

**Northern Ireland Certification Office  
for Trade Unions and Employers' Associations**

**A GUIDE TO  
POLITICAL FUND REVIEW BALLOTS**

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**Revised: March 2008**

## **CONTENTS**

	<b>Page</b>
Introduction	1
When must a review ballot be held?	2
Summary of review ballot procedure	3
Preparation by the trade union of draft ballot rules	4
Submission of draft ballot rules for preliminary approval by Certification Officer	6
Adoption of ballot rules by the union	6
Submission of ballot rules for formal approval by Certification Officer	7
The holding of the ballot	8
Complaints about ballots	8
'Contracting-in' to Contribute to the Political Fund	8
Great Britain	9
The political objects	9

### **APPENDICES**

Appendix 1: Application for approval of rules for ballot or political fund	10
Appendix 2: Model Resolution	11

### **ANNEXES**

#### **MODEL RULES FOR POLITICAL FUND BALLOT**

Annex A: Applicable where the roles of independent person and scrutineer are carried out separately	12
Annex B: Applicable where the scrutineer also acts as the independent person	30

<b>CERTIFICATION OFFICE PUBLICATIONS</b>	<b>46</b>
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## **Introduction**

This guide explains the procedure to be followed by a trade union which wishes to hold a political fund review ballot. A trade union which has not already established a political fund should refer instead to the booklet "Guidance for Trade Unions and Employers' Associations wishing to establish a Political Fund", available from the Certification Office.

The provisions of the legislation on political funds apply to unincorporated employers' associations as well as trade unions. However, for the sake of simplicity this guide refers throughout to trade unions only.

### **A) Legal Background**

Under the Trade Union and Labour Relations (NI) Order 1995 (as amended) ("the 1995 Order"), a trade union may not apply any part of its funds in the furtherance of the political objects set out at Article 46 of the 1995 Order unless the furtherance of those objects has first been approved as an object of the union by a resolution passed on a ballot of its members.

A political resolution does not, however, remain in force indefinitely. The law requires that a trade union which has a political resolution in force must, if it wishes to continue to be able to spend money on the statutory political objects, hold a further ballot of its members to pass a fresh resolution at least once every ten years. These ballots are known as "review ballots".

A review ballot must be held in accordance with rules which have been approved by the Certification Officer. The Certification Officer's approval of the ballot rules must be obtained before a review ballot is held.

### **B) This Guide**

This guide aims to assist trade unions and their members by explaining the procedure for review ballots. However, it should not be regarded as a complete or authoritative statement of the law. The Certification Officer and his staff will be happy

to give further information about his statutory functions in relation to review ballots. The application form shown in Appendix 1 can be obtained from the Certification Office. No fee is payable in respect of the procedures for review ballots.

The guide does not deal with the consequences of a political resolution ceasing to have effect as a result of an unsuccessful review ballot or of failure to hold a review ballot before the end of the ten year period. These are described in the Department for Employment and Learning's booklet - "Trade Union Political Funds" ER 33. [available at [www.delni.gov.uk](http://www.delni.gov.uk)]

### C) **The Model Rules**

Annex A and Annex B to this guide set out model rules for holding a review ballot. The model rules are based on both the statutory provisions and suggestions of good practice made by the Certification Officer. They are intended to provide a workable template for trade unions to use. Trade unions may decide to adopt the model rules as a whole, to adapt them to suit their specific circumstances, or to draft their own rules. When the model rules are not adopted as a whole, trade unions should ensure that the rules under which they propose to conduct the review ballot cover all the areas prescribed by the 1995 Order. Ballot rules that deviate from the model rules will be considered by the Certification Officer on an individual basis. For example, an area which is not covered directly by the 1995 Order or the model rules, but which unions may wish to consider, is that of making the ballot attractive and accessible to all members of the union.

### **When must a review ballot be held?**

1. Under Article 47(3) of the 1995 Order a political resolution ceases to have effect ten years after the date of the ballot by which it was passed. The date of the ballot is the last date on which votes were able to be cast in that ballot (Article 70 of the 1995 Order).
2. A special provision applies to a trade union which was formed by an amalgamation of two or more trade unions all of which had political resolutions in

force. Such a union is treated as having passed a political resolution; and it must hold a review ballot within ten years of the date of the earliest of the ballots which passed the political resolutions that were in force immediately before the amalgamation (Article 67 of the 1995 Order).

### **Summary of review ballot procedure**

3. Under Article 48 of the 1995 Order a review ballot must be held in accordance with rules of the union (its “political ballot rules”) which have been approved by the Certification Officer. This means that there are several stages in the procedure for holding a review ballot. Unions are advised (see paragraph 11) to submit their proposed ballot rules in draft to the Certification Officer for informal clearance before they are adopted. If this is done, the stages are:-

#### **Stage 1 – Preparation by the union of the draft ballot rules.**

Unions need to do this in sufficient time to allow for the completion of all of the subsequent stages: see paragraphs 5 to 10.

#### **Stage 2 – Submission of draft ballot rules for informal clearance by the Certification Officer.**

If the union proposes to use the model rules it should allow two weeks for this stage. If the union has amended the model rules it should allow 8 weeks for this stage: see paragraphs 11 to 12.

#### **Stage 3 – Adoption of ballot rules by the union.**

Enough time should be allowed for the adoption process selected by the union to take place: see paragraphs 13 to 14.

#### **Stage 4 – Submission of ballot rules for formal approval.**

If the rules have been informally cleared and no changes made subsequently this should be possible within 5 working days. If informal clearance has not been obtained, or if significant changes are made after informal clearance, allow 8 weeks: see paragraphs 15 and 16.

### **Stage 5 – Holding of Ballot.**

This stage needs to start with the appointment of a scrutineer and notification to members. It needs to allow enough time for the preparatory work for the ballot and at least a three week ballot period: see paragraph 17.

### **Stage 6 – Result.**

No result shall be published until the scrutineer's report is received. Within 3 months of receipt of the report steps must be taken to inform members of it.

**If the resolution is passed,** members already “contracted-in” (see paragraph 19 below) continue to contribute to the political fund unless they give written notice of withdrawal. Members wishing to “contract-in” need to give the union written notice to that effect.

4. Trade unions are strongly advised to set the procedure in motion in good time, so that they do not risk going beyond the ten year period allowed by the 1995 Order before all the stages can be completed.

### **Preparation by the trade union of draft ballot rules**

5. Article 48 of the 1995 Order provides that the Certification Officer shall not approve ballot rules unless he is satisfied that a ballot held in accordance with those rules would satisfy the requirements of Article 49 (appointment of independent scrutineer), Article 50 (entitlement to vote), Article 51 (voting), Article 52 (counting of votes etc. by independent person) and Article 53 (scrutineer's report).

6. For the assistance of unions the Certification Officer has prepared alternative sets of model ballot rules either of which unions may wish to adopt (see para C of the Introduction). These are in Annex A (where the roles of independent person and scrutineer are to be carried out separately) and in Annex B (where the scrutineer is also to act as the independent person).

### ***Voting by post***

7. The statutory requirements have the effect that all members entitled to vote (see para 8) must so far as is reasonably practicable be given a convenient opportunity to vote by post at no direct cost to the member.

### ***Entitlement to vote***

8. Under Article 50 of the 1995 Order entitlement to vote in the ballot must be accorded equally to all members of the trade union, subject to the exception explained in paragraph 10 below. (Note that special categories of member may not be entitled to vote if this is stated in the union rules).

### ***Literature accompanying the voting/ballot paper***

9. The 1995 Order is silent as to whether the ballot paper may be accompanied by an explanatory statement, a recommendation or other literature. However, unions should be aware of the requirement that members must be able to vote without interference or constraint. A suggested form of explanatory statement, which could be printed on the voting paper or attached to it, is set out below:

#### ***Explanatory statement***

*This ballot gives you the opportunity to vote on whether your union should be able to spend money for political purposes. The law says it must have a political fund to do this.*

*Trade Unions which have a political fund must ballot their members at least every ten years if they wish to keep their political fund.*

*Your union wishes to keep its political fund, which was set up in [ ], and is seeking your approval through this ballot.*

*The political purposes on which money in a political fund may be spent are governed by Article 46 of the Trade Union and Labour Relations (NI) Order 1995, which is set out [overleaf/on the reverse of the ballot paper/or state where the terms of Article 46 can be found].*

*This ballot is about keeping your union's political fund. It is not about whether you contribute to the fund. All members have the right to vote and, if the vote is in favour of retention, will only contribute to the fund if they tell the union in writing that they wish to do so.*

***If you agree that the union should continue to have a political fund vote 'yes' on the resolution [below] [enclosed][attached]. If you disagree vote 'no'.***

### **Overseas members**

10. The rules made by the union for the purposes of the review ballot may exclude overseas members from entitlement to vote in the ballot (see Article 68 of the 1995 Order). "Overseas member" means a member of the union (other than a merchant seaman or offshore worker) who is outside Northern Ireland throughout the period during which votes may be cast. It is for the trade union to decide whether or not to exclude overseas members but if they are to be excluded the ballot rules must expressly state that they are not entitled to vote in the ballot.

### **Submission of draft ballot rules for informal clearance by Certification Officer**

11. It is advisable for the union to submit the proposed rules in draft to the Certification Officer for his comments before they are adopted as rules of the union. The Certification Officer's informal clearance will ensure, so far as is possible, that there will be no obstacle to the eventual formal approval of the rules after they have been adopted. If the union adopts rules before obtaining informal clearance there is a risk that the rules will need amending before the Certification Officer can approve them. Two copies of the proposed rules should be submitted for informal clearance.

12. If the model rules are followed, the Certification Officer is likely to be able to give informal clearance quickly. If the trade union is not proposing to make use of the model rules, or is proposing to use them with substantial modifications, it may be necessary for the Certification Officer to require the union to make alterations to the draft it has submitted before informal clearance can be given. For this reason a union which does not propose to follow the model rules is advised to submit its draft rules for informal clearance at least 8 weeks before the date when it is intended that they will be adopted.

### **Adoption of ballot rules by the union**

13. The next stage is for the adoption by the union of the ballot rules which have received the Certification Officer's informal clearance. In addition to the normal procedures for amending the union's rules laid down in the rules themselves, Article

66 of the 1995 Order enables the political fund ballot rules to be adopted in one of two other ways:

- (i) by a majority of the members of the union voting for the purpose; or
- (ii) by a majority of delegates of the union voting at a meeting called for the purpose.

The Certification Officer has accepted that condition (ii) above is satisfied by a majority vote at a meeting of a union's executive committee which was called to approve rules made for the purposes of the legislation relating to political funds.

In both cases the Certification Officer has to certify that the political fund rules have been so approved.

14. The adoption of the rules may be effected by the passing of the model resolution shown in Appendix 2 to this guide (page 14). This provides -

- (i) that the ballot rules shall be adopted; and
- (ii) that a ballot shall be held in accordance with those rules.

This model resolution contains the words "if those rules are approved by the Certification Officer". The reason for this is that, although the Certification Officer will have given informal clearance to the rules if the procedure set out in this guide has been followed, formal approval under the 1995 Order must come after the rules have been adopted by the union.

### **Submission of ballot rules for formal approval by Certification Officer**

15. Immediately on the adoption of the rules and before the ballot is held two copies of the ballot rules, each signed by three members of the executive committee

or other governing body of the union, should be sent to the Certification Officer by the general secretary for formal approval, along with the application form at Appendix 1. If the ballot rules are approved by the Certification Officer, one copy of the rules will be returned to the union with a certificate of approval affixed to it.

16. The ballot must not be held until formal approval of the rules has been given. If the proposed rules have already been cleared informally, and no changes have been made to them since, it should be possible for the Certification Officer to give formal approval within five working days of receiving the application.

### **The holding of the ballot**

17. The 1995 Order provides that the ballot must be held strictly in accordance with the rules approved by the Certification Officer. Failure to do so may invalidate the outcome of the ballot. The political resolution will be passed if it is approved by a simple majority of the members voting. The union must also comply with the requirements of the ballot rules regarding notification of the ballot result and of the scrutineer's report.

### **Complaints about ballots**

18. Article 54 of the 1995 Order provides a statutory procedure for complaints about political fund ballots. If a member claims that the ballot was not held under rules approved by the Certification Officer, or that there was a failure to comply with any provision of the approved rules, he may apply to the Certification Officer or to the High Court (but not to both) for a declaration to that effect. The application to the Certification Officer or to the High Court must be made within one year of the day on which the union announces the result of the ballot.

### **‘Contracting-in’ to contribute to the political fund**

19. On the adoption of the resolution approving the furtherance of political objects, members who wish to contribute to the political fund must give the union written notice to that effect. This is known colloquially as “contracting-in”. The union may not take a political fund contribution from any member unless he/she has

“contracted-in”. A form which members may use to give the union notice of their wish to “contract-in” to contribute to the fund is available on request from the Certification Office.

20. It should be noted that, where the political resolution has been passed on a review ballot, trade union members who have previously given notice that they wish to ‘contract-in’ to the political fund will continue to be ‘contracted-in’ unless and until they withdraw their notices. A withdrawal takes effect from the 1<sup>st</sup> January next after it is notified to the union.

## **Great Britain**

21. The requirements of the 1995 Order in respect of political funds apply to any trade union which has its head or main office in Northern Ireland, including any such union which has members in Great Britain or elsewhere. However, as explained in paragraph 10, the union can choose to provide in the ballot rules that its members outside Northern Ireland are not entitled to vote in the ballot.

## **The political objects**

22. The 1995 Order provides that where a review ballot is held on a new political resolution, then, if the new resolution is passed, the old resolution shall be treated as rescinded. Consequently, if the union’s new political objects differ from those in the model ballot rules (which are taken directly from Article 46 of the 1995 Order), the union must take steps to have them adopted. They can be submitted to the Certification Officer for informal clearance at the same time as the draft ballot rules (see paragraphs 11-12), and can be adopted by the union at the same time and by the same method as the ballot rules under the provisions of Article 66 of the 1995 Order (see paragraphs 13-14). They can be submitted for formal approval at the same time as the ballot rules (see paragraphs 15-16). The new political objects will, of course, only apply if the political resolution is passed.

Trade Union and Labour Relations (Northern Ireland) Order 1995

**APPLICATION FOR APPROVAL OF RULES  
FOR POLITICAL FUND BALLOT OR POLITICAL FUND**

To: The Certification Officer, 10-16 Gordon Street, Belfast, BT1 2LG

Name of trade union

1. On behalf of the above named trade union I apply for approval of rules for a \* political fund ballot/political fund under the Trade Union and Labour Relations (Northern Ireland) Order 1995.
  
2. Two copies of the rules for a \* political fund ballot/political fund are enclosed, each authenticated by the signatures of three members of the executive committee or other governing body of the trade union.
  
3. The \* political fund ballot/political fund rules were adopted by the trade union:-
  - \* a in accordance with its rules by (state in what manner)  
.....  
.....on.....200.....
  
  - \* b by a majority of members of the trade union voting for the purpose.
  
  - \* c by a majority of delegates of the trade union voting at a meeting called for the purpose.
  
5. Correspondence relating to this application should be sent to the following address:-  
.....  
.....  
.....

\_\_\_\_\_ General Secretary or other Principal Officer  
\_\_\_\_\_ Date

\_\_\_\_\_  
\* Delete as appropriate

**MODEL RESOLUTION  
FOR ADOPTION OF POLITICAL FUND  
BALLOT RULES AND POLITICAL FUND RULES**

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..... (name of Union)

It is hereby resolved [, pursuant to Article 66 of the Trade Union and Labour Relations (NI) Order 1995 (as amended),]<sup>1</sup>

- (a) that the rules of [name of union] be amended by the addition of the political fund ballot rules, now before the meeting<sup>2</sup>, under which a ballot may be held on a resolution approving the furtherance of political objects within the meaning of the Trade Union and Labour Relations (NI) Order 1995 as an object of the trade union;
- (b) that, if those rules are approved by the Certification Officer, a ballot be held in accordance with them; and
- (c) that, the political fund rules of the union be amended as provided in the draft amendments now before the meeting<sup>2</sup>.

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**1: This reference to Article 66 of the 1995 Order is advisable if the trade union proposes to adopt these rules using one of the procedures permitted by Article 66 and not the procedure laid down by its rules for alteration of the rules (see paragraph 13); otherwise it is not required.**

**2: If the resolution is not being adopted at a meeting of members or delegates delete "now before the meeting" and substitute other appropriate wording to identify the rules, eg. if a notice has been circulated, "attached to the notice to members".**

# MODEL RULES

Annex A

## FOR A BALLOT TO MAINTAIN A POLITICAL FUND

(VERSION A: WHERE THE ROLES OF INDEPENDENT PERSON AND  
SCRUTINEER ARE TO BE CARRIED OUT SEPARATELY)

Square brackets "[ ]" indicate where material appropriate to the individual trade union should be inserted.

..... (Name of Union)

### PARTIAL ALTERATION OF RULES

Rules for a ballot under Article 48 of the Trade Union and Labour Relations  
(NI) Order 1995 (as amended)

#### **General**

1. The executive shall be responsible to the union for securing that the ballot which is held to maintain a political fund is conducted in accordance with these rules. This overall responsibility cannot be delegated, even where the responsibility for carrying out a particular duty falls upon a person not subject to the rules of the union. Administrative tasks for the conduct of such a ballot may be delegated in accordance with the rules or practice of the union.

#### **Interpretation**

2. In these ballot rules, unless the context otherwise requires:

"the 1995 Order" means the Trade Union and Labour Relations (NI) Order 1995 (as amended);

"the Certification Officer" means the Certification Officer for Trade Unions and Employers' Associations whose address is 10-16 Gordon Street, Belfast, BT1 2LG.

"the Department" means the Department for Employment and Learning.

"dispatch envelope" means the envelope (in the form required by these rules) in which the voting paper and return envelope are dispatched to the member;

"executive" means the principal committee of the union exercising executive functions, by whatever name it is called;

"independent person" means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of Article 52 of the 1995 Order and these rules;

"person" in relation to the position of an independent person or a scrutineer, includes an unincorporated or incorporated body of persons;

"proper address" in relation to any member means his/her home address or other address which he/she has requested the union in writing to treat as his/her postal address under Article 51(4)(a) of the 1995 Order;

"return envelope" means an envelope in the form required by these rules;

"scrutineer" means the independent person appointed by the union to that position in relation to the ballot under Article 49 of the 1995 Order and these rules;

"the period specified before disposal" means the end of the period of one year beginning with the announcement by the union of the result of the ballot or, if within that period an application is made under Article 54 of the 1995 Order (complaint of failure to comply with the ballot rules), until the Certification Officer or the High Court authorises disposal by the scrutineer;

"voting paper" or "ballot paper" means a voting paper in the form required by these rules.

### **Purpose of these Rules**

3. These rules are adopted for the purposes of a ballot under Article 47 of the 1995 Order and apply only to such a ballot.

### **Copies of these Rules to be available to Members.**

4. A copy of these rules shall be supplied either free of charge or on payment of a reasonable charge to any member of the union who requests a copy.

### **Appointment of a Scrutineer**

5. Before the review ballot is held, a scrutineer shall be appointed to carry out such functions in relation to the ballot as are required under the 1995 Order and such additional functions as are specified in the appointment.

6. A person is eligible for appointment as scrutineer if :

- (a) the person satisfies the conditions which are for the time being specified by the Department pursuant to Article 49(2) of the 1995 Order or is a person specified by name in an order made under that section (at the time of the adoption of these rules, the conditions specified by the Department were contained in The Trade Union Elections and Ballots (Independent Scrutineer Qualifications) (NI) Order 1992 (SR 1992 no.241) and the persons specified by name were contained in the Trade Union Elections and Ballots (Independent Scrutineer Qualifications) (Amendment) Order (NI) 2003 (SR2003 no.331) – available at [www.opsi.gov.uk](http://www.opsi.gov.uk)) ; and
- (b) there are no grounds for believing that the person in question will carry out any function conferred on him/her in relation to the ballot otherwise than competently; or that his/her independence in relation to the union or in relation to the ballot might reasonably be called into question.

### **Terms of the Scrutineer's Appointment**

7. The terms of the scrutineer's appointment shall require the scrutineer:
- (a) to supervise the production of the voting papers and (unless appointed to undertake the distribution of voting papers) their distribution;
  - (b) to be the person to whom the voting papers are returned by those voting;
  - (c) to inspect the register of names and addresses of members of the union or to examine the copy of the register as at the relevant date which is supplied to him/her in accordance with section Article 49(3)(b) of the 1995 Order whenever it appears to him/her appropriate to do so and in particular where the conditions specified in Article 49(4) of the 1995 Order are satisfied;
  - (d) to take such steps as appear to him/her to be appropriate for the purpose of enabling him/her to make a report under these rules;
  - (e) to make that report to the union as soon as is reasonably practicable after the last date for the return of voting papers;
  - (f) to retain custody of, and keep secure in a safe place, all voting papers returned for the purposes of the ballot together with the copy of the register of names and addresses of members entitled to vote supplied to him/her by the union, for the period specified before disposal, as defined in rule 2;
  - (g) to carry out such other functions in relation to the ballot as are required of him/her under these rules or as the executive may specify in his appointment;

- (h) to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal; and
- (i) to respect the duty of confidentiality as regards the register.

### **Notice of Appointment of Scrutineer**

8. Before the scrutineer begins to carry out any of these functions either:
- (a) a notice stating the name of the scrutineer shall be sent by the union to every member of the union to whom it is reasonably practicable to send such a notice; or
  - (b) all such other steps shall be taken for notifying members of the union of the name of the scrutineer as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

Such notice or notification may invite members to inform the union of any change of address and advise members of the dates between which the ballot will be held.

### **Union's Duty Towards the Scrutineer**

9. Nothing in the terms of the scrutineer's appointment (including any additional functions specified in the appointment) shall be such as to make it reasonable for any person to call into question the scrutineer's independence in relation to the union.

10. The union shall ensure that there is no interference with the scrutineer in carrying out his/her functions which would make it reasonable for any person to call into question the scrutineer's independence in relation to the union.

11. The union shall comply with all reasonable requests made by the scrutineer for the purpose of or in connection with the carrying out of his/her functions.

**Appointment of Independent Person to Distribute Voting Papers and Count the Votes Cast**

12. The union shall appoint an independent person to undertake the storage and distribution of the voting papers and the counting of votes cast. This person shall be a person who is not the scrutineer and in respect of whom the union has no grounds for believing either that:

- (i) he/she will carry out any functions conferred on him/her in relation to the ballot otherwise than competently; or
- (ii) that his/her independence in relation to the union or in relation to the ballot might reasonably be called into question.

13. The terms of appointment of an independent person shall:

- (a) require him/her to carry out the functions of the independent person so as to minimise the risk of any contravention of requirements imposed by or under any enactment or these rules or the occurrence of any unfairness or malpractice; and
- (b) incorporate the duty of confidentiality as respects the register.

14. Where the person appointed to undertake the counting of the votes is not the scrutineer, his/her appointment shall require him/her to send the voting papers back to the scrutineer as soon as is reasonably practicable after the counting has been completed.

15. The independent person shall be responsible for the safe custody of:

- (a) voting papers and envelopes prior to their sending out to members and for any voting papers and envelopes until their handing over to the

scrutineer (if appropriate); and

- (b) voting papers at all other times when in his/her possession,

and shall ensure that voting papers and return envelopes in his/her possession are kept in a secure place.

### **Union's Duty Towards the Independent Person**

16. Nothing in the terms of the appointment of the independent person shall be such as to make it reasonable for any person to call into question the independence of the person appointed in relation to the union.

17. The union shall ensure that the independent person carries out his/her functions and that there is no interference with his/her carrying out of those functions which would make it reasonable for any person to call into question the independence of the person appointed in relation to the union.

18. The union shall comply with all reasonable requests made by the independent person for the purposes of, or in connection with, the carrying out of his/her functions.

### **Dispatch envelopes**

19. The dispatch envelope:

- (a) shall be addressed to the member entitled to vote;
- (b) shall state that if the envelope is undelivered to the member it should be returned to the scrutineer, and give the scrutineer's name and address;
- (c) shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and

- (d) in the event of the envelope containing material other than the material relating to the ballot, the envelope shall have printed on it prominently the words “ballot paper” or “voting paper”.

But where, for the purpose of personal safety, a member asks the union in writing to send a voting paper to him/her by some means other than by post, the union shall send the voting paper to him/her by that other means.

### **Voting Papers**

20. Every voting paper shall be in, or substantially in accordance with, the form set out in appendix 1 to these rules and:

- (a) shall state the name of the scrutineer, and clearly specify the address to which, and the date by which, it is to be returned;
- (b) shall be marked with one of a series of consecutive whole numbers, every one of which is used in giving a different number in that series to each voting paper printed or otherwise produced for the purposes of the ballot;
- (c) may have printed on it the logo or emblem of the union;
- (d) may have printed on it or attached to it an explanatory statement.

### **Return Envelopes**

21. Every return envelope:

- (a) shall be capable of being sealed;
- (b) shall be addressed to the scrutineer;
- (c) shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and

- (d) may have printed on it;
  - (i) the name of the union;
  - (ii) the logo or emblem of the union; and
  - (iii) the words “voting paper” or “ballot paper”.

### **Date of Ballot**

22. The executive shall determine:

- (a) the date by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date for receipt of completed voting papers by the scrutineer;
- (b) the last date for receipt of completed voting papers by the scrutineer; and
- (c) the date on which the counting of votes is to commence.

### **Conduct of the Ballot**

23. Entitlement to vote in the ballot shall be accorded equally to all members

24. The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.

25. So far as is reasonably practicable, every person who is entitled to vote in the ballot shall, in accordance with these rules:

- (a) be sent a voting paper by post (or, if a member has specified some other means under rule 19, by that other means) in such time as to be received on or before the opening day of the ballot; and
- (b) be given a convenient opportunity to vote by post.

26. Every person who is entitled to vote in the ballot shall:
- (a) be allowed to vote without interference from, or constraint imposed by, the union or any of its members, officials or employees; and
  - (b) so far as is reasonably practicable be able to do so without incurring any direct cost to the him/herself.
27. Every person who is entitled to vote in the ballot shall have sent to him/her in a sealed dispatch envelope, at his/her proper address, by post or such other means as he/she may have specified under rule 19:
- (a) a voting paper; and
  - (b) a return envelope addressed to the scrutineer.
28. When it is not practicable for a particular member to be sent a voting paper and return envelope by the date determined in accordance with these rules, a voting paper and return envelope may be sent to that member as soon as is reasonably practicable after that date, so as to give that member a convenient opportunity to vote by post.
29. The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. The independent person shall send this record to the scrutineer as soon as is reasonably practicable after the ballot, and the scrutineer shall keep it for the period specified before disposal, as defined in rule 2.

### **Manner of Voting**

30. Every member who wishes to vote must return his/her voting paper to arrive at the address of the scrutineer on or before the date determined in accordance with these rules.
31. The scrutineer shall store in a secure place any voting papers returned to him/her

undelivered and shall keep a record of each voting paper so returned.

32. The scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and for the period specified before disposal, as defined in rule 2. The scrutineer shall at all times take all reasonable steps to secure the safe custody of the returned envelopes and voting papers so as to minimise the risk of any contravention of the requirements imposed by or under any enactment or these rules, or the occurrence of any unfairness or malpractice.

### **Counting of the Ballot**

33. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the independent person. Any inaccuracy in counting is to be disregarded for the purpose of this rule if it is accidental or on a scale which could not affect the results of the ballot.

34. On the date appointed for the commencement of the counting of votes and before the counting begins the independent person shall hand over to the scrutineer any remaining stock of voting papers not distributed to members. The scrutineer shall before counting begins:

- (a) place the unused voting papers in a secure place; and
- (b) keep a record of the number of voting papers so stored and a record of any voting papers issued under rule 28.

35. On the date appointed for the commencement of the count the scrutineer shall hand over to the independent person the unopened return envelopes received in respect of the ballot. The independent person shall undertake the opening of the return envelopes and the counting of the votes.

36. No person may be present at the count other than:

- (a) the scrutineer;

- (b) the independent person;
- (c) those acting under the supervision of the independent person, and
- (d) those present with the consent of the scrutineer.

37. The independent person or if more than one of them the majority of them shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper "rejected".

38. Those voting papers which are not rejected shall be counted.

39. After the count the scrutineer shall take and retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal, as defined in rule 2.

#### **Scrutineer's report**

40. As soon as is reasonably practicable after the last date for the return of voting papers the scrutineer shall make a report ("the scrutineer's report") to the union in accordance with these rules. The scrutineer's report shall state:

- (a) the number of voting papers distributed for the purposes of the ballot;
- (b) the number of voting papers returned to the scrutineer by the members;
- (c) the number of valid votes cast in the ballot for and against the resolution;
- (d) the number of spoiled or otherwise invalid voting papers returned;
- (e) the name of the person (or each of the persons) appointed as the

independent person or persons;

- (f) whether the scrutineer:
  - (i) is satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment or these rules in relation to the ballot;
  - (ii) is satisfied that the arrangements made (whether by him/her or another person) with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any interference or malpractice might occur;
  - (iii) is satisfied he/she has been able to carry out his/her functions without such interference as would make it reasonable for any person to call his/her independence in relation to the union into question;
  - (iv) has inspected the register of names and addresses of members of the union or has examined a copy of the register supplied to him/her under these rules.

41. If the scrutineer has inspected the register or examined a copy of the register in accordance with these rules, the report shall state:

- (a) in the case of each inspection or examination whether it was at the request of a member of the union or at his/her own instance, and, if appropriate, whether he/she declined to act on such a request; and
- (b) whether any inspection of the register or any examination of the copy of the register has revealed any matters which he/she considers should

be drawn to the attention of the union in order to assist in securing that the register is accurate and up-to-date, but shall not state the name of any member who has requested this inspection or examination.

42. The scrutineer's report shall also state:

- (a) whether he/she is satisfied with the performance of the independent person or persons; and
- (b) if he/she was not satisfied with the performance of the person or persons or any of them, particulars of his/her reasons for not being satisfied.

**Copy of the Scrutineer's Report to be sent to the Certification Officer**

43. A copy of the Scrutineer's report shall be sent to the Certification Officer by the union as soon as is reasonably practicable.

**Publicising the Result of the Ballot**

44. The result of the ballot shall not be published until the union has received the scrutineer's report.

45. Within three months from the date on which the union receives the scrutineer's report the union shall:

- (a) send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or
- (b) take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

46. The union shall ensure that any notification given in accordance with rule 45(b) is accompanied by a statement that the union will on request supply the member with a copy of the report either:

- (a) free of charge; or
- (b) on payment of such reasonable fee as may be specified in the notification,

and ensure that a member who makes such a request to the union is supplied with a copy on payment of such a fee (if any) as has been notified to him/her.

**Model Rules – Annex A  
Appendix 1**

**VOTING PAPER ON RETENTION OF A POLITICAL FUND**

Ballot paper number:[ ]

..... [name of union]

**THE RESOLUTION is that the political objects set out in Article 46 of the Trade Union and Labour Relations (NI) Order 1995 (reproduced overleaf) be approved as an object of the Union**

**Do you vote in favour of the Resolution?**

**YES**

**NO**

**You must place a cross on one, and only one, of the boxes provided.**

**Place the voting paper in the addressed envelope (no stamp required) and return it to the Scrutineer to arrive before the ..... A voting paper received after this date will not be counted.**

**Please do not sign or make any other mark on the paper [or include anything else with your voting paper]**

**Name of Scrutineer.....**

**Address to which voting paper is to be sent.....**

## **Model Rules – Annex A**

### **(reverse of the voting paper) Appendix 1**

Article 46 of the Trade Union and Labour Relations (NI) Order 1995.

This section applies to the following political objects:

The expenditure of money -

- (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
- (b) on the provision of any service or property for use by or on behalf of any political party;
- (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the union in connection with any election to a political office;
- (d) on the maintenance of any holder of a political office;
- (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
- (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.

In these objects -

"candidate" means a candidate for election to a political office and includes a prospective candidate;

"contribution", in relation to a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;

"electors" means electors at any election to a political office;

"film" includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;

"political office" means the office of member of the Assembly, member of Parliament, member of the European Parliament or member of a district council or any position within a political party.

# MODEL RULES

Annex B

## FOR A BALLOT TO MAINTAIN A POLITICAL FUND

(VERSION B: WHERE THE SCRUTINEER MUST ALSO ACT  
AS THE INDEPENDENT PERSON)

Square brackets "[ ]" indicate where material appropriate to the individual trade union should be inserted.

..... (Name of Union)

### PARTIAL ALTERATION OF RULES

Rules for a ballot under Article 48 of the Trade Union and Labour Relations  
(NI) Order 1995 (as amended)

#### General

1. The executive shall be responsible to the union for securing that the ballot which is held to maintain a political fund is conducted in accordance with these rules. This overall responsibility cannot be delegated, even where the responsibility for carrying out a particular duty falls upon a person not subject to the rules of the union. Administrative tasks for the conduct of such a ballot may be delegated in accordance with the rules or practice of the union.

#### Interpretation

2. In these ballot rules, unless the context otherwise requires:

"the Order" means the Trade Union and Labour Relations (NI) Order 1995 (as amended);

"the Certification Officer" means the Certification Officer for Trade Unions and Employers' Associations whose address is 10-16 Gordon Street, Belfast, BT1 2LG.

“dispatch envelope” means the envelope (in the form required by these rules) in which the voting paper and return envelope are dispatched to the member;

executive" means the principal committee of the union exercising executive functions, by whatever name it is called;

"independent person" means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of Article 52 of the 1995 Order and these rules;

"person" in relation to the position of an independent person or a scrutineer, includes an unincorporated or incorporated body of persons;

"proper address" in relation to any member means his/her home address or other address which he/she has requested the union in writing to treat as his/her postal address under Article 51(4)(a) of the 1995 Order;

"return envelope" means an envelope in the form required by these rules;

"scrutineer" means the independent person appointed by the union to that position in relation to the ballot under Article 49 of the 1995 Order and these rules;

"the period specified before disposal" means the end of the period of one year beginning with the announcement by the union of the result of the ballot or, if within that period an application is made under Article 54 of the 1995 Order (complaint of failure to comply with the ballot rules), until the Certification Officer or the High Court authorises disposal by the scrutineer;

"voting paper" or “ballot paper” means a voting paper in the form required by these rules;

### **Purpose of these Rules**

3. These rules are adopted for the purposes of a ballot under Article 47 of the 1995 Order and apply only to such a ballot.

### **Copies of these Rules to be available to Members.**

4. The executive shall ensure that a copy of these rules is supplied, free of charge or on payment of a reasonable charge, to any member of the union who requests a copy.

### **Appointment of a Scrutineer where the Scrutineer acts as the independent person**

5. Before the review ballot is held, a scrutineer shall be appointed to carry out such functions in relation to the ballot as are required under the 1995 Order and such additional functions as are specified in the appointment, and to act as the independent person under Article 49(1) of the 1995 Order in relation to the ballot.

6. A person is eligible for appointment as scrutineer if:

- (a) the person satisfies the conditions which are for the time being specified by the Department pursuant to Article 49(2) of the 1995 Order or is a person specified by name in an order made under that section (the conditions specified by the Department were, at the time of the adoption of these rules, contained in The Trade Union Elections and Ballots (Independent Scrutineer Qualifications) Order (NI) 1992 (SR 1992 no. 241) and the persons specified by name were contained in the Trade Union Elections and Ballots (Independent Scrutineer Qualifications) (Amendment) Order (NI) 2003 (SR 2003 no. 331) – available at [www.opsi.gov.uk](http://www.opsi.gov.uk)); and
- (b) there are no grounds for believing that the person in question will carry out any function conferred on him/her in relation to the ballot otherwise than competently; or that his/her independence in relation to the union

or in relation to the ballot might reasonably be called into question.

### **Terms of the Appointment**

7. The terms of the appointment shall require the scrutineer:

- (a) to supervise the production of the voting papers and to undertake the storage and distribution of the voting papers and the counting of votes cast;
- (b) to be the person to whom the voting papers are returned by those voting;
- (c) to inspect the register of names and addresses of members of the union or to examine the copy of the register as at the relevant date which is supplied to him/her in accordance with Article 49(3)(b) of the 1995 Order whenever it appears to him/her appropriate to do so and in particular where the conditions specified in Article 49(4) of the 1995 Order are satisfied;
- (d) take such steps as appear to him/her to be appropriate for the purpose of enabling him/her to make a report under these rules;
- (e) to make that report to the union as soon as is reasonably practicable after the last date for the return of voting papers;
- (f) to retain custody of and keep secure in a safe place all voting papers returned for the purposes of the ballot together with the relevant copy of the register of names and addresses of members supplied to him/her by the union for the period specified before disposal, as defined in rule 2;
- (g) to carry out such other functions in relation to the ballot as are required

of him/her under these rules or as the executive may specify in his/her appointment;

- (h) to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal;
- (i) to respect the duty of confidentiality in respect of the register; and
- (j) to carry out these tasks in a manner which minimises the risk of any contravention of requirements imposed by or under any enactment or these rules or the occurrence of any unfairness or malpractice.

### **Notice of Appointment**

8. Before the scrutineer begins to carry out any of these functions either:

- (a) a notice stating the name of the scrutineer shall be sent to every member of the union to whom it is reasonably practicable to send such a notice; or
- (b) all such other steps shall be taken for notifying members of the union of the name of the scrutineer as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

Such notice or notification may invite members to inform the union of any change of address and advise members of the dates between which the ballot will be held.

### **Union's Duty Towards the Scrutineer**

9. Nothing in the terms of the scrutineer's appointment (including any additional functions specified in the appointment) shall be such as to make it reasonable for any person to call into question the scrutineer's independence in relation to the union.

10. The union shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on him/her by the terms of the appointment which would make it reasonable for any person to call into question the scrutineer's independence in relation to the union.

11. The Union shall comply with all reasonable requests made by the scrutineer for the purpose of, or in connection with, the carrying out of his/her functions.

### **Dispatch envelopes**

12. The dispatch envelope:

- (a) shall be addressed to the member entitled to vote;
- (b) shall state that if the envelope is undelivered to the member it should be returned to the scrutineer and give his/her name and address;
- (c) shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and
- (d) in the event of the envelope containing material other than the material relating to the ballot, the envelope shall have printed on it prominently the words "ballot paper" or "voting paper".

But where, for the purpose of personal safety, a member asks the union in writing to send a voting paper to him/her by some means other than by post, the union shall send the voting paper to him/her by that other means.

### **Voting Papers**

13. Every voting paper shall be in or substantially in accordance with the form set out in appendix 1 to these rules and:

- (a) shall state the name of the scrutineer and clearly specify the address to

which, and the date by which, it is to be returned;

- (b) shall be marked with one of a series of consecutive whole numbers, every one of which is used in giving a different number in that series to each voting paper printed or otherwise produced for the purposes of the ballot;
- (c) may have printed on it the logo or emblem of the union;
- (d) may have printed on it or attached to it an explanatory statement.

### **Return Envelopes**

14. Every return envelope:

- (a) shall be capable of being sealed;
- (b) shall be addressed to the scrutineer;
- (c) shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and
- (d) may have printed on it:
  - (i) the name of the union;
  - (ii) the logo or emblem of the union; and
  - (iii) the words "voting paper" or "ballot paper"

### **Date of Ballot**

15. The executive shall determine:

- (a) the date by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date for

receipt of completed voting papers by the scrutineer;

- (b) the last date for receipt of completed voting papers by the scrutineer;  
and
- (c) the date on which the counting of votes is to commence.

### **Conduct of the Ballot**

16. Entitlement to vote in the ballot shall be accorded equally to all members.

17. The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.

18. So far as is reasonably practicable, every person who is entitled to vote in the ballot shall, in accordance with these rules:

- (a) be sent a voting paper by post (or if a member has specified some other means under rule 12, by that other means) in such time as to be received on or before the opening day of the ballot; and
- (b) be given a convenient opportunity to vote by post.

19. Every person who is entitled to vote in the ballot shall:

- (a) be allowed to vote without interference from, or constraint imposed by, the union or any of its members, officials or employees; and
- (b) so far as is reasonably practicable be able to do so without incurring any direct cost to him/herself.

20. Every person who is entitled to vote in the ballot shall have sent to him/her in a sealed dispatch envelope, at his/her proper address, by post or such other means as

he/she may have specified under rule 12:

- (a) a voting paper; and
- (b) a return envelope addressed to the scrutineer.

21. When it is not practicable for a particular member to be sent a voting paper and return envelope by the date determined in accordance with these rules, a voting paper and return envelope may be sent to that member as soon as is reasonably practicable after that date, so as to give that member a convenient opportunity to vote by post.

22. The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. This record shall be kept by the scrutineer for the period specified before disposal, as defined in rule 2.

### **Manner of Voting**

23. Every member who wishes to vote must return his/her voting paper to arrive at the address of the scrutineer on or before the date determined in accordance with these rules.

24. The scrutineer shall store in a secure place any voting papers returned to him/her undelivered and shall keep a record of each voting paper so returned.

25. The scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and for the period specified before disposal, as defined in rule 2. The scrutineer shall at all times take all reasonable steps to secure the safe custody of the returned envelopes and voting papers so as to minimise the risk of any contravention of the requirements imposed by or under any enactment or these rules, or the occurrence of any unfairness or malpractice.

### **Counting of the Ballot**

26. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the scrutineer. Any inaccuracy in counting is to be disregarded for the purpose of this rule if it is accidental or on a scale which could not affect the results of the ballot.

27. The scrutineer shall before counting begins:

- (a) place any unused voting papers in a secure place; and
- (b) keep a record of the number of voting papers so stored and a record of any voting papers issued under rule 21.

28. No person may be present at the count other than:

- (a) the scrutineer;
- (b) those acting under the supervision of the scrutineer; and
- (c) those present with the consent of the scrutineer.

29. On the date appointed for the commencement of the count, the scrutineer shall undertake the opening of the return envelopes received and the counting of votes.

30. The scrutineer shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper "rejected".

31. Those voting papers which are not rejected shall be counted.

32. After the count the scrutineer shall retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal, as defined in rule 2.

### **Scrutineer's report**

33. As soon as is reasonably practicable after the last date for the return of voting papers the scrutineer shall make a report ("the scrutineer's report") to the union in accordance with these rules. The scrutineer's report shall state:

- (a) the number of voting papers distributed for the purposes of the ballot;
- (b) the number of voting papers returned to the scrutineer by the members;
- (c) the number of valid votes cast in the ballot for and against the resolution;
- (d) the number of spoiled or otherwise invalid voting papers returned;
- (e) the fact that the scrutineer was appointed as the independent person or persons;
- (f) whether the scrutineer:
  - (i) is satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment or these rules in relation to the ballot;
  - (ii) is satisfied that the arrangements made by him/her with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any interference or malpractice might occur;
  - (iii) is satisfied that the he/she has been able to carry out his/her

functions without any interference as would make it reasonable for any person to call his/her independence in relation to the union into question; and

- (iv) has inspected the register of names and addresses of members of the union or has examined a copy of the register supplied to him/her under these rules.

34. If the scrutineer has inspected the register or examined a copy of the register in accordance with these rules, the report shall state:

- (a) in the case of each inspection or examination, whether it was at the request of a member of the union or at his/her own instance, and, if appropriate, whether he/she declined to act on such a request; and
- (b) whether any inspection of the register or any examination of the copy of the register has revealed any matters which he/she considers should be drawn to the attention of the union in order to assist in securing that the register is accurate and up-to-date, but shall not state the name of any member who has requested this inspection or examination.

**Copy of the Scrutineer's Report to be sent to the Certification Officer**

35. A copy of the scrutineer's report shall be sent by the union to the Certification Officer as soon as is reasonably practicable.

**Publicising the Result of the Ballot**

36. The result of the ballot shall not be published until the union has received the scrutineer's report.

37. Within three months from the date on which it receives the scrutineer's report the executive shall:

- (a) send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or
- (b) take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

38. The union shall ensure that any notification given under rule 37(b) is accompanied by a statement that the union will, on request, supply any member with a copy of the report either:

- (a) free of charge; or
- (b) on payment of such reasonable fee as may be specified in the notification,

and ensure that any member who makes such a request is supplied with a copy of the report on payment of such fee (if any) as has been notified to him/her.

**Model Rules – Annex B**

**Appendix 1**

**VOTING PAPER ON MAINTAINING A POLITICAL FUND**

**Ballot paper number:[ ]**

..... **[name of union]**

**THE RESOLUTION is that the political objects set out in Article 46 of the Trade Union and Labour Relations (NI) Order 1995 (reproduced overleaf) be approved as an object of the Union**

**Do you vote in favour of the Resolution?**

**YES** |

**NO** |

**You must place a cross on one, and only one, of the boxes provided.**

**Place the voting paper in the addressed envelope (no stamp required) and return it to the Scrutineer to arrive before the ..... A voting paper received after this date will not be counted.**

**Please do not sign or make any other mark on the paper [or include anything else with your voting paper]**

**Name of Scrutineer.....**

**Address to which voting paper is to be sent.....**

**Model Rules – Annex B**  
**(reverse of the voting paper)Appendix 1**

Article 46 of the Trade Union and Labour Relations (NI) Order 1995:

This section applies to the following political objects:

The expenditure of money –

- (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
- (b) on the provision of any service or property for use by or on behalf of any political party;
- (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the union in connection with any election to a political office;
- (d) on the maintenance of any holder of a political office;
- (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
- (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his

attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

In determining, for the purposes of paragraphs (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the union.

In these objects –

"candidate" means a candidate for election to a political office and includes a prospective candidate;

"contribution", in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;

"electors" means electors at any election to a political office;

"film" includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;

"political office" means the office of member of the Assembly, member of Parliament, member of the European Parliament or member of a district council or any position within a political party.

## **CERTIFICATION OFFICE PUBLICATIONS**

The following publications are also available, free of charge, from the Certification Office. They are also available to be downloaded or printed from the Certification Officer's website, [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk)

The Certification Officer's Annual Reports.

Mergers: A Guide to the statutory requirements for transfers of engagements and amalgamations of Trade Unions.

Mergers: A Guide to the statutory requirements for transfers of engagements and amalgamations of Employers' Associations.

Guidance for Trade Unions and Employers' Associations wishing to establish a Political Fund.

A Guide to Political Fund Review Ballots.

Financial Irregularities in Trade Unions and Employers' Associations - The approach of the Certification Officer.

Guidance for Trade Unions wishing to apply for a Certificate of Independence.

A Guide to making a Complaint to the Certification Officer.

Guidance on Procedure at hearings.

The Department for Employment and Learning has produced guides on various aspects of trade union legislation, which can be obtained from any jobcentre or downloaded from the Department's website [www.delni.gov.uk](http://www.delni.gov.uk) .