

2015-2016 Annual Report

of the Certification Officer for Northern Ireland

(Covering Period 1 April 2015 to 31 March 2016).

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**CERTIFICATION OFFICER FOR NORTHERN IRELAND
ANNUAL REPORT FOR THE YEAR ENDED 31 MARCH 2016**

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

Mr Andrew McCormick
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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 the Economy. I have pleasure in submitting my report for the period 1 April 2015 to 31 March 2016.



Sarah Havlin LLB
Certification Officer for Northern Ireland

17 January 2017

Mrs Marie Mallon
Chair
Labour Relations Agency
2-16 Gordon Street
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BT1 2LG

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A handwritten signature in black ink, appearing to read 'Sarah Havlin', with a stylized flourish at the end.

Sarah Havlin LLB
Certification Officer for Northern Ireland

17 January 2017

CONTENTS	Page
INTRODUCTION	i-v
EQUALITY STATEMENT	vi
CHAPTER	
1. LISTS OF TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS	1
Entry in the lists and its significance	
Removal from the lists	
Additions to the lists	
Special Register bodies	
Changes of name	
Unlisted organisations	
Definitions of a trade union and an employers' association	
2. TRADE UNION INDEPENDENCE	7
The statutory provisions	
Criteria of independence	
Procedure	
Applications/Decisions	
Great Britain Certification Officer decisions on trade unions with Northern Ireland members	
3. ANNUAL RETURNS AND ACCESS TO ACCOUNTING RECORDS	10
The statutory provisions	
Late submission of annual returns	
Prosecutions	
Authorised Northern Ireland resident	
Public inspection of annual returns	
Statement to members of a trade union	
Financial affairs of trade unions and employers' associations – use of statutory powers	
Access to accounting records	
4. FINANCIAL AND MEMBERSHIP INFORMATION AND MEMBERSHIP REGISTER	19
Information from 2015 Returns	
Trade unions - salaries and benefits	
Trade unions - membership register	
Trade unions – membership and financial information	
Employers' associations - membership and financial information	
5. SUPERANNUATION SCHEMES	23
The statutory provisions	
Schemes maintained - Northern Ireland	
Schemes maintained - Great Britain	
Actuarial reports	

	Page
6. MERGERS	25
The statutory provisions	
Advice on procedures	
Mergers proposed or completed	
Mergers of Great Britain unions with Northern Ireland members	
7. POLITICAL FUNDS	28
The statutory provisions for Northern Ireland organisations	
<i>General</i>	
<i>Exemption</i>	
Great Britain and Republic of Ireland organisations	
Political Fund Model Rule for Great Britain organisations	
Complaints	
Advice on procedures	
Northern Ireland organisations with political fund rules	
Great Britain organisations with political fund rules approved by the Northern Ireland Certification Officer	
Great Britain organisations with new political fund rules approved for the first time in this reporting period	
Amendments to rules of Great Britain organisations	
Political fund review ballots held by Great Britain organisations	
Political fund complaints by Northern Ireland members to the Great Britain Certification Officer	
8. SECRET POSTAL BALLOTS FOR TRADE UNION ELECTIONS	33
The statutory provisions	
Disclosure of applicant's identity, hearings, appeals etc	
Applications and decisions	
9. APPLICATIONS CONCERNING BREACHES OF TRADE UNION RULES	36
The statutory provisions	
Applications and decisions	
10. PUBLIC INTEREST DISCLOSURES	41
The statutory provisions	
Advice on procedures	
Public Interest Disclosures	

APPENDICES (Showing the position at 31 December 2015)

1.	(a) List of Northern Ireland trade unions	43
	(b) Republic of Ireland trade unions with NI members	
	(c) Schedule of unlisted trade unions	
2.	GB trade unions with 100 or more NI members	44
3.	GB trade unions with under 100 NI members	47
4.	List of NI employers' associations	49
5.	GB employers' associations with NI members	50
6.	Salaries and Benefits of the chief officers of trade unions with NI members	52
7.	GB trade unions with NI members who have "contracted in" to the political fund	55
8.	GB trade unions whose NI members do not contribute to the political fund	56
9.	Statutory fees	57
10.	Certification Office forms	58
11.	Certification Office publications	59

INTRODUCTION

This is the twenty fourth 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 2015 to 31 March 2016.

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 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 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 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 decreased by 258 members since the last reporting period. Northern Ireland membership of Republic of Ireland unions decreased by 134 members whilst that of Great Britain unions increased by 2,561 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 with Northern Ireland members were removed from the Great Britain Certification Officer's list. This is recorded in paragraph 1.10 of this report.

During the year eleven breaches of rule complaints, made by three trade union members, were determined. Details of these cases are in chapter 9. Ten complaints were being processed by the Office at 31 March 2016.

In Great Britain the Trade Union Act 2016 received royal assent on 4 May 2016, having been introduced into the House of Commons in July 2015. Following a consultation exercise, Stephen Farry the minister for the Department of Employment and Learning decided it would not be appropriate at this stage to introduce equivalent legislation in Northern Ireland. The Act, when fully implemented, will significantly impact on the role and work of the GB Certification Office.

Amongst the more significant changes, the law relating to the way members of trade unions contribute to the political funds of their unions is to be amended to favour a system of "contracting-in" rather than requiring members to "contract-out" of making an automatic contribution. Such a law concerning trade union political fund contributions has been in place here in Northern Ireland since 1958 when the Stormont Government chose to retain the provisions on "contracting-in" that had been enacted in 1927, notwithstanding the fact these provisions had been repealed in 1946 in Great Britain. The law regarding political funding by trade unions in Northern Ireland is currently governed by the Trade Union and Labour Relations (Northern Ireland) Order 1995.

As a result of the existing law in Northern Ireland and the pending introduction of similar legislative provisions in GB, this Office received several enquiries during the reporting year from central government, trade union legal advisers and academics regarding the "contracting-in" arrangements in place in Northern Ireland, in particular the reasons for the legislative divergence from GB and the impact it has had on the proportion of trade union members in Northern Ireland

who contribute to the political levy. The increase in enquiries to this Office followed the Trade Union Bill's second reading in the House of Lords on January 2016, and the subsequent appointment of a parliamentary select committee to consider the impact of the Trade Union Bill in relation to the Committee on Standards in Public Life's report as a result of this.

No requests were received under the Freedom of Information Act 2000 during the period covered by this report.

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 the Economy, 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 2016 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 2016 the Office had a complement of four staff. Mrs Patricia McQuillan continued to hold her appointment as Assistant Certification Officer for Northern Ireland during the period covered by this report. During the period covered by this report 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. 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 2015-2016.
- 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:
 - Unity which ceased to exist on 16 April 2015 as a result of a Transfer of Engagements to GMB.

- Union of Country Sport Workers which was removed from the list on the 28 August 2015 as a result of it being dissolved on 30 June 2015.

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 2015-2016 there were no trade unions with Northern Ireland members removed from this schedule.

No employers' associations with Northern Ireland members were removed from the Great Britain Certification Officer's list during the period covered by this report.

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 During the reporting period no trade union or employers' association with Northern Ireland members applied to the Great Britain Certification Officer to change its name.

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.

One certificate of independence was cancelled because the union concerned ceased to exist as the result of a Transfer of Engagements. The cancelled certificate was that of Unity which ceased to exist when it had a Transfer of Engagements to GMB on 16 April 2015.

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 2016 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 129 annual returns from trade unions and employers' associations. All but one of these returns were submitted on time, that being the annual return of the Retail Motor Industry Federation Ltd. Prosecution of the Retail Motor Industry

Federation under Article 13 of the 1992 Order is now under consideration by the Certification Officer at the time of the printing of this report. 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.

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 the Economy) 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 2015 to 31 March 2016 by the Great Britain Certification Officer concerning the financial affairs of three GB headquartered trade unions with Northern Ireland members. These were the British Association of Journalists (BAJ), Union of Construction Allied Trades & Technicians (UCATT) and Accord. The Certification Officer made enquiries of each of the unions in relation to the matters raised. In the cases of the BAJ and Accord, the Certification Officer was satisfied with the response of the unions and did not consider it appropriate to use his statutory powers. In the case of UCATT the GB Office remained in contact with the union regarding the issues at the end of this reporting period.

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 concluded one complaint, carried over from the previous reporting period 2014-2015, in respect of a Great Britain based union with Northern Ireland members.

Mills v Unite the Union (D/38/15-16) Following two hearings, one in April 2015 and one in November the Certification Officer upheld the complaint and ordered the Union to give the claimant access to the accounting records specified in the order. In his decision the Certification Officer gave further consideration to the meaning of the term 'accounting records' in section 30 of the 1992 Act. He concluded that the meaning is as he determined it to be in three earlier cases, **Mortimer v Amicus (D/1/03)**, **Foster v Musicians Union (D/13-17/03)** and **Lee v NASUWT (D/3/06)**. This decision was

appealed by the union to the EAT. The appeal remained pending at the end of this reporting period

3.30 Copies of all decisions of the Certification Officer for Great Britain are available on the Certification Officer's website: **www.gov.uk/certificationofficer**

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 2015. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.

Information from 2015 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 2016. That information and the following comments in this chapter relate to organisations whose financial year ended on 31 December 2015, 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 2015 was recorded as 242,988. 73.8% of all Northern Ireland trade union members belong to Great Britain-based trade unions with 20.9% and 5.3% 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 2015 the total income of Northern Ireland based trade unions was £6.3 million, total expenditure was £4.9 million, and net assets were £7.4 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 reporting period 2015-2016. This shows a total of 50,917 members of Northern Ireland unions providing an annual contribution of £5 million; while there were 12,802 Northern Ireland members of Republic of Ireland unions providing an annual contribution of €2.4 million. In 2015 the total income of the Republic of Ireland unions was €85.7 million, total expenditure was €70.8 million and net assets were €169.4 million.
- 4.12 Financial and membership details of 45 Great Britain unions with 100 or more Northern Ireland members are given in Appendix 2. In 2015-2016, 178,345 Northern Ireland members of these unions contributed £23 million. The total income of these unions in the year was £1,075 million, total expenditure was £771 million and net assets were £987 million.
- 4.13 Membership details of a further 34 Great Britain based trade unions with under 100 Northern Ireland members are listed in Appendix 3. This records a total of 968 Northern Ireland members contributing £155,801. In 2015-2016 the total income of these unions was £19 million, total expenditure was £18.8 million and net assets were £26.4 million.

Employers' associations - membership and financial information

- 4.14 Employers' associations are not required to provide the Certification Officer with details of officers' salaries and benefits.
- 4.15 A summary of statistics on the membership and finances of 9 Northern Ireland employers' associations for 2015-2016 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2015-2016 the total income of these organisations was £6.5 million, expenditure was £6 million and net assets were £12.6 million.

4.16 Details of 31 Great Britain employers' associations with Northern Ireland members are given in Appendix 5. In 2015-2016 these organisations received contributions amounting to £1.8 million from their Northern Ireland members. Their total income was £147 million, expenditure was £131 million, and net assets were £158 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.

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

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.

Schemes maintained – Great Britain

5.4 Three Great Britain based trade unions which have Northern Ireland members maintained members' superannuation schemes at 31 March 2016:

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 from Great Britain based trade unions with Northern Ireland members.

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

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.

members of any statement making a recommendation or expressing an opinion about a proposed amalgamation or transfer is prohibited. The voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed pre-paid envelope and a document giving instructions for the return of the voting paper. Other requirements relate to storage, distribution and counting of votes by independent persons and the availability of a union's membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers' associations, the provisions are slightly different. Details can be found in the guidance booklet (see 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 During this reporting period, there was one transfer of engagements involving a Great Britain based union with Northern Ireland members, this was Unity which registered a transfer of engagements to GMB.. There were no amalgamations.

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 2016.

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 2016. Of these, 16 had Northern Ireland members "contracting-in".

7.18 The 2015 returns show that 37,457 recorded Northern Ireland members of these trade unions - representing some 26.9% of the total Northern Ireland membership – contributed £219,768 towards political funds. A list of the 16 unions, showing the number of Northern Ireland members and the amount of their financial contributions, is given at Appendix 7. The 4 Great Britain unions whose Northern Ireland members did not contribute to their political funds in 2015 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 2015-2016.

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, The Communication Workers Union, had amendments approved during 2015-2016 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 7.20). The results of the ballots they conducted are as follows:

Results of political fund review ballots

	<i>Yes</i> %	<i>No</i> %
Public and Commercial Services Union	91.3	8.7
Union of Construction, Allied Trades and Technicians	97.2	2.8

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 no decisions relating to alleged breaches of the statutory provisions.
- 8.10 During this reporting period the Great Britain Certification Officer received multiple applications regarding the election of the General Secretary of Unison. These applications were outstanding at the end of this reporting period. The Great Britain Certification Officer made the following decision relating to elections in Great Britain trade unions with Northern Ireland members –

Henderson v GMB (D/39-43/15-16) The Certification Officer determined an application relating to the election of the General Secretary of the GMB. Mr Henderson alleged four breaches of section 47(1) of the 1992 Act and one breach of the rules of the GMB. The Certification Officer dismissed all five complaints. Mr Henderson has appealed this decision to the EAT.

The full text of these decisions is available on the Great Britain Certification Office website: www.gov.uk/certificationofficer

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. These 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 three decisions on applications by three trade union members

Ozdemir, Lynch and Milne v GMB (D/07/15) The applicants made, by separate applications, eleven complaints against their Union GMB. The complaints concerned breaches of union rules relating to the proceedings of the branch and

the failure to hold elections. The Certification Officer made a preliminary decision recommending that ten of the applications be struck out on the grounds that they were misconceived or had little or no prospect of success. The Certification Officer ruled that one application common to all three applicants, concerning the holding of branch elections, was to be taken forward separately and be the subject of a final ruling in due course, pending a written explanation from the Union in response to the allegation.

Ozdemir, Lynch and Milne v GMB (D/08/15) The applicants made, by separate applications, eleven complaints against their Union GMB. The complaints concerned breaches of union rules relating to the proceedings of the branch and the failure to hold elections. The Certification Officer struck out ten of the applications on the grounds that they were misconceived or had little or no prospect of success. The Certification Officer ruled that one application common to all three applicants was to be taken forward separately and be the subject of a final ruling in due course.

Ozdemir, Lynch and Milne v GMB (D/08/15) The applicants alleged a breach of union rules in relation to the election of branch officials. The application was struck out on the basis that an insufficient case to answer had been made by the applicants and thus had no reasonable chance of success.

- 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.

Murray v Unite the Union (D/20/15-16) Mr Murray made a complaint alleging that the union had breached one of its rules in relation to the election of the Scottish Regional representative to its Executive Council that took place in 2015. The

Certification Officer upheld the complaint. He ordered that the incumbent should forthwith cease to hold office and that there be a further election.

Rowlandson v UNISON: The Public Service Union (D/30-35/15-16) Mr Rowlandson made five complaints alleging that the union had breached its rules in relation to branch elections and one complaint in relation to disciplinary procedures. The Certification Officer upheld four of the complaints and made an enforcement order requiring the union to hold an election for branch convenor in the United Utilities Section.

Radford v Equity (D/27-29/15-16) Mr Radford made three complaints alleging that the union had breached its rules in relation to disciplinary procedures. The Certification Officer upheld two of the complaints and made enforcement orders requiring the general secretary and the president of the union to report certain disciplinary matters to the union's Executive Council.

Henderson v GMB (D/39-43/15-16) Mr Henderson made five complaints relating to the union's election for the position of General Secretary. These included four alleged breaches of section 47(1) of the 1992 Act and an alleged breach of the rules of the union. The Certification Officer dismissed all five complaints. Mr Henderson has appealed this decision to the EAT.

Beaumont and Mansell v Unite the Union (D/2-6/15-16) The claimants brought five complaints. One complaint related to eligibility to sit on its Executive Council and was upheld. The other four related to the Executive Council election in 2014. Two of these complaints were upheld and two were dismissed. The Certification Officer did not make any enforcement orders.

Sweeney v Union of Construction, Allied Trades and Technicians (No2) (D/36-37/15-16) Mr Sweeney brought two complaints in which he alleged that UCATT had breached its rules in not paying travel expenses to attend an appeal hearing before the General Council of UCATT. The complaints were struck out under section 256ZA(1)(a) of the 1992 Act on the grounds that they had no reasonable prospect of success and/or were otherwise misconceived.

The full text of these decisions is available on the Great Britain Certification Office website
www.gov.uk/certificationofficer

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 Northern Ireland Certification Officer
for Trade Unions and Employers' Associations
10-16 Gordon Street
Belfast BT1 2LG

10.5 The Department for the Economy has produced a guide to the provisions of the Public Interest Disclosure Order, which can be downloaded at www.economy-ni.gov.uk. A guidance note is also available on the Northern Ireland Certification Officer's 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 Northern Ireland Certification Officer received no public interest disclosures from employees/workers of a trade union or employers' association.

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 2015 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
			£'s	£'s	£'s	£'s	£'s	£'s
Belfast Airport Police Association (March16) *	15	15	1,800	1,811	559	24,347	24,767	420
Lough Neagh Fishermen's Association *	55	55	264	265	1,118	2,109	2,109	-
Northern Ireland Public Service Alliance *	44,647	44,647	4,431,341	5,591,534	4,219,310	6,270,667	6,451,991	181,324
Ulster Teachers Union *	6,156	6,200	666,953	704,555	689,971	1,053,600	1,106,325	52,725
TOTALS	50,873	50,917	5,100,358	6,298,165	4,910,958	7,350,723	7,585,192	234,469

(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
			€'s	€000's	€000's	€000's	€000's	€000's
IBOA-The Finance Union *	3,642	14,313	946,359	5,892	4,339	37,413	42,491	5,077
Irish National Teachers' Organisation*	6,727	40,337	1,349,395	13,630	12,480	14,402	21,288	6,886
IMPACT*	52	55,853	17,522	32,667	20,368	73,121	74,255	1,134
Independent Workers Union*	153	1,156	3,890	103	101	-	23	23
Services, Industrial, Professional & Technical Union*	2,228	205,967	195,163	33,360	33,523	44,499	49,239	4,740
TOTALS	12,802	317,626	2,512,329	85,652	70,810	169,436	187,296	17,860
(c) Schedule of unlisted Trade Unions								
Irish Congress of Trade Unions ²								
TOTALS	206,716	770,569	-	4,709	4,756	1,413	3,680	2,267

*Denotes a trade union holding a Certificate of Independence at 31 December 2015

¹ See Paragraph 1.19 [The total membership shown covers fifty unions recorded as affiliated to the ICTU in 2015, headquartered in NI, ROI and GB]

APPENDIX 2 (SEE PARA 4.12) - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2015 (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	1,342	21,288	2	7	115,955	2,527	2,323	5,342	5,589	247
Advance	313	6,611	4	17	25,165	733	490	2,043	2,093	50
Aegis the Union (June 15)	138	4,795	-	-	8,280	688	716	639	720	81
Association of Educational Psychologists	119	3,203	5	16	27,428	1,024	919	1,345	1,480	135
Association of School & College Leaders	178	18,160	-	33	51,740	6,193	7,191	3,170	4,464	1,294
Association of Teachers & Lecturers	4,705	194,491	103	1,332	345,056	17,770	17,077	20,639	24,985	4,346
Bakers, Food & Allied Workers Union	688	18,382	385	-	84,032	3,009	2,513	(1,638)	2,343	3,981
British Airline Pilots Association	162	8,396	69	359	105,917	6,374	5,604	11,751	12,588	837
British Association of Occupational Therapists (Sept 15)	1,071	28,765	103	263	264,161	7,511	7,511	-	394	394
British Dental Association (Sept 15)	709	17,834	-	214	270,621	15,641	15,419	(282)	7,774	8,056
British Dietetic Association (Feb 16)	422	7,937	52	34	124,490	191	191	362	363	1
British Medical Association	5,702	161,294	154	2,758	1,575,669	132,307	3,454	104,282	154,443	50,161
Broadcasting, Entertainment, Cinematograph & Theatre Union	401	25,822	42	11	24,131	4,889	3,483	(1,521)	5,493	7,014
Chartered Society of Physiotherapy	1,832	51,605	179	963	493,735	17,952	16,459	8,024	18,508	10,485
Communication Workers Union	4,730	186,784	-	398	679,774	32,934	32,598	26,821	45,427	18,606
Community Equity (Incorporating the Variety Artistes' Association)	164	26,816	-	-	24,862	7,805	6,831	71,179	86,177	14,998
Association)	403	39,208	96	744	49,304	8,456	7,003	12,076	25,386	13,310
FDA	311	16,031	-	365	61,177	3,976	3,285	3,164	5,983	2,818
Fire Brigades Union	1,632	34,178	-	-	321,008	11,191	10,888	6,763	9,145	2,381

APPENDIX 2 - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2015 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
GMB	12,013	610,098	112	373	1,306,581	76,453	65,307	60,138	90,743	30,605
Hospital Consultants & Specialists Association (Sept 15)	136	2,907	-	26	32,640	700	661	781	811	31
Musician's Union	267	30,116	14	124	50,820	8,774	7,937	17,524	17,868	345
National Association of Head Teachers	895	39,196	-	1,062	198,988	10,377	10,327	6,596	7,191	595
National Association of Schoolmasters Union of Women Teachers (NASUWT)	11,853	307,168	-	2,196	1,594,544	31,559	28,761	34,039	48,953	14,914
National Union of Journalists	850	23,875	2,629	432	168,026	4,971	5,167	(1,550)	4,705	6,255
National Union of Rail, Maritime & Transport Workers	116	83,353	77	308	27,993	23,179	16,523	47,589	53,435	5,846
Nationwide Group Staff Union	170	12,027	-	-	15,800	1,360	1,265	1,143	1,236	93
Nautilus International	319	13,425	273	7,181	71,828	6,792	6,463	15,875	17,097	1,221
PDA Union (Mar 16)	386	23,790	-	-	5,790	368	352	114	437	323
POA	1,222	28,881	-	-	183,817	4,606	4,534	4,444	5,055	611
Prospect	1,619	107,380	14	4,489	232,000	19,309	10,471	33,691	44,497	10,806
Public and Commercial Services Union	1,556	193,448	-	87	186,147	43,811	36,024	15,419	21,115	5,696
Royal College of Midwives	1,649	43,912	29	235	332,853	8,790	7,891	4,920	5,618	698
Royal College of Nursing of the UK ¹	14,358	426,160	465	3,702	2,418,631	50,808	44,098	25,821	35,492	9,671
Social Workers Union (Sept 15)	287	11,596	-	-	20,450	847	847	-	-	-
Society of Chiropractors and Podiatrists	461	8,580	155	240	177,485	6,547	4,751	5,871	6,808	937
Society of Radiographers	854	24,443	21	225	191,736	6,089	6,120	3,735	4,235	500

APPENDIX 2 - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2015 (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	285	18,283	670	-	1,567	6,752	5,044	24,851	26,441	1,590
Union of Construction Allied Trades & Technicians	442	45,530	1,461	-	47,000	6,141	7,192	5,987	10,157	4,170
Union of Shop, Distributive & Allied Workers (USDAW)	18,079	422,524	-	-	1,436,000	66,723	41,951	41,801	83,469	41,668
UNISON	38,994	1,216,659	-	-	3,826,118	209,753	166,392	143,453	259,897	116,444
Unite the Union	43,129	1,293,408	28,466	17,123	5,112,000	176,652	132,476	196,644	291,288	94,644
University and College Union (Aug 15)	3,383	101,933	18	113	668,826	22,858	16,702	24,392	32,454	8,062
TOTALS	178,345	5,960,292	35,598	45,430	22,960,145	1,075,387	771,211	987,438	1,482,359	494,327

¹ The RCN has advised that the figure provided for the **2014-15** NICO Annual Report for NI Subscription Contributions of £2,000,024 was understated by the union and should have shown £2,339,397.

APPENDIX 3 (SEE PARA 4.13) - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS – AT 31 DECEMBER 2015 (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	21	33,276	-	723	2,920	3,198	3,068	1,392	1,579	188
Association for Clinical Biochemistry & Laboratory Medicine	8	1,281	47	120	7,831	993	864	2,605	3,067	462
Association of Revenue and Customs	77	2,358	-	2	18,332	220	215	282	302	20
Boots Pharmacists' Association (BPA)	62	1,234	-	-	4,464	91	82	23	35	13
Britannia Staff Union ^(Final return)	3	1,449	-	-	54	115	81	711	736	25
British Association of Dental Nurses	52	5,214	1	18	2,213	237	225	257	274	17
British Association of Journalists	2	1,024	-	9	21	119	133	6	10	4
British Orthoptic Society Trade Union	25	962	36	5	1,702	70	65	28	28	-
Curry's Supply Chain Staff Association ^(May 15)	29	4,160	-	-	-	207	207	-	15	15
Guild of Professional Teachers of Dance, Movement to Music & Dramatic Arts	52	790	13	-	3,120	52	52	90	93	3
Headmasters and Headmistresses' Conference ^(Mar 16)	8	266	3	59	21,472	2,430	2,600	4,453	5,251	798
Immigration Service Union	37	2,874	-	-	3,835	303	327	1,002	1,011	10
Independent Democratic Union	24	5,820	-	-	2,189	531	593	649	894	245
Independent Pilot's Association ^(Jun 15)	8	583	1	23	960	76	88	47	120	73
Institute of Journalists	12	971	19	171	1,170	59	67	20	21	1
Leeds Building Society Staff Association	1	512	1	1	18	11	4	58	61	3
National Association of Co-operative Officials	3	1,369	-	16	674	464	685	1,089	1,162	73
National Association of Group Secretaries to NFU (Oct 15)	67	536	-	-	13,066	240	237	212	221	10

APPENDIX 3 - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS – AT 31 DECEMBER 2015 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the year £000's	Total Assets at the End of the year £000's	Total Liabilities at the end of the year £000's
NAPO – The Trade Union & Professional Association for Family Court & Probation Staff	95	6,654	-	-	27,240	1,879	1,724	1,578	1,663	85
National Crime Officers Association	50	1,984	-	68	8,400	282	250	53	70	17
National House Building Council Staff Association	13	672	-	1	312	16	11	104	105	1
National Society for Education in Art & Design ^(Sept 15)	17	1,977	6	33	968	271	260	79	317	238
Prison Governors Association	40	997	-	6	6,560	166	148	192	207	16
Retained Firefighter's Union	28	2,322	-	-	2,763	231	215	118	132	15
Royal Society for the Protection of Birds Staff Association ^(Mar 16)	31	1,110	-	-	372	27	25	96	96	-
Sales Staff Association	10	200	-	-	600	13	11	143	145	3
Society of Authors Ltd	45	8,729	82	666	3,800	1,125	1,162	1,153	1,839	686
Society of Union Employees	5	387	-	-	488	33	28	111	113	2
Solidarity	5	117	-	-	312	26	28	(2)	1	3
UFS	20	1,836	-	4	2,353	518	506	158	312	154
United Road Transport Union	22	10,593	-	-	3,775	1,542	1,602	1,673	1,887	214
Unity ^(final return until 16/4/15)	52	3,946	-	-	6,978	1,139	939	6,620	6,729	109
Voice	38	19,531	-	24	6,131	1,996	1,892	1,201	1,498	297
Writers' Guild of Great Britain	6	2,005	-	50	708	385	386	175	285	110
TOTALS	968	127,739	209	1,999	155,801	19,064	18,778	26,373	30,281	3,908

APPENDIX 4 (SEE PARA 4.15) - LIST OF NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS – 31 DECEMBER 2015 (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 £
Anglo-North Irish Fish Producers Organisation	37	98,345	42	716,936	632,133	2,299,044	2,790,497	491,453
Construction Employers Federation Ltd	903	479,911	903	712,191	727,596	650,638	785,035	134,397
Engineering Employers' Federation NI Association	120	767,561	120	830,994	857,998	728,329	820,578	92,249
Northern Ireland Bakery Council ^(Mar 16)	3	2,400	3	7,459	7,212	17,915	18,240	325
Northern Ireland Fish Producers Organisation Ltd	122	1,617,597	143	1,618,641	1,574,311	4,885,796	5,027,084	141,228
Northern Ireland Grain Trade Association	35	82,853	35	104,322	102,776	16,402	58,726	42,324
NI Local Government Association ^(Mar 16)	11	511,017	11	636,122	408,017	178,490	560,487	381,997
Ulster Chemists Association	264	51,966	264	126,919	168,226	317,009	368,372	51,363
Ulster Farmers' Union	11,667	1,099,406	11,667	1,711,513	1,590,395	3,540,079	3,965,224	425,145
TOTALS	13,162	4,711,056	13,188	6,465,097	6,068,664	12,633,702	14,394,243	1,760,481

APPENDIX 5 (SEE PARA 4.16) - GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS – 31 DECEMBER 2015 (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 £
Association of Circus Proprietors	1	2,400	18	24,370	28,765	9,524	15,124	5,600
Association of Newspapers and Magazine Wholesalers ^(Mar 16)	1	3,134	7	139,105	137,281	47,507	145,463	97,956
BFM Ltd	1	472	137	4,246,323	548,481	3,912,918	4,606,977	694,059
British Allied Trade Federation	10	4,054	2,223	2,203,566	2,280,893	11,924,154	12,541,538	617,384
British Amusement Catering Trades Association ^(June 15)	5	9,159	442	6,070,751	4,247,370	18,313,903	34,910,536	16,596,633
British Printing Industries Federation ^(Mar 16)	26	64,985	1,139	2,251,768	2,251,768	-	457,446	457,446
Building & Engineering Services Association ^(Feb 16)	45	106,369	1,311	10,475,513	10,692,321	6,487,072	19,141,178	12,654,072
Builders Merchants Federation ^(Mar 16)	6	19,100	515	1,959,002	1,934,170	3,405,652	4,683,647	1,277,995
Construction Plant Hire Association ^(June 15)	9	4,130	1,550	1,220,499	1,015,266	2,582,689	2,884,022	301,333
Dairy UK Ltd	6	124,429	236	5,034,003	1,925,828	8,670,392	9,474,532	804,140
Electrical Contractors' Association	22	51,000	2,783	24,034,496	24,175,244	50,549,164	90,658,054	40,198,890
Engineering Construction Industry Association	1	1,930	219	2,482,452	2,521,993	5,017,167	7,036,056	2,018,639
Federation of Master Builders	248	105,603	8,220	5,078,278	4,908,434	8,085,622	10,344,858	22,259,236
Federation of Window Cleaners	23	2,384	963	141,425	123,122	320,913	411,335	90,422
Fencing Contactors Association Ltd	1	1,243	149	110,775	110,435	48,690	88,571	39,881
Freight Transport Association	390	467,172	15,121	25,713,000	23,243,000	3,474,000	12,488,000	9,014,000
Glass and Glazing Federation	4	2,922	411	3,413,510	2,478,321	7,755,227	10,361,921	2,606,694
National Association of Farriers, Blacksmiths & Agricultural Engineers	1	162	685	93,559	96,191	102,119	141,462	39,343
National Federation of Retail Newsagents	649	176,256	15,042	4,606,377	4,716,892	5,565,733	6,510,672	944,939
National Federation of Roofing Contractors Ltd ^(Jan 16)	24	22,849	1,019	1,915,345	1,680,263	1,244,030	1,504,349	260,319

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 £
National Hairdressers Federation	15	3,483	5,130	1,466,555	1,304,400	2,970,827	3,232,718	261,891
Producers Alliance for Cinema & Television Ltd ^(Sept 15)	14	11,580	526	2,599,037	2,575,293	2,203,255	3,388,581	1,185,326
Radio Electrical & Television Retailers' Association ^(Oct 15)	49	12,642	890	582,001	636,743	1,782,395	1,872,775	90,380
Retail Motor Industry Federation Ltd ¹	-	-	-	-	-	-	-	-
Road Haulage Association Ltd	182	80,212	6,768	9,299,746	8,651,828	3,085,905	4,987,352	1,901,447
Scottish Association of Master Bakers	1	180	289	2,079,120	1,714,874	2,508,360	2,989,332	480,972
Scottish and NI Plumbing Employers Federation	72	39,713	755	913,002	871,420	1,838,317	2,045,152	205,835
Thermal Insulation Contractors Association	2	1,690	257	1,452,149	1,336,379	1,547,268	1,869,199	321,931
UK Cinema Association Ltd	4	5,431	192	450,371	435,358	317,730	1,961,408	1,643,678
UK Theatre Association	2	5,500	249	933,255	915,459	226,892	686,551	419,659
Vehicle Builders' and Repairers' Association ^(Final Return)	8	7,500	430	440,776	568,946	710,397	750,064	39,667
TOTALS	2,212	1,804,856	82,797	147,143,129	131,369,738	158,181,822	264,676,873	106,543,767

¹ Association had not provided figures for the year ending December 2015 by June 2016 (see paragraph 3.9 of this report).

**APPENDIX 6 (PARA 4.3) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2015
(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	63,346	24,895
Ulster Teachers' Union	General Secretary	40,595	35,765
REPUBLIC OF IRELAND	OFFICE HELD	SALARY	BENEFITS
		€'s	(Excluding PRSI) €'s
IBOA-The Finance Union	General Secretary	132,455	71,767
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
	General Treasurer	106,526	45,274
Services, Industrial, Professional & Technical Union (SIPTU)	General Secretary	108,384	5,120
Independent Workers Union	National Secretary	Nil	Nil
GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
Accord	General Secretary	118,915	12,380
Advance	General Secretary	15,367	3,369
Aegis the Union ^(30/6/15)	General Secretary	67,333	9,764
Affinity	General Secretary	105,500	29,138
Association for Clinical Biochemistry & Laboratory Medicine	General Secretary	Nil	Nil
Association of Educational Psychologists	General Secretary	64,738	7,769
Association of Revenue and Customs	President	Nil	Nil
Association of Schools and College Leaders	General Secretary	130,872	23,056
Association of Teachers & Lecturers	General Secretary	121,901	55,543
Bakers, Food & Allied Workers Union	General Secretary	46,362	16,054
	National President	46,362	17,833
Boots Pharmacists' Association (BPA)	Chief Executive ^(from Jan – July 2015)	5,460	Nil
	Chief Executive ^(from Nov 2015)	330	Nil
	Treasurer	5,040	Nil
Britannia Staff Union ^(Final return)	General Secretary	Nil	Nil
British Airline Pilots Association	General Secretary	122,354	27,928
British Association of Dental Nurses	Chief Executive	45,000	2,488
British Association of Journalists	General Secretary	19,762	Nil
	Acting General Secretary	10,000	Nil
British Association of Occupational Therapists	Chairman	Nil	Nil
British Dental Association	General Secretary	75,000	Nil
British Dietetic Association ^(28/2/16)	General Secretary	Nil	Nil

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2015 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
		£'s	£'s
British Medical Association	Chairman	40,348	Nil
British Orthoptic Society Trade Union	General Secretary	Nil	Nil
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	68,986	7,871
	Asst. General Secretary (x2)	60,406	6,893
Chartered Society of Physiotherapy	Chief Executive	120,000	21,480
Communication Workers Union	General Secretary	63,377	218
Community	General Secretary	109,003	30,274
Curry's Supply Chain Staff Association	General Secretary	28,073	2,690
Equity	General Secretary	80,894	28,131
FDA	General Secretary	101,464	29,729
Fire Brigades Union	General Secretary	72,178	54,506
	Asst. General Secretary	68,087	54,579
GMB	General Secretary	100,000	22,000
Guild of Professional Teachers of Dance to Movement and Dramatic Arts	General Secretary	14,366	Nil
Headmasters & Headmistresses' Conference ^(31/3/16)	General Secretary	107,244	19,970
	Membership Sec	111,972	17,494
Hospital Consultants & Specialists Association ^(30/9/15)	Chief Executive	82,506	8,692
Immigration Service Union	General Secretary	67,171	Nil
Independent Pilot's Association	General Secretary	37,384	Nil
Independent Democratic Union	National Secretary	57,425	5,263
Institute of Journalists	General Secretary	37,065	2,704
Leeds Building Society Staff Association	General Secretary	Nil	Nil
Musicians Union	General Secretary	119,095	34,150
National Association of Co-operative Officials	General Secretary	91,812	18,631
National Association of Group Secretaries to the NFU	Chairman	9,815	Nil
	General Secretary	9,491	Nil
National Association of Head Teachers	General Secretary	128,686	22,216
National Crime Officers Association	President	35,000	Nil
	National Secretary	35,000	Nil
NAPO-The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	70,202	1,500
NASUWT ¹	General Secretary	96,766	35,469
National House Building Council Staff Association	General Secretary	Nil	Nil
National Society for Education in Art & Design ^(30/9/15)	General Secretary	45,000	Nil
National Union of Journalists	General Secretary	66,221	7,392
National Union of Rail, Maritime & Transport Workers	General Secretary	96,766	35,469
	Sen Asst. General Secretary	54,499	22,730
	Asst. Gen. Secretary ^(from April 15)	55,316	13,625
Nationwide Group Staff Union	General Secretary	122,316	20,310
Nautilus International	General Secretary	46,362	16,054
	National President	46,362	17,833

¹ NASUWT has advised that it had omitted taxable benefits provided to the General Secretary in respect of a car and season ticket in the 2014-15 return. The General Secretary (from 27 March 2014) received a gross salary of £74,063 and benefits of £26,823 during the previous reporting period.

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2015 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY £'s	BENEFITS (Excluding NI Contributions) £'s
PDA Union	General Secretary	5,000	Nil
Prison Governors Association	General Secretary	Nil	Nil
POA	General Secretary	78,065	28,643
	Dept General Secretary	71,437	26,650
Prospect	General Secretary	111,000	25,894
Public and Commercial Services Union	General Secretary	92,500	29,692
	Asst. General Secretary	79,236	13,708
Retained Firefighters Union	Chief Executive	31,530	2,145
	Asst. Chief Executive	30,932	2,683
Royal College of Midwives	General Secretary	120,321	24,305
Royal College of Nursing of the UK ^(31/3/16)	Chief Executive	108,664	5,075
Royal Society for the Protection of Birds Staff Association ^(31/3/16)	Chairperson	1,200	Nil
Sales Staff Association	General Secretary	Nil	Nil
Society of Authors	Chief Executive	94,375	5,660
Society of Chiropractors and Podiatrists	General Secretary	86,747	6,940
Society of Radiographers	Chief Executive Officer ^(50%)	55,140	7,199
Society of Union Employees (UNISON)	National Secretary	Nil	Nil
Solidarity	General Secretary	4,438	2,364
Social Workers Union	General Secretary	10,000	Nil
Transport Salaried Staffs' Association	General Secretary	81,077	16,621
UCATT	General Secretary	56,154	28,866
	General Secretary (Pro Tem)	21,046	5,377
UFS	General Secretary	81,611	10,562
UNISON	General Secretary	98,670	15,925
Unite the Union	General Secretary	76,327	10,216
Union of Shop, Distributive & Allied Workers	General Secretary	92,497	40,598
United Road Transport Union	General Secretary	61,244	53,052
Unity ^(final return to 16/4/15)	General Secretary	64,603	49,208
University and College Union	General Secretary	102,578	19,630
Voice	General Secretary	61,615	1,818
Writers Guild of Great Britain	General Secretary	60,337	5,430

APPENDIX 7 (SEE PARA 7.18) - GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – AT 31 DECEMBER 2015 (UNLESS OTHERWISE INDICATED)

	NI Members Contracted-in	% of total NI Members	NI Contributions £
Association of Revenue and Customs	59	76.6%	177
Communication Workers Union	2,392	50.6%	24,972
Community	122	74.4%	1,268
Fire Brigades Union	710	43.5%	5,818
GMB	25	0.2%	191
Musician’s Union	19	7.1%	76
National Association of Schoolmasters Union of Women Teachers (NASUWT)	997	8.4%	1,112
National Union of Rail, Maritime and Transport Workers	100	86.2%	312
POA	1,207	98.8%	2,173
Prospect	285	17.6%	171
PCS	463	29.8%	669
Transport Salaried Staffs’ Association	163	57.2%	897
Union of Shop, Distributive and Allied Workers	6,829	37.8%	34,000
UNISON	4,951	12.7%	20,408
Unite the Union	18,268	42.4%	125,000
University and College Union	677	19.7%	1,628
TOTALS	37,457	26.9%	219,768

APPENDIX 8 (SEE PARA 7.18) - GB TRADE UNIONS WHOSE NORTHERN IRELAND MEMBERS DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2015

Bakers, Food and Allied Workers Union

Broadcasting, Entertainment, Cinematograph and Theatre Union

Union of Construction Allied Trades and Technicians

Unity

APPENDIX 9 - STATUTORY FEES

Fees are set by the Department for the Economy. 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.*

