38,935	1,017,703	13,845	11,746	13,648	23,634	9,986
IMPACT	40	63,566	7,274	20,410	14,639	54,282	57,632	3,350
Independent Workers Union* ¹	167	1,384	4,828	124	134	-	22	22
Services, Industrial, Professional & Technical Union*	1,696	225,044	134,653	37,134	34,717	37,960	54,845	16,885
TOTALS	13,565	350,122	2,346,035	79,002	65,964	144,486	177,451	32,965
(c) Schedule of unlisted Trade Unions	NI Members	Total Members	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
Irish Congress of Trade Unions ²								
TOTALS	218,514	787,294	737,810	4,105	4,152	2,282	6,863	4,581

*Denotes a trade union holding a Certificate of Independence at 31 December 2011

¹ Figures converted from sterling to Euros using an exchange rate of €1.27 per £ sterling.

² See Paragraphs 1.11 and 1.19 [The total membership shown covers fifty unions recorded as affiliated to the ICTU in 2010, headquartered in NI, ROI and GB The NI Subscription Contributions are from 23 Unions with Northern Ireland members]

APPENDIX 2 (SEE PARA 4.12) - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2011 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscriptions 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
ACCORD	1,587	26,286	69	53	123,976	2,758	2,593	3,823	4,297	474
Advance	346	7,127	2	7	27,224	719	570	1,043	1,112	69
Aspect	121	3,507	-	16	38,652	1,248	1,255	77	263	186
Association of Educational Psychologists	130	3175	10	26	23,499	650	912	1,483	1,594	111
Association of School & College Leaders	179	16,345	-	43	51,945	5,057	4,878	3,018	3,830	812
Association of Teachers & Lecturers	4,314	205,531	692	969	285,126	15,904	16,799	8,477	11,796	3,319
Bakers, Food & Allied Workers Union	604	20,816	360	61,432	3,084	3,084	4,145	(1,721)	1,950	3,671
British Airline Pilots Association	203	8,291	33	372	124,021	5,801	5,169	7,220	8,097	877
British Association of Occupational Therapists (Sept 11)	1,006	28,213	179	281	66,225	5,965	5,965	-	265	265
British Dental Association (Sept 11)	931	22,546	-	371	275,085	16,405	16,336	1,184	8,214	7,029
British Dietetic Association (Feb 12)	318	6,404	-	-	77,910	447,531	411,431	361,913	370,588	8,675
British Medical Association	5,331	138,942	168	3,241	1,359	118,999	134,953	92,625	159,165	66,540
Broadcasting, Entertainment, Cinematograph & Theatre Union	497	23,787	41	1	59,640	4,770	7,013	(2,881)	5,243	8,124
Chartered Society of Physiotherapy	1,729	48,258	278	989	410,962	14,177	16,451	5,054	13,698	8,644
Communication Workers Union	4,694	199,267	-	458	614,601	28,858	30,110	22,239	35,358	13,119
Equity (Incorporating the Variety Artistes' Association)	343	35,661	98	683	36,785	6,252	6,921	7,856	18,246	10,390
FDA	300	17,537	-	447	70,084	3,584	3,240	1,342	3,711	2,369
Fire Brigades Union	1,705	40,900	-	-	322,441	12,672	13,086	4,058	7,214	3,156

¹ Union had not provided figures for year ending 31 December 2011 by June 2012

APPENDIX 2 - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2011 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscriptions 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	12,175	597,742	199	-	1,244,330	65,727	54,760	38,132	62,373	24,241
Hospital Consultants & Specialists Association	135	3,242	-	26	26,040	656,605	577,871	775,805	792,888	17,083
Musician's Union	249	31,053	26	154	36,662	9,415	8,544	15,059	16,681	1,622
National Association of Head Teachers	928	37,736	-	1,555	222,000	8,439	9,353	4,776	5,457	681
National Association of Schoolmasters Union of Women Teachers (NASUWT)	12,872	323,552	-	2,264	1,707,535	32,326	35,132	26,908	39,147	12,239
National Federation of Sub-Postmasters	293	6,076	-	28	40,141	1,358	1,685	3,258	3,566	308
National Union of Journalists	864	28,090	3,321	797	152,366	6,299	5,641	1,461	4,234	2,773
National Union of Rail, Maritime & Transport Workers	102	75,920	71	-	20,592	15,942	22,259	25,755	37,275	11,520
Nationwide Group Staff Union	157	11,848	-	-	12,658	1,265	1,102	823	936	113
Nautilus International	342	14,474	269	1,034	66,919	6,661	6,369	6,426	7,291	864
POA	1,608	31,471	-	-	243,689	5,669	5,477	4,825	5,579	754
Prospect	1,633	112,977	23	4,210	19,300	17,120	21,004	29,509	34,326	4,817
Public and Commercial Services Union	1,982	278,310	17	238	243,306	21,415	34,564	688	18,435	17,747
Royal College of Midwives	1,533	38,702	37	430	293,648	7,388	7,369	496	512	16
Royal College of Nursing of the UK (Mar 11)	13,662	398,681	419	2,257	2,293	31,403	28,474	2,929	11,015	8,086
Society of Chiropractors and Podiatrists	416	8,428	125	200	145,600	3,818	3,816	4,048	4,410	362
Society of Radiographers	859	21,325	20	245	203,583	5,523	4,809	2,735	3,024	289
Transport Salaried Staffs' Association ¹	-	-	-	-	-	-	-	-	-	-

¹ Union had not provided figures for year ending 31 December 2011 by June 2012

APPENDIX 2 - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2011 (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	886	75,622	7,252	-	54,633	6,033	8,378	9,677	14,271	4,594
UNISON	35,330	1,282,170	-	-	2,380,000	204,400	217,701	111,958	253,259	141,301
Unite the Union	45,847	1,407,399	32,098	24,682	4,062,348	156,880	174,470	61,069	214,826	153,757
Union of Shop, Distributive & Allied Workers	15,810	396,631	-	-	1,201	42,847	50,735	10,805	52,912	42,107
University and College Union (Aug 11)	3,984	118,360	22	32	639,444	21,161	17,988	1,779	22,660	20,881
TOTALS	176,005	6,152,402	45,829	46,109	15,846,475	364,612	399,557	215,509	392,562	110,579

APPENDIX 3 (SEE PARA 4.13) - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS - AT 31 DECEMBER 2011 (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
Affinity	79	39,642	-	547	7,831	3,139	3,147	1,415	1,822	407
Association for Clinical Biochemistry	43	1,540	55	150	7,180	1,320	1,281	2,142	2,803	661
Association of Local Authority Chief Executives	16	361	-	-	4,800	119	128	164	186	22
Association of Principal Fire Officers	1	183	-	-	432	77	77	57	71	14
Association of Revenue and Customs	50	2,502	-	-	3,758	211	245	413	436	23
Boots Pharmacists' Association (BPA)	44	1,101	-	-	2,112	50	50	18	26	8
Britannia Staff Union	6	3,143	-	-	203	175	128	587	640	53
British Association of Dental Nurses	48	4,893	2	41	3,555	217	241	296	328	32
British Association of Journalists	9	1,105	-	31	848	148	128	37	46	9
British Orthoptic Society ¹	-	-	-	-	-	-	-	-	-	-
Community	50	23,102	-	-	5,126	17,702	8,588	48,651	62,054	13,403
Dental Practitioners' Association ¹ (final return due)	-	-	-	-	-	-	-	-	-	-
Guild of Professional Teachers of Dance, Movement to Music & Dramatic Arts Headmasters and Headmistresses'	52	841	7	-	2,912	52	45	80	85	5
Conference (Mar 11)	7	239	3	57	17,605	1,640	1,334	2,986	4,187	1,201
Inmigration Service Union	23	3,483	-	169	2,442	393	390	854	864	10
Independent Democratic Union	28	6,256	-	-	2,553	515	449	618	677	59
Institute of Journalists	13	979	25	177	1,356	78	69	8,519	10,989	2,470
Leeds Building Society Staff Association	4	435	2	1	66	9	7	47	48	1
National Association of Co-operative Officials	8	2,169	-	17	1,496	494	526	1,162	1,236	74
National Association of Group Secretaries	69	519	-	-	10,183	195	190	164	171	7
to NFU (Oct 11)	19	601	-	-	456	13	11	87	88	1
National House Building Council Staff Assoc.										

¹Union had not provided figures for the year end 31 December 2011 by 1 June 2012

APPENDIX 3 - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS - AT 31 DECEMBER 2011 (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
NAPO - The Trade Union & Professional Association for Family Court & Probation Staff	99	9,001	-	-	26,404	2,424	2,313	2,045	2,076	31
National Society for Education in Art & Design (Sept 11)	19	2,034	6	41	1,191	421	456	38	354	316
Prison Governors Association	24	1,191	-	4	3,936	217	174	191	207	16
Prison Service Union	23	5168	-	2	4206	496	552	56	160	104
The Retail Book, Stationery and Allied Trades Employees Association	4	2,632	1	4	346	254	275	636	654	18
Retained Firefighters Union	36	2,874	-	-	3,713	288	309	133	141	8
Retired Officers Association	8	281	-	49	480	34	58	62	69	7
Royal Society for the Protection of Birds Staff Association (Mar 12)	36	1,068	-	-	432	19	22	86	86	-
Sales Staff Association	11	238	-	-	660	15	6	120	120	Nil
Society of Authors Ltd	50	8,228	77	667	3,443	1,024	995	747	1,306	559
Society of Union Employees ¹	-	-	-	-	-	-	-	-	-	-
Solidarity ¹	-	-	-	-	-	-	-	-	-	-
The Social Workers Union (Sept 11)	61	1,724	-	13	1,429	42,111	42,111	-	-	-
UFS	24	2,306	-	8	2,767	691	681	223	278	55
Union of Country Sports Workers (Mar 12)	4	3,468	2	4	45	43	39	18	21	3
United Road Transport Union ¹	-	-	-	-	-	-	-	-	-	-
Unity	69	4,115	-	-	2,689	833	1,399	7,047	7,190	143
Writers' Guild of Great Britain	12	1,917	5	71	1,270	458	392	171	358	187
Voice	52	32,456	-	10	6,348	1,876	1,865	606	1,006	400
TOTALS	1,101	171,795	185	2,063	133,927	35,477	17,649	68,972	89,946	17,552

¹Union had not provided figures for the year end 31 December 2011 by 1 June 2012

APPENDIX 4 (SEE PARA 4.15) - LIST OF NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS - 31 DECEMBER 2011 (UNLESS OTHERWISE INDICATED)

	NI EMPLOYERS' ASSOCIATIONS		NI Members	NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
	NI Members	NI Contributions								
1	Anglo-North Irish Fish Producers Organisation (July 11)	45	81,668	45	1,119,756	829,621	1,608,072	3,174,433	1,566,361	
2	Construction Employers Federation Ltd	1,202	526,447	1,202	816,955	840,240	613,276	868,865	255,589	
3	Engineering Employers' Federation NI Association	138	797,742	138	878,900	973,595	1,117,164	1,256,831	139,667	
4	Northern Ireland Bakery Council (Mar 11)	3	-	3	19,417	4,535	14,882	19,417	4,535	
5	Northern Ireland Fish Producers Organisation Ltd	141	1,990	147	1,418,842	1,413,201	5,061,069	5,352,631	291,562	
6	Northern Ireland Grain Trade Association	31	32,350	31	55,902	52,488	14,722	21,705	6,983	
7	NI Local Government Association (Mar 11)	26	382,179	26	1,450,251	1,663,677	138,285	588,692	450,407	
8	Ulster Chemists Association	523	75,660	523	139,095	160,693	398,524	442,542	44,018	
9	Ulster Farmers' Union ¹	-	-	-	-	-	-	-	-	
TOTALS		2,109	1,898,036	2,115	5,899,118	5,938,050	8,965,994	11,725,116	2,759,122	

¹ Association had not provided the figures for year ending 31 December 2011 by 1 June 2012

APPENDIX 5 (SEE PARA 4.16) - GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS - 31 DECEMBER 2011 (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 Circus Proprietors	1	400	21	27,690	20,676	18,905	43,913	25,008
2 Association of Newspapers and Magazine Wholesalers (Mar11)	2	6,354	8	170,746	167,955	38,176	138,269	100,093
3 BFM Ltd	1	472	125	600,146	682,295	1,259,295	1,490,712	231,417
4 British Allied Trade Federation (formerly British Jewellery etc)	12	3,698	2,500	1,983,879	2,296,003	9,386,625	10,091,676	705,051
5 British Amusement Catering Trades Association (June 11)	4	7,744	481	1,358,277	1,386,766	11,182,503	28,280,755	17,098,252
6 The British Precast Concrete Federation Ltd ¹	-	-	-	-	-	-	-	-
7 British Printing Industries Federation (Mar 11)	37	41,186	2,592	2,627,294	2,627,294	Nil	596,528	596,528
8 Building & Engineering Services Association	47	119,026	1,377	13,219,453	14,666,104	4,577,561	25,325,374	20,747,813
9 Builders Merchants Federation (Mar 11)	2	2,250	345	1,367,432	1,360,760	750,427	906,999	156,572
10 Cinema Exhibitors' Association Ltd	2	4,905	180	515,916	519,312	293,602	542,647	249,045
11 Construction Plant Hire Association (June 11)	8	2,766	1,458	968,804	848,300	1,912,380	2,183,598	271,218
12 Dairy UK Ltd	7	117,227	515	2,155,776	3,017,646	3,049,289	4,381,242	1,331,953
13 Electrical Contractors' Association	22	53,000	2,922	25,911,477	42,984,558	21,301,560	67,909,172	46,607,612
14 Engineering Construction Industry Association	2	8,350	277	2,768,885	4,118,326	4,936,887	7,055,640	2,118,753
15 Federation of Master Builders	281	(4,762)	9,899	4,434	4,445	3,778	5,869	2,096
16 Federation of Window Cleaners	17	1,882	1,018	137,082	129,764	277,309	406,086	128,777
17 Fencing Contractors Association Ltd	1	1,155	229	178,812	182,595	42,018	97,704	55,686
18 Freight Transport Association	329	329,522	13,833	23,909	23,711	460	11,014	10,554
19 Glass and Glazing Federation	5	9,830	440	2,081,768	1,775,840	5,244,619	5,893,154	648,535
20 National Federation of Retail Newsagents	646	189,938	17,050	4,900,596	5,489,830	5,467,697	6,361,440	893,743
21 National Federation of Roofing Contractors Ltd (Jan 12)	25	11,518	898	1,373,070	1,370,603	632,510	830,072	197,562
22 National Hairdressers Federation	17	3,540	5,689	1,635,517	1,502,385	2,516,849	2,620,922	104,073

¹ Association had not provided the figures for year ending 31 December 2011 by 1 June 2012

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
	Members	NI Contributions	£	£						
23 National Pharmacy Association Ltd	224	155,377	3,990	6,004,296	6,737,186	5,025,605	7,883,447	2,857,842		
24 Producers Alliance for Cinema & Television Ltd (Sept11)	18	25,051	465	1,969,608	1,675,460	1,427,428	2,226,218	798,790		
25 Radio Electrical & Television Retailers' Association (Oct 11)	48	11,904	1,189	657,840	600,315	1,570,318	1,771,370	201,052		
26 Retail Motor Industry Federation Ltd ¹	-	-	-	-	-	-	-	-		
27 Road Haulage Association Ltd ¹	-	-	-	-	-	-	-	-		
28 Scottish Association of Master Bakers	2	170	342	1,144,937	1,070,782	1,594,547	1,775,883	181,336		
29 Scottish and NI Plumbing Employers Federation	79	41,010	768	961,477	903,129	1,434,062	1,744,609	310,547		
30 The Newspaper Society	2	34,552	34	3,555,430	3,175,343	1,794,294	3,096,384	1,302,090		
31 Theatrical Management Association	3	5,198	323	687,995	683,928	189,139	464,862	275,723		
32 Thermal Insulation Contractors Association	9	5,804	221	1,485,506	1,361,777	1,203,216	1,510,009	183,064		
33 Vehicle Builders and Repair Association Ltd	11	7,000	701	656,527	681,389	988,765	1,106,750	117,985		
TOTALS	1,864	1,196,067	69,890	105,019,669	125,751,766	88,579,364	197,755,304	108,844,070		

¹ Association had not provided the figures for year ending 31 December 2011 by 1 June 2012

APPENDIX 6 (PARA4.3) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2011 (UNLESS OTHERWISE INDICATED)

NORTHERN IRELAND	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
Belfast Airport Police Association	Chairman	Nil	Nil
Lough Neagh Fishermen's Association	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary	59,027	23,198
Ulster Teachers' Union	General Secretary	61,795	38,532
REPUBLIC OF IRELAND	OFFICE HELD	SALARY	BENEFITS
		€'s	(Excluding PRSI) €'s
Irish Bank Officials Association	General Secretary	132,455	66,191
Irish Congress of Trade Unions ¹	General Secretary	-	-
IMPACT	General Secretary	152,062	51,860
Irish National Teachers' Organisation	General Secretary	130,418	62,601
Services, Industrial, Professional & Technical Union (SIPTU)	General Secretary	118,650	3,065
	General President	118,650	7,736
Independent Workers Union	National Secretary	22,490	9,600
GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
Advance	General Secretary	20,450	61,634
Accord	General Secretary	113,616	9,437
Affinity	General Secretary	122,975	2,649
ASPECT	General Secretary	74,132	Nil
Association for Clinical Biochemistry	General Secretary	Nil	Nil
Association of Local Authority Chief Executives	Honorary Secretary	Nil	Nil
Association of Principal Fire Officers	General Secretary	Nil	Nil
Association of Revenue and Customs ¹	General Secretary	Nil	Nil
Association of Schools and College Leaders	General Secretary	114,125	20,514
Association of Teachers & Lecturers	General Secretary	113,788	23,528
Bakers, Food & Allied Workers Union	General Secretary	44,513	13,711
	National President	44,513	11,705
Boots Pharmacists' Association (BPA)	Chief Executive	8,500	1,500
Britannia Staff Union	General Secretary	12,000	Nil
British Airline Pilots Association	General Secretary	116,229	23,562
British Association of Dental Nurses	Chief Executive	43,241	2,800
British Association of Journalists	General Secretary	17,519	Nil
British Association of Occupational Therapists	Chairman	Nil	Nil

¹ Union had not provided the figures for year ending 31 December 2011 by 1 June 2012.

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2011 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
		£'s	£'s
British Dental Association	Chairman	26,000	Nil
British Dietetic Association (28/2/11)	General Secretary	Nil	Nil
British Medical Association	Treasurer (to July)	26,979	Nil
	Treasurer (from July)	46,145	4,248
	Chairman of Council	95,220	19,968
	General Secretary	-	-
British Orthoptic Society ¹	General Secretary	63,732	9,017
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	63,732	9,017
Chartered Society of Physiotherapy	Chief Executive	98,111	20,603
Communication Workers Union	General Secretary	90,210	29,580
Community	General Secretary	91,804	27,876
	Deputy Gen Secretary	80,613	20,739
Dental Practitioners Association ¹ (final return)	Chief Executive	-	-
Equity (Incorporating the Variety Artistes' Association)	General Secretary	72,852	24,023
	General Secretary	94,274	33,465
FDA	General Secretary	69,835	45,889
Fire Brigades Union	General Secretary	69,835	45,889
	Asst. General Secretary	65,885	48,200
GMB	General Secretary	91,000	30,000
Guild of Professional Teachers of Dancing	General Secretary	13,000	Nil
Headmasters & Headmistresses' Conference (31/3/11)	General Secretary	60,000	73,657
Hospital Consultants & Specialists Association (30/9/11)	Chief Executive	78,936	Nil
Immigration Service Union	General Secretary	7,823	Nil
Independent Democratic Union	National Secretary	48,163	10,213
Institute of Journalists	General Secretary	34,520	2,288
Leeds Building Society Staff Association	Secretary	Nil	Nil
National Association of Co-operative Officials	General Secretary	92,494	20,292
National Association of Group Secretaries to the NFU	General Secretary	7,913	Nil
National Association of Head Teachers	General Secretary	117,645	23,763
NAPO-The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	66,192	10,914
NASUWT	General Secretary	100,029	29,541
National Federation of Sub-Postmasters	General Secretary	86,026	12,674
National Society for Education in Art & Design (30/9/11)	General Secretary	44,908	6,332
National Union of Journalists	General Secretary	64,389	11,784

¹ Union had not provided the figures for year ending 31 December 2011 by 1 June 2012.

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2011 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY £'s	BENEFITS (Excluding NI Contributions) £'s
Nautilus International	General Secretary	82,002	13,362
National Union of Rail, Maritime & Transport Workers	General Secretary	86,730	34,957
Nationwide Group Staff Union	General Secretary	108,420	19,478
Prison Governors Association	General Secretary	Nil	Nil
POA	General Secretary	73,668	25,861
	Dept General Secretary	71,201	58,359
Prison Service Union	General Secretary	79,600	22,686
Prospect	General Secretary	104,525	22,462
Public and Commercial Services Union	General Secretary	88,569	27,860
The Retail Book, Stationery and Allied Trades Employees' Association	President	37,837	9,302
Retained Firefighters Union	Nat.General Secretary	45,542	3,960
Retired Officers Association (30/6/11)	Treasurer	1,200	Nil
Royal College of Midwives	General Secretary	113,134	24,965
Royal College of Nursing of the UK (31/3/11)	General Secretary	59,540	6,934
Royal Society for the Protection of Birds			
Staff Association (31/3/12)	Chairperson	1,200	Nil
Sales Staff Association	General Secretary	Nil	Nil
Society of Authors	General Secretary (Prev)	30,000	15,905
	General Secretary (Present)	69,049	4,078
Society of Chiropractors and Podiatrists	General Secretary	74,084	5,811
Society of Radiographers	Chief Executive	41,591	5,508
Society of Union Employees (UNISON) ¹	General Secretary	-	-
Solidarity ¹ (2011)	General Secretary	-	-
The Retail Book, Stationery and Allied Trades Employees' Assoc.	President	37,837	9,302
Transport Salaried Staffs' Association ¹	General Secretary	-	-
UCATT	General Secretary	18,065	3,645
	Gen Secretary (Pro Team)	56,606	9,234
UFS	General Secretary	102,307	30,909
Unite the Union	General Secretary	101,385	21,049
UNISON	General Secretary	90,254	18,262
Unity	General Secretary	34,065	49,923
	Asst General Secretary	29,070	41,857
Union of Country Sports Workers (Mar 12)	Chairman	Nil	Nil
Union of Shop, Distributive & Allied Workers	General Secretary	90,035	28,860
University and College Union	General Secretary	98,217	17,158
United Road Transport Union ¹	General Secretary	-	-
Voice	General Secretary	72,411	2,082
Writers Guild of Great Britain	General Secretary	54,280	5,220

¹ Union had not provided the figures for year ending 31 December 2011 by 1 June 2012.

APPENDIX 7 (SEE PARA 7.18) - GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – AT 31 DECEMBER 2011 (UNLESS OTHERWISE INDICATED)

	NI Members Contracted-in	% of total NI Members	NI Contributions £
Aspect	63	52.06%	185
Association of Revenue and Customs	48	96%	144
Communication Workers Union	2,723	58.01%	14,051
Broadcasting, Entertainment, Cinematograph and Theatre Union (BECTU)	497	100%	775
Community	44	88%	458
Fire Brigades Union	609	35.7%	5,000
GMB	108	0.89%	826
Musician’s Union	6	2.41%	19
National Association of Schoolmasters Union of Women Teachers (NASUWT)	1,462	11.36%	1,618
National Union of Rail, Maritime and Transport Workers	77	75.49%	240
POA	1,604	99.75%	2,912
PCS	579	29.21%	694
Prospect	227	13.9%	260
Transport Salaried Staffs’ Association ¹	-	-	-
Union of Shop, Distributive and Allied Workers	6,000	37.95%	28,000
Unite the Union	20,370	44.43%	90,356
University and College Union	852	21.38%	1,314
TOTALS	35,269	34.12%	145,851

¹ Union had not provided figures for year ending 31 December 2011 by June 2012

APPENDIX 8 (SEE PARA 7.18) - GB TRADE UNIONS WHOSE NORTHERN IRELAND MEMBERS DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2011

Bakers, Food and Allied Workers Union

UNISON

Unity

APPENDIX 9 - STATUTORY FEES

Fees are set by the Department for Employment and Learning. They were revised by the Certification Officer (Fees) Regulations (Northern Ireland) 2008 (SR 2002 No.95), under the powers conferred on the Department by Articles 5, 6 and 107 of the Industrial Relations (Northern Ireland) Order 1992 and Article 89 of the Trade Union and Labour Relations (Northern Ireland) Order 1995. The Regulations came into effect on 6 April 2008.

	Current Fee
Application for entry in the list of trade unions or the list of employers' associations	£45
Application for approval of change of name	£45
Application for a certificate of independence	£885
Application for a certificate of independence by an amalgamated trade union where each amalgamating union already had a certificate	£45
Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation	£1120
Inspection of merger documents	£45

APPENDIX 10 –CERTIFICATION OFFICE FORMS

TITLE OF FORM	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 transferring organisation in support of the registration of an instrument of transfer of engagements	CO(NI)11
Statutory declaration on behalf of the receiving 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 on the website - www.nicertoffice.org.uk - and may also be obtained free of charge on request from the Office:

1. *Hearings by the Certification Officer under the 1995 Order – Guidance on Procedure.*
2. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions.*
3. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of employers' associations.*
4. *Guidance for trade unions wishing to apply for a certificate of independence.*
5. *Guidance for trade unions and employers' associations wishing to establish a political fund.*
6. *A guide to political fund review ballots.*
7. *Financial Irregularities in Trade Unions and Employers' Associations.*
8. *Making a complaint to the Certification Officer against a trade union.*
9. *Provision made by the Certification Officer about disclosure of the identity of complainants.*
10. *Terms of a scheme enabling the Certification Officer to make certain payments to persons attending hearings.*
11. *Annual Reports of the Certification Officer.*
12. *Revised Equality Scheme-under review.*