

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

Annual Report
of the
Certification Officer for Northern Ireland

2013-2014

(Covering Period 1 April 2013 to 31 March 2014)

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**CERTIFICATION OFFICER FOR NORTHERN IRELAND
ANNUAL REPORT FOR THE YEAR ENDED 31 MARCH 2014**

Laid before the Northern Ireland Assembly under paragraph 69(7) of the Industrial Relations
(Northern Ireland) Order 1992 by the Department for Employment and Learning

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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 her activities during that year to the Department for Employment and Learning. I have pleasure in submitting my report for the period 1 April 2013 to 31 March 2014.



Sarah Havlin LLB
Certification Officer for Northern Ireland

28 January 2015

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INTRODUCTION

This is the twenty second 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 2013 to 31 March 2014.

The statutory functions of the Certification Officer are contained in the Industrial Relations (Northern Ireland) Order 1992 as amended, The Employment Rights (Northern Ireland) Order 1996 as amended and 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 her 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. She must give the party against whom a striking out order is to be made an opportunity to show why it should not be made.

Under the 1996 Order -

Article 67F - receiving information from employees/workers of trade unions or employers’ associations about fraud or other irregularities relating to the financial affairs of these organisations.

Recorded membership of Northern Ireland trade unions increased by 46 members since the last reporting period. Northern Ireland membership of Republic of Ireland unions decreased by 493 members whilst that of Great Britain unions decreased by 2,441 members.

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. No Great Britain union with Northern Ireland members was added to the GB

Certification Officer's list. Two Great Britain unions and one Employers' Association, all with Northern Ireland members, were removed from the Great Britain Certification Officer's list as they ceased to exist. This is recorded in paragraph 1.10 of this report.

During the year four breaches of rule complaints, made by four trade union members, were determined. Details of these cases are in chapter 9. Thirty five complaints were being processed by the Office at 31 March 2014.

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

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. I am however an independent statutory office holder, independent 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. I would refer to the Annual Report of The Labour Relations Agency for the year ended 31 March 2014 and to the Accounts of The Labour Relations Agency and The Certification Officer for Northern Ireland therein. These are the audited accounts for this office.

At 31 March 2014 the Office had a complement of four staff. Mr John Bennett continued to hold his appointment as Assistant Certification Officer for Northern Ireland during the period covered by this report. Over the year the work programme of the Office included processing Annual Returns from Trade Unions and Employers Associations ensuring compliance of all Trade Unions and Employers' Associations with the requirements of the legislation, processing complaints and aspects of trade union finances, trade union political fund issues, independence, mergers and other statutory obligations as well as general office administration, governance and financial management.

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. My staff and I do not give 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 our 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. Comments on the website are welcome.

Sarah Havlin LLB

Certification Officer for Northern Ireland

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), she 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 hers 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, she 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 she is satisfied that it no longer exists or if the organisation requests that she should do so.
- 1.9 There were no removals from the list of Northern Ireland trade unions in 2013-2014.
- 1.10 During the period of this report, the Great Britain Certification Officer removed two trade unions with Northern Ireland members from his list. These were:
 - The National Federation of Sub-Postmasters which ceased to exist as a trade union on 13 January 2014
 - The Retired Officers Association which ceased to exist as a trade union on 4 November 2013

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 2013-2014 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. This was:

- The National Pharmacy Association Ltd which ceased to exist on 5 January 2014

Additions to the lists

- 1.11 There were no additions to the Northern Ireland lists during the period of this report.
- 1.12 No trade union with Northern Ireland members was added to the Great Britain Certification Officer's list. No union with Northern Ireland members was added to the Great Britain Certification Officer's schedule of unlisted unions during the period.
- 1.13 No employers' association with Northern Ireland members was added to the Great Britain Certification Officer's list or schedule.

Special Register bodies

- 1.14 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.
- 1.15 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.
- 1.16 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 & Laboratory Medicine
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
Society of Chiropodists and Podiatrists
Society of Radiographers

There are no Northern Ireland headquartered special register bodies.

Changes of name

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

Effective Date

<i>From:</i>	The Association for Clinical Biochemistry	26 July 2013
<i>To:</i>	The Association for Clinical Biochemistry & Laboratory Medicine	

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

From: Theatrical Management Association Ltd

4 March 2014

To: UK Theatre Association

Unlisted organisations

1.19 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. It operates through its Northern Office: Irish Congress of Trade Unions (the Northern Ireland Committee).

Definitions of a trade union and an employers' association

1.20 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.

1.21 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 she must take into account relevant information submitted by any person. She is required to give her reasons if she 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 her 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 her 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 No certificates of independence were issued by the Great Britain Certification Officer during the period.

The Certification Officer decided that the Boots Pharmacists' Association did not meet the criteria of an independent trade union and refused its application for a certificate of independence. This decision was issued on 22 May 2013.

Following a review into the status of the National Federation of Sub Post Masters as a trade union, the Certification Officer issued a decision on 13 January 2014 that it was not a trade union and, on this basis, its name was removed from the list of trade unions and its certificate of independence was also cancelled.

One certificate of independence was cancelled because the union concerned ceased to exist. The cancelled certificate was that of the Retired Officers' Association, which ceased to exist when it was dissolved on 4 November 2013.

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 2014 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 she 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 her. 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 she 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 1.14 - 1.16) or an employers' association incorporated under the Companies Orders to submit with its return a copy of its accounts prepared under the Companies Orders, instead of the accounts prescribed in the return form. There must, however, be no significant diminution in the degree of disclosure, the period covered must be the same and a 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 132 annual returns from trade unions and employers' associations. All of these returns were received by June 2014. 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 100% 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. No further Great Britain-headquartered trade unions and employers' associations with Northern Ireland members were identified during this reporting period.

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;

- (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. She may, if she 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, she may appoint inspectors to investigate the organisation's financial affairs and to report to her on them. Under Article 12B(2) she 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 her 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.

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 her powers to require any trade union or employers' association to produce documents.

3.23 Three new enquiries were opened during the period 1 April 2013 to 31 March 2014 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 her, the Certification Officer is required to make such enquires as she 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 she is required to make such an order as she 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 her under Article 37, she must specify the date by which she 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 based unions with Northern Ireland members. Both applications had been carried over from the previous reporting period 2012-2013

Flanagan v UCATT (D/28/13-14) The complainant alleged that the union had breached section 30(2)(a) of the Trade Union and Labour Relations (Consolidation) Act 1992 by not complying with a request for accounting records within 28 days. The Certification Officer upheld the complaint but made no order. By the time of the decision Mr Flanagan had been able to inspect the relevant accounting records. Mr Flanagan also complained about the payment the union required of him to inspect the accounting records. This complaint was struck out on the grounds that it had no reasonable prospect of success and/or was misconceived, following the Certification Officer's previous decision in **Dooley v UCATT (No 4) (D/26-27/12-13)**.

Illingworth v National Union of Teachers (D/35/13-14) The Certification Officer upheld the complaint that access to the requested accounting records had not been arranged within 28 days. Again no order was made as access had been granted prior to the decision.

- 3.30 Copies of all decisions of the Certification Officer for Great Britain are available on the Certification Officer's 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 2013. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.

Information from 2013 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 2014. That information and the following comments in this chapter relate to organisations whose financial year ended on 31 December 2013, 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, she is required, unless she 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 2013 was recorded as 241,875. 73% of all Northern Ireland trade union members belong to Great Britain-based trade unions with 21.5% and 5.5% respectively being members of Northern Ireland and Republic of Ireland based trade unions.
- 4.10 Trade union income derives mainly from membership subscriptions and investments. There may also be additional income and assets arising if, for example, a union accepts the transfer of engagements of another union. In 2013 the total income of Northern Ireland based trade unions was £5.7 million, total expenditure was £4.9 million, and net assets were £6.2 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 2013. This shows a total of 51,927 members of Northern Ireland unions providing an annual contribution of £5 million; while there were 13,168 Northern Ireland members of Republic of Ireland unions providing an annual contribution of €2.4 million. In 2013 the total income of the Republic of Ireland unions was €74 million, total expenditure was €67.2 million and net assets were €159.4 million.
- 4.12 Financial and membership details of 43 Great Britain unions with 100 or more Northern Ireland members are given in Appendix 2. In 2013, 175,795 Northern Ireland members of these unions contributed £21.6 million. The total income of these unions in the year was £959 million, total expenditure was £707 million and net assets were £659 million.
- 4.13 Membership details of a further 38 Great Britain based trade unions with under 100 Northern Ireland members are listed in Appendix 3. This records a total of 1,048 Northern Ireland members contributing £136,099. In 2013 the total income of these unions was £17.2 million, total expenditure was £16.7 million and net assets were £24.6million.

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 2013 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2013/2014 the total income of these organisations was £13.6 million, expenditure was £13.1 million and net assets were £11.8 million.
- 4.16 Details of 33 Great Britain employers' associations with Northern Ireland members are given in Appendix 5. In 2013 these organisations received contributions amounting to £1.3 million from their Northern Ireland members. Their total income was £120 million, expenditure was £112 million, and net assets were £137 million.

CHAPTER 5

SUPERANNUATION SCHEMES

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

The statutory provisions

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

Schemes maintained - Northern Ireland

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

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

Schemes maintained – Great Britain

5.4 Three Great Britain based trade unions which have Northern Ireland members maintained members' superannuation schemes at 31 March 2014:

GMB

National Union of Rail, Maritime and Transport Workers

Unite the Union (6 schemes).

5.5 No Great Britain-based employers' association operated a members' superannuation scheme.

Actuarial reports

5.6 The Great Britain Certification Officer received no actuarial reports during this reporting period. There are no reports and none due in the following reporting period in 2014-15.

CHAPTER 6

MERGERS

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

The statutory provisions

- 6.1 The 1995 Order and the Trade Unions and Employers' Associations (Amalgamations, etc) Regulations 1965, as amended, lay down procedures governing two types of merger between trade unions and between unincorporated employers' associations. The procedures apply, with certain modifications, to mergers between Northern Ireland organisations and organisations in Great Britain and to both listed and unlisted organisations. Their main purposes are to facilitate the merger process and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it.
- 6.2 The two types of merger are a *transfer of engagements* and an *amalgamation*. Under a transfer of engagements a transferring organisation loses its legal identity whilst the organisation to which it transfers continues in being with its legal identity unchanged. An amalgamation produces a new organisation replacing the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer who must approve them before a ballot of members on the merger proposal can be held. The statutory fee payable for approval of the instrument is shown in Appendix 9.
- 6.4 Ballots must be postal¹ and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a proposed amalgamation or transfer is prohibited. The voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed pre-paid envelope and a document giving instructions for the return of the voting paper. Other requirements relate to storage, distribution and counting of votes by independent persons and

¹The 1995 Order provides that a trade union member may for reasons of personal safety request his union to send him a voting paper by some means other than post.

the availability of a union's membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers' associations, the provisions are slightly different. Details can be found in the guidance booklet (see paragraph 6.9 below).

- 6.5 In a transfer of engagements, only the members of the transferring organisation vote on the instrument of transfer. In an amalgamation, the members of each amalgamating organisation vote. If the required majority of votes recorded in the ballot is in favour of the transfer or amalgamation, an application to register the instrument may be made to the Certification Officer. Before making such an application, the union must send a copy of the scrutineer's report to every member, or notify them of its contents by other means. Members must also be told that they will, on request, be provided with a copy of the scrutineer's report - either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a transfer or amalgamation.
- 6.6 An interval of six weeks must elapse between the application for registration of an instrument and registration itself; and before the expiry of the six-week period any member of a transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements has not been observed. If, after giving the parties an opportunity to be heard, the Certification Officer finds the complaint justified, she must make a declaration to that effect, and she may make an order specifying the steps which must be taken before she will register the instrument. There is a right of appeal against the Certification Officer's decision to the Court of Appeal on a point of law.
- 6.7 Article 82A of the 1995 Order provides for automatic listing of a new organisation formed by the amalgamation of organisations on the list at the time of amalgamation (see paragraph 1.7), and for automatic issue of a certificate of independence to a new union formed by amalgamation of unions which held a certificate at the time of amalgamation (see chapter 2, paragraph 2.5).
- 6.8 Formal documents kept by the Certification Officer relating to mergers under the 1995 Order are available for public inspection. The statutory fee payable is shown in Appendix 9.

Advice on procedures

- 6.9 Certification Office staff will offer advice on the statutory provisions and are always prepared to meet officials of organisations considering a merger to discuss procedures and time-tables. The Office has produced two booklets on the statutory requirements for transfers of engagements and amalgamations, one for trade unions and the other for employers' associations. These explain the merger procedures in detail and set out, with explanatory notes, the matters to be included in an instrument of transfer or amalgamation. Copies may be obtained free of charge from the Office, 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 No Great Britain union with Northern Ireland members was involved in a merger during the period of this report.

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, she 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 she may also make such order for remedying the breach as she 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 she 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 2014.

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 2014. Of these, 15 had Northern Ireland members "contracting-in".
- 7.18 The 2013 returns show that 32,805 Northern Ireland members of these trade unions - representing some 33% of the total Northern Ireland membership – contributed £199,544 towards political funds. A list of the 15 unions, showing the number of Northern Ireland members and the amount of their financial contributions, is given at Appendix 7. The 5 Great Britain unions whose Northern Ireland members did not contribute to their political funds in 2013 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 2013-2014.

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. One Great Britain union with Northern Ireland members, USDAW, had amendments approved during 2013-2014 by the Certification Officers.

Political fund review ballots held by Great Britain organisations

7.21 During the reporting period two Great Britain unions with Northern Ireland members held a review ballot (see paragraph 7.2). These trade unions were Prospect and Unite the Union. The members of each union voted to retain the political fund; the members of Prospect by a majority of 91.3% and the members of Unite the Union by 87.4%. In the next reporting year there are 13 trade unions due to hold a review ballot

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 she makes a declaration she must also, unless she 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 she 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 she must state in her 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 her notice.

Applications and decisions

- 8.9 During the period covered by this report the Certification Officer made two decisions relating to alleged breaches of the statutory provisions.

Mr Michael McErlean v Unite The Union (D/5/2014) Mr McErlean made one complaint alleging a breach of union rule relating to the eligibility of retired members to hold office or stand for election by the union. The application was dismissed upon withdrawal by the applicant.

Mr Francis Fox v Unite The Union (D/6/2014) Mr Fox made one complaint alleging a breach of union rule relating to the eligibility of retired members to hold office or stand for election by the union. The application was dismissed upon withdrawal by the applicant.

- 8.10 The Great Britain Certification Officer made the following decision relating to elections in Great Britain trade unions with Northern Ireland members –

Mrs Hallam-Black v Voice (D/1-3/13-14) The claimant made three complaints alleging that the union breached: 1) section 48(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 by modifying the election address of one of the candidates in the 2012 General Secretary election; 2) section 51(3)(a) of the Trade Union and Labour Relations (Consolidation) Act 1992 by not allowing people to vote in that election without interference or constraint; and 3) its rules relating to disciplinary procedures when dealing with Mrs Hallam-Black's complaints about the election. The first and third complaints were upheld by the Certification Officer. The second complaint was dismissed. No enforcement order was made.

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 she 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 she must make such enquiries as she 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 her decision in writing and, where she makes a declaration that there has been a breach or threatened breach of rule, she is required to make an enforcement order unless she 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 issued two decisions on applications by two trade union members.

Mulholland v NIPSA (D/02/13) The claimant alleged breaches of rules pertaining to the convening of branch meetings. The application was struck out due to the applicant's excessive delay in proceeding with it.

Patterson v GMB (D/03/13) The claimant alleged breaches of rule in relation to discipline and representation. The applicant's application was struck out for excessive delay in proceeding with it.

- 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. The jurisdiction of the Certification Officer is strictly defined by the statutory provisions. General grievances or complaints about a Trade Union may not fall within her jurisdiction and may not be accepted by her.
- 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.

Mr and Mrs Illingworth and Mr Conway v National Union of Teachers (D36/13-14) The claimants made a complaint alleging that the National Union of Teachers had breached its rules relating to disciplinary matters. The Certification Officer dismissed the complaint.

Mr Williams v Musicians Union (D/30/13-14) The claimant made a complaint alleging the union had breached its rules by not allowing him to hold office as a member of the Regional Committee (East and South East) for the full two year term. The Certification Officer upheld the claimant's complaint but did not consider it appropriate to issue an enforcement order.

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

CHAPTER 10

PUBLIC INTEREST DISCLOSURES

The Certification Officer for Northern Ireland is authorised to receive information about fraud or other irregularities relating to the financial affairs of trade unions or employers' associations from "whistle-blowers" who are employees/workers of these organisations.

The statutory provisions

- 10.1 The Public Interest Disclosure (Northern Ireland) Order 1998 gives protection to workers who "blow the whistle" on wrongdoing. It makes it unlawful for employers to subject their employees/workers to a detriment if they make disclosures about certain types of wrongdoing to persons or bodies that are authorised to receive such information (known as "prescribed persons"). The Certification Officer for Northern Ireland is designated a prescribed person by the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999 (Statutory Rule No.401). The relevant provisions of the Public Interest Disclosure Order are incorporated, by amendment, in Part VA of the Employment Rights (Northern Ireland) Order 1996. Disclosures to prescribed persons are covered at Article 67F of the latter Order.
- 10.2 The provisions of the Public Interest Disclosure Order apply only to employees or workers of trade unions or employers' associations. They do not apply to members of trade unions or employers' associations, unless those members are also employees' of the organisation concerned. Members of trade unions or employers' associations who believe that there has been fraud or other misconduct in the management of their organisation's financial affairs may make a complaint to the Certification Officer under Article 12E of the Industrial Relations (NI) Order 1992.
- 10.3 For a disclosure to the Certification Officer to qualify for protection it must meet certain requirements. The employee/worker must:
- (a) make the disclosure in good faith,
 - (b) reasonably believe that the disclosure concerns the matters for which the Certification Officer is prescribed (i.e. fraud or other irregularities relating to the financial affairs of trade unions or employers' associations),

- (c) reasonably believe that the information disclosed, and any allegation contained within it, are substantially true.

Advice on procedures

- 10.4 If you wish to make a protected disclosure to the Certification Officer about fraud or other irregularities in the financial affairs of the trade union or employers' association for which you work, you can contact the office by e-mail (**info@nicertoffice.org.uk**) or by post at:

The Certification Officer
for Northern Ireland
10-16 Gordon Street
Belfast BT1 2LG

- 10.5 The Department for Employment and Learning has produced a guide to the provisions of the Public Interest Disclosure Order, which can be downloaded at **www.delni.gov.uk**. A guidance note is also available on the Certification Office website **www.nicertoffice.org.uk**. Certification Office staff are also always available to offer advice on the statutory provisions relating to public interest disclosures.

Public interest disclosures

- 10.6 During the period of this report the Certification Officer received no public interest disclosures from employees/workers of a trade union or employers' association.

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**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 2013 UNLESS OTHERWISE INDICATED)**

(a) List of Northern Ireland Unions									
NI Members	Total Members (inc.ROI)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year	NI Members	Total Members (inc.ROI)
£'s	£'s	£'s	£'s	£'s	£'s	£'s	£'s	£'s	£'s
Belfast Airport Police Association * (Mar 14)	15	1,800	2,580	3,196	22,460	22,850	390		
Lough Neagh Fishermen's Association *	60	517	517	1,209	3,196	3,196	-		
Northern Ireland Public Service Alliance *	45,763	4,401,529	4,979,601	4,258,974	5,157,893	5,600,680	442,787		
Ulster Teachers Union *	6,026	641,564	678,771	664,355	1,022,777	1,050,855	28,078		
TOTALS	51,864	5,045,410	5,661,469	4,927,734	6,206,326	6,667,581	471,255		
(b) Republic of Ireland Unions									
NI Members	Total Members	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year	NI Members	Total Members
€'s	€'s	€'s	€'s	€'s	€'s	€'s	€'s	€'s	€'s
IBOA-The Finance Union * ¹	4,085	1,086,240	6,388	4,432	43,167	47,325	4,068		
Irish National Teachers' Organisation*	6,775	1,101,895	14,932	16,165	10,180	19,322	9,143		
IMPACT*	58	13,760	18,366	10,181	60,784	62,228	1,443		
Independent Workers Union*	154	4,639	124	128	-	24	24		
Services, Industrial, Professional & Technical Union* ¹	2,096	202,728	34,233	36,374	45,317	52,170	6,853		
TOTALS	13,168	2,409,262	74,043	67,280	159,448	181,070	21,532		
(c) Schedule of unlisted Trade Unions									
Irish Congress of Trade Unions ²									
TOTALS	206,303	768,911	--	4,541	1,698	3,677	1,979		

*Denotes a trade union holding a Certificate of Independence at 31 December 2013

¹ Figures converted from sterling to Euros using an exchange rate of €1.2018 per £ sterling.

² See Paragraph 1.19 [The total membership shown covers fifty unions recorded as affiliated to the ICTU in 2013, headquartered in NI, ROI and GB]

APPENDIX 2 (SEE PARA 4.12) - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2013 (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
ACCORD	1,202	23,175	3	8	98,600	2,515	2,389	4,253	4,618	365
Advance	466	6,019	5	294	37,637	714	520	1,430	1,479	49
Association of Educational Psychologists	129	3,150	5	13	31,152	851	1,039	1,161	1,276	115
Association of School & College Leaders	184	17,621	1	106	53,073	6,104	5,904	4,061	4,955	894
Association of Teachers & Lecturers	4,255	192,728	187	932	322,406	20,175	17,470	9,859	13,660	3,801
Bakers, Food & Allied Workers Union	557	19,569	370	-	61,358	3,133	2,646	(1,884)	1,938	3,822
British Airline Pilots Association	165	8,079	58	378	109,876	6,770	5,481	9,285	10,305	1,019
British Association of Occupational Therapists (Sept 13)	896	27,819	68	275	57,344	6,652	6,652	-	396	396
British Dental Association (Sept 13)	705	17,561	-	238	264,955	15,160	17,430	(882)	8,249	9,131
British Dietetic Association (Feb 14)	310	6,445	52	111	11,244	250,925	250,925	361,913	362,589	676
British Medical Association	5,560	144,851	158	2,572	1,501,446	130,169	12,112	114,966	157,768	42,802
Broadcasting, Entertainment, Cinematograph & Theatre Union	444	22,933	29	-	59,940	4,558	2,719	809	5,121	4,311
Chartered Society of Physiotherapy	1,763	49,364	246	983	453,030	15,440	14,674	7,480	14,936	7,456
Communication Workers Union	4,796	196,520	-	413	660,736	32,233	31,222	18,878	38,828	19,950
Equity (Incorporating the Variety Artists' Association)	386	37,024	118	669	39,239	6,581	5,480	8,067	20,915	12,849
FDA	303	16,404	-	395	60,975	3,968	3,027	3,199	5,023	1,824
Fire Brigades Union	1,725	38,258	-	-	329,318	11,925	11,558	6,449	8,743	2,294

APPENDIX 2 - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2013 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscriptions Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£000's	£000's	£000's	£000's	£000's
GMB	12,034	604,474	143	413	1,277,648	65,445	56,011	46,458	69,896	24,438
Hospital Consultants & Specialists Association (Sept 13)	135	3,116	-	4	26,040	677	610	727	755	29
Musicians' Union	248	30,310	23	137	43,391	3,706	9,044	15,284	16,708	1,424
National Association of Head Teachers	896	37,971	-	1,282	231,018	10,390	8,462	6,910	7,403	493
National Association of Schoolmasters Union of Women Teachers (NASUWT)	12,138	318,828	-	2,257	1,617,837	32,060	32,075	31,374	42,076	10,702
NAPO – The Trade Union & Professional Association for Family Court & Probation Staff	111	7,897	-	-	30,021	2,223	2,354	1,731	1,788	56
National Federation of Sub-Postmasters	283	5,717	-	25	42,667	1,747	1,553	3,503	4,083	579
National Union of Journalists	866	24,196	3,594	850	134,730	4,949	3,158	(707)	3,348	4,055
National Union of Rail, Maritime & Transport Workers	109	79,924	72	-	24,022	17,352	16,291	31,528	38,313	6,785
Nationwide Group Staff Union	155	11,697	-	-	13,973	1,173	1,114	924	1,059	136
Nautilus International	344	14,097	279	6,490	75,072	7,566	7,531	7,383	9,011	1,628
PDA Union (Mar 14)	306	21,341	-	-	918	330	319	86	212	126
POA	1,711	29,419	-	-	204,161	5,141	5,393	4,417	5,194	777
Prospect	1,712	109,363	19	4,542	244,765	17,889	15,135	26,755	36,191	9,436
Public and Commercial Services Union	2,229	244,950	15	151	224,147	43,773	28,142	12,469	19,341	6,872
Royal College of Midwives	1,587	40,746	28	419	315,398	7,923	7,889	532	541	9
Royal College of Nursing of the UK (Dec 13)	13,950	404,624	463	2,521	2,352,861	34,280	29,745	12,636	22,425	9,789
Society of Chiropractors and Podiatrists`	427	8,463	203	205	160,125	4,458	4,423	4,036	4,289	253
Society of Radiographers	748	22,592	23	288	167,391	5,623	5,627	3,449	3,876	426
Social Workers Union (Sept 13)	208	7,314	-	-	19,726	713	713	-	-	-

APPENDIX 2 - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2013 (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
Transport Salaried Staffs' Association	316	20,615	795	-	65,728	6,240	8,060	18,208	19,820	1,613
Union of Construction Allied Trades & Technicians	965	79,132	6,886	-	45,857	6,630	6,435	9,296	13,112	3,816
UNISON	36,956	1,245,604	-	-	3,487,688	171,116	155,040	124,807	241,442	116,635
Unite the Union	43,242	1,310,649	34,390	16,790	4,612,000	167,216	131,149	78,011	226,208	148,197
Union of Shop, Distributive & Allied Workers (USDAW)	16,585	416,817	-	-	1,347,000	53,138	12,683	18,071	63,635	45,564
University and College Union (Aug 13)	3,688	111,970	17	143	636,631	30,344	17,636	13,704	24,857	11,154
TOTALS	175,795	6,039,346	48,250	43,904	21,553,108	958,921	707,165	659,136	1,174,155	516,069

APPENDIX 3 (SEE PARA 4.13) - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS – AT 31 DECEMBER 2013 (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	51	38,044	-	506	4,741	3,305	3,177	1,480	1,746	267
Association for Clinical Biochemistry & Laboratory Medicine	44	1,386	53	132	7,555	1,241	1,125	2,248	2,753	505
Association of Local Authority Chief Executives	18	313	-	-	5,400	116	116	183	196	13
Association of Revenue and Customs	68	2,398	-	2	15,948	214	247	344	354	10
Boots Pharmacists' Association (BPA)	59	1,281	-	-	4,248	95	92	12	38	26
Britannia Staff Union	4	2,369	-	-	187	167	159	637	688	52
British Association of Dental Nurses	42	5,134	-	34	3,162	215	236	253	267	14
British Association of Journalists	5	1,043	-	31	366	144	138	57	77	19
British Orthoptic Society	23	885	-	7	323	75	64	13	13	-
Community	64	26,705	-	-	8,099	9	11	48	62	14
Curry's Supply Chain Staff Association (April 13)	25	3,100	-	-	-	161	161	-	-	=
Guild of Professional Teachers of Dance, Movement to Music & Dramatic Arts Headmasters and Headmistresses' Conference (Mar 14)	48	807	-	-	2,688	52	50	87	91	4
Immigration Service Union	27	3,661	-	116	2,886	393	354	905	911	6
Independent Democratic Union	25	5,674	-	-	2,280	499	428	752	990	238
Independent Pilot's Association (Jun 13)	6	643	-	22	720	90	84	72	102	29
Institute of Journalists	10	1,009	23	183	1,170	76	66	29	30	1
Leeds Building Society Staff Association	1	419	3	1	18	8	7	50	51	1
National Association of Co-operative Officials	8	1,793	-	18	1,760	603	495	1,360	1,402	42
National Association of Group Secretaries to NFU (Oct 13)	65	522	-	-	12,455	224	208	199	206	7
National House Building Council Staff Assoc.	16	569	-	-	384	14	11	94	96	1

APPENDIX 3 - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS – AT 31 DECEMBER 2013 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
National Society for Education in Art & Design (Sept 13)	16	1,862	4	51	1,303	321	267	48	330	281
Prison Governors Association	18	1,044	-	-	2,952	178	153	154	174	20
The Retail Book, Stationery and Allied	2	2,314	1	-	177	232	274	595	613	18
Trades Employees Association	31	2,694	-	-	2,629	253	266	97	124	27
Retained Firefighter's Union										
Retired Officers Association (Final return until Dec 2013)	5	153	-	20	570	52	88	15	32	17
Royal Society for the Protection of Birds Staff Association (Mar 14)	35	1,139	-	-	204	25	19	93	93	-
Sales Staff Association	10	245	-	-	600	14	6	137	137	-
Skipton Union Representing Group Employees (SURGE)	92	1,076	-	-	4,140	55	48	47	58	11
Society of Authors Ltd	41	8,407	80	672	3,359	1,060	1,054	812	1,347	534
Society of Union Employees	7	378	-	-	561	29	28	97	99	3
Solidarity	4	333	-	-	120	18	17	1	-	1
UFS	25	2,004	-	6	2,705	606	600	201	392	191
Union of Country Sports Workers (Mar 14)	5	3,119	2	2	60	23	32	5	7	2
United Road Transport Union	17	11,396	-	-	2,829	1,378	1,829	1,131	1,936	805
Unity	66	3,840	-	-	2,527	821	785	6,774	6,953	179
Voice	47	25,283	-	8	7,155	2,081	1,839	1,038	1,337	299
Writers' Guild of Great Britain	12	1,917	3	71	1,290	387	394	179	533	354
TOTALS	1,048	165,206	173	1,944	136,099	17,227	16,701	24,625	29,985	5,360

APPENDIX 4 (SEE PARA 4.15) - LIST OF NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS – 31 DECEMBER 2013 (UNLESS OTHERWISE INDICATED)

NI EMPLOYERS' ASSOCIATIONS		NI Members	NI Contributions £	Total Members (incl. Channel Islands and ROI)	Total Income £	Total Expenditure £	Funds at the End of the Year £	Total Assets £	Total Liabilities £
1	Anglo-North Irish Fish Producers Organisation (July 13)	90	86,511	90	7,308,885	7,194,387	1,866,914	3,037,604	1,170,690
2	Construction Employers Federation Ltd	1,172	490,900	1,172	768,462	764,114	665,514	853,054	187,540
3	Engineering Employers' Federation NI Association	122	770,343	122	841,802	1,086,424	843,920	981,824	137,920
4	Northern Ireland Bakery Council (Mar 14)	3	3,900	3	3,900	2,808	15,029	15,963	934
5	Northern Ireland Fish Producers Organisation Ltd	129	2,585	152	1,543,743	1,396,468	4,932,183	5,049,867	117,684
6	Northern Ireland Grain Trade Association	31	75,670	31	124,742	124,693	12,102	33,599	21,497
7	NI Local Government Association (Mar 14)	26	405,109	26	1,073,690	931,301	194,127	653,077	458,950
8	Ulster Chemists Association	379	79,719	379	151,996	186,502	387,954	441,951	53,997
9	Ulster Farmers' Union	11,618	1,064,893	11,618	1,703,460	1,465,519	2,914,093	3,090,178	176,085
TOTALS		13,570	2,979,630	13,593	13,520,680	13,152,216	11,831,837	14,157,117	2,325,297

APPENDIX 5 (SEE PARA 4.16) - GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS – 31 DECEMBER 2013 (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	1,200	23	32,150	40,625	14,881	44,188	29,237
2	Association of Newspapers and Magazine Wholesalers (Mar 14)	1	3,731	7	128,992	124,559	44,513	92,440	47,927
3	BFM Ltd	1	472	137	415,391	724,274	1,145,641	1,332,074	186,433
4	British Allied Trade Federation	6	2,193	2,381	2,855,972	2,045,209	10,973,823	11,502,617	528,794
5	British Amusement Catering Trades Association (June 13)	4	8,171	468	2,344,376	1,157,679	13,602,198	31,085,538	17,483,340
6	British Printing Industries Federation (Mar 14)	26	42,775	1,319	2,268,189	2,268,189	-	435,440	435,440
7	Building & Engineering Services Association (Feb 14)	47	89,311	1,132	11,723,551	12,618,774	946,882	12,233,812	11,286,930
8	Builders Merchants Federation (Mar 14)	3	4,000	434	1,135,087	1,205,972	3,369,547	3,595,304	225,757
9	Cinema Exhibitors' Association Ltd	3	5,512	187	490,063	424,883	338,110	551,158	213,048
10	Construction Plant Hire Association (June 13)	6	2,473	1,471	1,072,959	936,486	2,211,416	2,494,712	283,296
11	Dairy UK Ltd	7	108,781	333	2,605,679	2,342,522	5,011,014	6,275,433	1,264,419
12	Electrical Contractors' Association	21	51,000	2,761	21,910,181	18,759,733	35,990,723	64,588,922	28,598,199
13	Engineering Construction Industry Association	2	5,740	286	2,704,038	2,537,915	5,249,719	6,855,244	1,605,505
14	Federation of Master Builders	247	6,516	9,082	3,916,744	4,604,622	2,347,458	8,344,808	5,997,350
15	Federation of Window Cleaners	23	2,378	974	148,652	131,054	286,258	392,822	106,564
16	Fencing Contractors Association Ltd	1	1,185	168	126,510	125,869	45,975	93,326	47,351
17	Freight Transport Association	271	435,970	14,245	23,848,000	22,544,000	889,000	10,332,000	9,443,000
18	Glass and Glazing Federation	5	6,580	418	2,276,534	2,377,955	5,455,009	6,639,793	1,184,784
19	National Association of Farriers, Blacksmiths & Agricultural Engineers	2	320	651	101,534	105,777	81,343	118,271	36,928
20	National Federation of Retail Newsagents	648	184,924	15,559	5,175,480	4,796,241	5,735,965	6,412,076	676,111
21	National Federation of Roofing Contractors Ltd (Jan 14)	24	15,884	949	1,680,350	1,494,093	856,390	1,140,866	284,476
22	National Hairdressers Federation	10	2,404	5,133	1,675,685	1,440,152	2,800,562	2,923,801	123,239

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 £
23	National Pharmacy Association Ltd	184	48,810	3,673	6,522,091	5,845,843	5,456,515	7,947,854	2,491,339
24	Producers Alliance for Cinema & Television Ltd (Sept 13)	7	6,475	503	2,450,888	2,083,016	2,059,166	3,182,204	1,123,038
25	Radio Electrical & Television Retailers' Association (Oct 13)	46	11,868	1,068	779,678	623,048	1,782,092	2,082,867	300,775
26	Retail Motor Industry Federation Ltd	179	57,444	8,231	4,850,000	4,630,000	18,684,000	20,386,000	1,702,000
27	Road Haulage Association Ltd	170	73,662	6,644	8,159,717	7,758,636	2,642,895	3,795,643	1,152,748
28	Scottish Association of Master Bakers	1	170	289	1,850,983	1,610,938	2,051,500	2,446,798	395,298
29	Scottish and NI Plumbing Employers Federation	71	36,957	735	890,321	920,727	1,786,197	2,004,735	218,538
30	The Newspaper Society	2	42,200	33	2,791,113	2,697,321	2,468,264	4,282,405	1,814,141
31	Thermal Insulation Contractors Association	4	5,113	218	1,461,690	1,448,229	1,437,965	1,781,593	343,628
32	UK Theatre Association	3	5,703	304	751,275	829,828	183,882	467,308	283,426
33	Vehicle Builders and Repair Association Ltd	7	7,000	557	709,300	751,163	896,772	991,032	94,260
TOTALS		2,033	1,276,922	80,373	119,853,153	112,005,332	136,845,675	226,852,994	90,007,319

APPENDIX 6 (PARA4.3) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2012 (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	62,537	24,577
Ulster Teachers' Union	General Secretary	64,899	39,780
REPUBLIC OF IRELAND	OFFICE HELD	SALARY	BENEFITS
		€'s	(Excluding PRSI) €'s
IBOA-The Finance Union	General Secretary	139,354	71,294
Irish Congress of Trade Unions	General Secretary	Nil	Nil
IMPACT	General Secretary	152,062	51,860
Irish National Teachers' Organisation	General Secretary	143,535	61,002
Services, Industrial, Professional & Technical Union (SIPTU)	General Secretary	108,384	5,120
	General President	108,384	7,736
Independent Workers Union	National Secretary	27,563	Nil
GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
Advance	General Secretary	13,651	3,063
Accord	General Secretary	107,354	19,770
Affinity	General Secretary	99,400	29,250
Association for Clinical Biochemistry & Laboratory Medicine	General Secretary	Nil	Nil
Association of Educational Psychologists	General Secretary	63,152	7,598
Association of Local Authority Chief Executives	Honorary Secretary	Nil	Nil
Association of Principal Fire Officers	General Secretary	Nil	Nil
Association of Revenue and Customs	President	Nil	Nil
Association of Schools and College Leaders	General Secretary	123,132	21,194
Association of Teachers & Lecturers	General Secretary	119,249	22,069
Bakers, Food & Allied Workers Union	General Secretary	45,231	14,165
	National President	45,231	11,979
Boots Pharmacists' Association (BPA)	Chief Executive	13,260	Nil
Britannia Staff Union	General Secretary	23,916	Nil
British Airline Pilots Association	General Secretary	118,354	25,452
British Association of Dental Nurses	Chief Executive	45,000	2,833
British Association of Journalists	General Secretary	19,000	Nil
British Association of Occupational Therapists	Chairman	Nil	Nil
British Dental Association	General Secretary	75,000	Nil
British Dietetic Association (28/2/14)	General Secretary	Nil	Ni

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2013 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
		£'s	£'s
British Medical Association	Chairman	30,000	Nil
	Chairman (N.I.)	30,150	Nil
British Orthoptic Society	General Secretary	Nil	Nil
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	66,307	5,283
Chartered Society of Physiotherapy Communication Workers Union Community	Chief Executive	101,684	18,976
	General Secretary	92,481	Nil
	General Secretary	105,368	353,358 (inc termination pay)
Equity	General Secretary	76,622	26,584
FDA	General Secretary	88,316	28,492
Fire Brigades Union	General Secretary	70,964	52,417
	Asst. General Secretary	66,952	53,916
GMB	General Secretary	96,000	27,000
Guild of Professional Teachers of Dance to Movement and Dramatic Arts	General Secretary	13,390	Nil
Headmasters & Headmistresses' Conference (31/3/14)	General Secretary	106,454	16,342
	Membership Sec.	106,454	16,342
Hospital Consultants & Specialists Association (30/9/13)	Chief Executive	67,900	11,137
Immigration Service Union	General Secretary	11,810	Nil
Independent Pilot's Association (30/6/13)	Asst. General Secretary	12,287	Nil
Independent Democratic Union Institute of Journalists	National Secretary	52,305	10,030
	General Secretary	37,975	2,605
Leeds Building Society Staff Association Musicians Union	General Secretary	Nil	Nil
	General Secretary	109,866	31,365
National Association of Co-operative Officials	General Secretary	93,196	18,205
National Association of Group Secretaries to the NFU	Chairman	7,769	Nil
National Association of Head Teachers	General Secretary	117,645	31,647
NAPO-The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	151,236	32,489
NASUWT	General Secretary	100,029	30,574
National Federation of Sub-Postmasters	General Secretary	80,390	21,378
National House Building Council Staff Association	General Secretary	Nil	Nil
National Society for Education in Art & Design (30/9/13)	General Secretary	42,453	Nil
National Union of Journalists	General Secretary	64,336	11,020
National Union of Rail, Maritime & Transport Workers	General Secretary	92,344	35,585
Nationwide Group Staff Union	General Secretary	116,136	21,634
Nautilus International	General Secretary	86,723	14,830

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2013 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
PDA Union	General Secretary	5,000	Nil
Prison Governors Association	General Secretary	Nil	Nil
POA	General Secretary	74,376	17,518
	Dept General Secretary	64,572	24,316
Prospect	General Secretary	106,626	23,963
Public and Commercial Services Union	General Secretary	94,094	25,592
Retail Book, Stationery and Allied Trades Employees' Association	President	38,638	10,679
Retained Firefighters Union	Nat. General Secretary	45,542	3,960
	Asst. Gen Secretary	29,311	2,548
Retired Officers Association (30/6/13)	Treasurer	1,200	Nil
Royal College of Midwives	General Secretary	115,981	23,428
Royal College of Nursing of the UK (31/3/14)	Chief Executive	72,000	Nil
Royal Society for the Protection of Birds			
Staff Association (31/3/14)	Chairperson	1,200	Nil
Sales Staff Association	General Secretary	Nil	Nil
Society of Authors	Chief Executive	90,275	6,166
Society of Chiropodists and Podiatrists	General Secretary	83,635	6,691
Society of Radiographers	Chief Executive Officer	46,171	6,299
Society of Union Employees (UNISON)	National Secretary	Nil	Nil
Solidarity	General Secretary	1,880	Nil
Surge	General Secretary	Nil	Nil
Social Workers Union	General Secretary	Nil	Nil
Transport Salaried Staffs' Association	General Secretary	79,582	16,314
UCATT	General Secretary	78,492	28,312
UFS	General Secretary	76,425	6,409
UNISON	General Secretary	95,223	16,891
Unite the Union	General Secretary	103,323	25,292
Unity	General Secretary	49,015	35,542
Union of Country Sports Workers (31/3/ 14)	Chairman	Nil	Nil
Union of Shop, Distributive & Allied Workers	General Secretary	94,514	30,420
United Road Transport Union	General Secretary	61,227	24,634
University and College Union	General Secretary	100,630	18,941
Voice	General Secretary	57,501	717
Writers Guild of Great Britain	General Secretary	58,580	5,220

APPENDIX 7 (SEE PARA 7.18) - GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – AT 31 DECEMBER 2013 (UNLESS OTHERWISE INDICATED)

	NI Members Contracted-in	% of total NI Members	NI Contributions £
Association of Revenue and Customs	59	86.76%	177
Communication Workers Union	2,588	53.96%	27,019
Community	44	68.75%	458
Fire Brigades Union	705	40.87%	5,541
GMB	87	0.72%	665
Musician’s Union	9	3.63%	33
National Association of Schoolmasters Union of Women Teachers (NASUWT)	1,185	10.69%	1,297
National Union of Rail, Maritime and Transport Workers	89	81.65%	278
POA	1,449	84.69%	2,683
PCS	456	20.46%	547
Prospect	298	17.41%	179
Transport Salaried Staffs’ Association	141	44.62%	1,026
Union of Shop, Distributive and Allied Workers	6,309	38.04%	30,000
Unite the Union	18,653	43.14%	128,000
University and College Union	733	19.88%	1,651
TOTALS	32,805	33%	199,554

APPENDIX 8 (SEE PARA 7.18) - GB TRADE UNIONS WHOSE NORTHERN IRELAND MEMBERS DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2013

Bakers, Food and Allied Workers Union

Broadcasting, Entertainment, Cinematograph and Theatre Union

Union of Construction Allied Trades and Technicians

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.*

