

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

Annual Report

**of the
Certification Officer for Northern Ireland**

2012-2013

(Covering Period 1 April 2012 to 31 March 2013)

10 - 16 Gordon Street
Belfast BT1 2LG
Tel: 028 90 237773
Fax: 028 90 232271
Email: info@nicertoffice.org.uk
Web: nicertoffice.org.uk

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**CERTIFICATION OFFICER FOR NORTHERN IRELAND
ANNUAL REPORT FOR THE YEAR ENDED 31 MARCH 2013**

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

Mr Derek Baker
Permanent Secretary
Department for Employment and Learning
Adelaide House
39-49 Adelaide Street
BELFAST
BT2 8FD

Article 69(7) of the Industrial Relations (NI) Order 1992 requires the Certification Officer, as soon as reasonably practicable after the end of each financial year, to make a report of her activities during that year to the Department for Employment and Learning. I have pleasure in submitting my report for the period 1 April 2012 to 31 March 2013.



Sarah Havlin LLB
Certification Officer for Northern Ireland

31 December 2013

Mr Jim McCusker
Chairman
Labour Relations Agency
2-16 Gordon Street
BELFAST
BT1 2LG

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INTRODUCTION

This is the twenty first 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 2012 to 31 March 2013.

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

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

Under the 1992 Order -

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

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

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

Under the 1995 Order -

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

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

Articles 45 to 72 - ensuring observance by Northern Ireland based trade unions of the statutory procedures governing the setting up, operation and review of political funds, approving the “contracting-in” rule and amendments for Northern Ireland members of trade unions based elsewhere (including Great Britain and the Republic of Ireland), and dealing with complaints about breaches of political fund rules or the conduct of political fund ballots, or the application of general funds for political objects;

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

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

Under Article 70ZA of the 1992 Order (inserted by the Employment Relations (Northern Ireland) Order 2004) the Certification Officer has power to strike out any application or complaint made to 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. He must give the party against whom a striking out order is to be made an opportunity to show why it should not be made.

Recorded membership of Northern Ireland trade unions decreased by 752 since the last reporting period. Northern Ireland membership of Republic of Ireland unions increased by 96 whilst that of Great Britain unions increased by 1,751.

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. One Great Britain union with Northern Ireland members ceased to exist, as the result of a transfer of engagements (see Chapter 6, paragraph 6.2 for an explanation of this term).

During the year seven breaches of rule complaints, made by two trade union members, were determined. Details of these cases are in chapter 9. Eight complaints were being processed by the Office at 31 March 2013.

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

FINANCE AND SUPPORT SERVICES

The Labour Relations Agency (LRA) is responsible under Article 69 of the 1992 Order for providing me with finance and support services. I am however an independent statutory office holder, independent of both the LRA and its sponsor, the Department for Employment and Learning, in the performance of my duties.

Accounts relating to the activities of the Office, prepared under Paragraph 15(2) of Schedule 4 to the 1992 Order, are published separately by the LRA. I would refer to the Annual Report of The Labour Relations Agency for the year ended 31 March 2013 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 2013 the Office had a complement of four staff. Mr John Bennett continued to hold his appointment as Assistant Certification Officer for Northern Ireland. Over the year 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. I and my staff must avoid giving advice which might seem in any way to prejudice that impartiality.

However, the Office will assist where it can and guidance booklets covering different aspects of the Certification Officer's responsibilities are available on the website (www.nicertoffice.org.uk) and free of charge on request from the Office. These are listed in Appendix 11 to this report. Some of them were revised and updated in the course of the year. Requests for the booklets and for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 10-16 Gordon Street, Belfast BT1 2LG, telephone 028 9023 7773, fax 028 9023 2271, e-mail: info@nicertoffice.org.uk. For those with hearing difficulties a text phone is available – 028 9023 8411.

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

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 2012-2013.
- 1.10 During the period of this report, the Great Britain Certification Officer removed one trade union with Northern Ireland members from his list. This was:

The Prison Service Union, which ceased to exist on 26 March 2013, following its merger with Community.

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 2012-2013 no trade union with Northern Ireland members was removed from this schedule.

One employers' association with Northern Ireland members was removed from the Great Britain Certification Officer's list - the British Precast Concrete Federation Ltd, which ceased to be an Employers' Association on 12 June 2012.

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

British Association of Occupational Therapists Ltd

British Dental Association

British Dietetic Association

British Medical Association
 Chartered Society of Physiotherapy
 Headmasters and Headmistresses' Conference
 Royal College of Midwives
 Royal College of Nursing of the United Kingdom
 Society of Authors
 Society of Chiropodists and Podiatrists
 Society of Radiographers

There are no Northern Ireland-headquartered special register bodies.

Changes of name

1.17 Article 88 of the 1995 Order stipulates that a change of name of a listed trade union or employers' association must be approved by the Certification Officer before it can take effect (see Appendix 9 for the statutory fee). The Certification Officer did not receive any applications for a name change during the period of this report.

1.18 The Great Britain Certification Officer approved the change of name of three trade unions with Northern Ireland members:

	Effective Date
<i>From:</i> The Society of Authors Limited	13 November 2012
<i>To:</i> The Society of Authors	
 <i>From:</i> British Orthoptic Society	 16 November 2012
<i>To:</i> British Orthoptic Society Trade Union	
 <i>From:</i> Irish Bank Officials' Association	 8 February 2013
<i>To:</i> IBOA The Finance Union	

He also approved the change of name of two employers' associations with Northern Ireland members:

<i>From:</i> British Jewellery, Giftware & Finishing Federation	12 June 2012
 <i>To:</i> British Allied Trade Federation	

To: Builders Merchants Federation Ltd

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. The cancelled certificate was that of Aspect, which ceased to exist as the result of a merger. It transferred its engagements to Community on 26 March 2013.

CHAPTER 3

ANNUAL RETURNS AND ACCESS TO ACCOUNTING RECORDS

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

The statutory provisions

- 3.1 Article 10 of the 1992 Order provides that every trade union and employers' association whose head or main office is situated in Northern Ireland (except those which consist wholly or mainly of representatives of constituent or affiliated organisations – see paragraphs 1.19 and 1.20 above) must keep proper accounting records in respect of its transactions, assets and liabilities, and must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Organisations headquartered in Northern Ireland, and those headquartered in Great Britain which have Northern Ireland members, must submit an annual return to the Certification Officer in the form prescribed, unless they have been in existence for less than 12 months. (Organisations consisting wholly or mainly of representatives of constituent or affiliated organisations are exempt from this duty). Any trade union or employers' association carrying on business in Northern Ireland but having its head or main office outside the United Kingdom is required to send to the Certification Officer a statement setting forth, in relation to business carried on in Northern Ireland, such particulars of its receipts and payments, and such other information, as the Certification Officer may require (Articles 11 & 12 of the 1992 Order). At 31 March 2013 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 1.13 - 1.15 above) or an employers' association incorporated under the Companies Orders to submit with its return a copy of its accounts prepared under the Companies Orders, instead of the accounts prescribed in the return form. There must, however, be no significant diminution in the degree of disclosure, the period covered must be the same and a summary sheet must be completed. Notwithstanding anything in the Companies Orders, an auditor's report complying with the requirements of the 1992 Order is still required.
- 3.8 With the exceptions already noted, the duties imposed by Articles 10 and 11 and by Schedule 1 apply to all trade unions and employers' associations, whether listed under Article 5 of the 1992 Order or not. Refusal or wilful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, but does not generally undertake prosecutions for other offences, such as theft or fraud. Any evidence of such offences in the affairs of a trade union or employers' association that came to the notice of the Certification Officer would normally be referred to the appropriate prosecuting authorities.

Late submission of annual returns

- 3.9 The 1992 Order requires an organisation to submit an annual return to the Certification Officer before 1 June following the calendar year to which the return relates. (For most organisations the calendar year is also the financial year). In this reporting period the Office anticipated the receipt of a total of 135 annual returns from trade unions and employers' associations. All of these returns were received by June 2013. The Office continues to seek full compliance with the statutory requirements, and will take appropriate steps to improve the performance of organisations which consistently submit late returns. In this reporting period 100% of returns were submitted on time.

Prosecutions

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

Authorised Northern Ireland resident

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

3.12 Every trade union and employers' association headquartered outside Northern Ireland which has submitted a return to the Office has complied with this statutory requirement.

Public inspection of annual returns

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

3.14 The Office continued its review to establish whether certain Great Britain-headquartered trade unions and employers' associations, which were not sending annual returns to it, had Northern Ireland members and were therefore required by statute to submit such returns. No further Great Britain-headquartered trade unions and employers' associations with Northern Ireland members were identified during this reporting period.

Statement to members of a trade union

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

- (i) the total income and expenditure of the union;
- (ii) how much of the income consisted of payments in respect of membership;
- (iii) the total income and expenditure of any political fund of the union; and

- (iv) the salary and other benefits paid to the president, the general secretary and each member of the executive.

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

- 3.16 The statement must also tell members how they can complain should they be concerned that some irregularity is occurring or has occurred in the financial affairs of the trade union. Article 11A(6) of the 1992 Order specifies exactly what the statement must say on this matter, and the prescribed wording is reproduced below:

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

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

Where a member believes that the financial affairs of the union have been or are being conducted in breach of the law or in breach of the rules of the union and contemplates bringing civil proceedings against the union or responsible officials or trustees, he should consider obtaining independent legal advice.”

- 3.17 It is not a requirement that the statement to members be distributed individually; unions may “use any other means...which it is the practice of the union to use when information of general interest to all its members needs to be provided to them” (Article 11A(2)).

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

Financial affairs of trade unions and employers' associations - use of statutory powers

3.19 Under the 1992 Order (Articles 12A to 12E) the Certification Officer has power to investigate the financial affairs of trade unions and employers' associations. 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 No new enquiries were opened during the period 1 April 2012 to 31 March 2013 by the Great Britain Certification Officer.

Access to accounting records

- 3.24 Article 37 of the 1992 Order gives members of a trade union a right of access to any accounting records which the union has available for inspection (under this Article unions have a duty to keep records available for six years). A member who claims that a trade union has failed to comply with his or her request for access to its accounting records may apply to the Certification Officer or the High Court. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court.
- 3.25 On application to her, the Certification Officer is required to make such enquires as she thinks fit and give the applicant and the trade union an opportunity to be heard. So far as is reasonably practicable, applications are to be determined within six months of being made. An applicant's expenses in attending a hearing may in certain circumstances be reimbursed by the Office.
- 3.26 Where the Certification Officer is satisfied that the claim is well-founded she is required to make such an order as she considers appropriate for ensuring that the applicant -
- (a) is allowed to inspect the records requested;
 - (b) is allowed to be accompanied by an accountant when making the inspection of those records; and
 - (c) is allowed to take, or is supplied with, such copies of, or of extracts from, the records as he may require.

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

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

3.29 The Great Britain Certification Officer determined one application in respect of Great Britain based unions with Northern Ireland members.

Mr M Dooley v UCATT (No 4) (D/26-27/12-13) The Certification Officer upheld Mr Dooley's complaint that the union had not made its accounting records available to him within 28 days of his request being made but dismissed his second complaint relating to the union's proposed charges for inspection under section 30(6) of the 1992 Act. The Certification Officer found that section 30(6) was not engaged on the facts of this case but that, in any event, he did not have jurisdiction to determine any issue arising in relation to a union's proposed charges under section 30(6).

3.30 Copies of all decisions of the Certification Officer for Great Britain are available on the Certification Officer's website: **www.certoffice.org**

CHAPTER 4

FINANCIAL AND MEMBERSHIP INFORMATION AND MEMBERSHIP REGISTER

This chapter is about the membership, income and expenditure of trade unions and employers' associations in the year ending 31 December 2012. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.

Information from 2012 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 2013. That information and the following comments in this chapter relate to organisations whose financial year ended on 31 December 2012, 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 2012 was recorded as 244,330. 73% of all Northern Ireland trade union members belong to Great Britain-based trade unions with 21% and 6% respectively being members of Northern Ireland and Republic of Ireland based trade unions.
- 4.10 Trade union income derives mainly from membership subscriptions and investments. There may also be additional income and assets arising if, for example, a union accepts the transfer of engagements of another union. In 2012 the total income of Northern Ireland-based trade unions was £7 million, total expenditure was £4.8 million, and net assets were £5.5 million.

- 4.11 Appendix 1 gives a summary of membership and finance statistics for Northern Ireland trade unions and Republic of Ireland trade unions with Northern Ireland members for the year 2012. This shows a total of 51,812 members of Northern Ireland unions providing an annual contribution of £5 million; while there were 13,661 Northern Ireland members of Republic of Ireland unions providing an annual contribution of €2.6 million. In 2012 the total income of the Republic of Ireland unions was €74.6 million, total expenditure was €68.6 million and net assets were €153 million.
- 4.12 Financial and membership details of 44 Great Britain unions with 100 or more Northern Ireland members are given in Appendix 2. In 2012, 177,804 Northern Ireland members of these unions contributed £19.9 million. The total income of these unions in the year was £269 million, total expenditure was £274 million and net assets were £152 million.
- 4.13 Membership details of a further 39 Great Britain based trade unions with under 100 Northern Ireland members are listed in Appendix 3. This records a total of 1,053 Northern Ireland members contributing £169,282. In 2012 the total income of these unions was £20.3 million, total expenditure was £20 million and net assets were £25.7 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 2012 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2012/2013 the total income of these organisations was £17 million, expenditure was £16.4 million and net assets were £11.7 million.
- 4.16 Details of 34 Great Britain employers' associations with Northern Ireland members are given in Appendix 5. In 2012 these organisations received contributions amounting to £1.6 million from their Northern Ireland members. Their total income was £106 million, expenditure was £92 million, and net assets were £127 million.

CHAPTER 5

SUPERANNUATION SCHEMES

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

The statutory provisions

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

Schemes maintained - Northern Ireland

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

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

Schemes maintained – Great Britain

5.4 Three Great Britain based trade unions which have Northern Ireland members maintained members' superannuation schemes at 31 March 2013:

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 one actuarial report during this reporting period: Unite the Union's AEEU Section's Superannuation Scheme. That report was received on 27 December 2012 and covered the period up to 31 December 2011. Two reports which were overdue from the previous year were received by the Great Britain Certification Officer. These were the BMS Section Members Superannuation Fund maintained by the GMB; and the National Union of Rail Maritime and Transport Workers (RMT)'s Orphan Fund. These reports were both received by May 2012. There are no outstanding reports and none due in the following reporting period.

CHAPTER 6

MERGERS

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

The statutory provisions

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

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.

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 One Great Britain union with Northern Ireland members was involved in a merger in 2012/13. The Prison Service Union transferred its engagements to Community. The effective date of transfer was the 26 March 2013.

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 2013.

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 2013. Of these, 15 had Northern Ireland members "contracting-in".

7.18 The 2012 returns show that 31,701 Northern Ireland members of these trade unions - representing some 43% of the total Northern Ireland membership - contributed £202,413 towards political funds. A list of the 15 unions, showing the number of Northern Ireland members and the amount of their financial contributions, is given at Appendix 7. The 5 Great Britain unions whose Northern Ireland members did not contribute to their political funds in 2012 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 2012-2013.

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, Prospect, had amendments approved during 2012-2013 by the Certification Officers.

Political fund review ballots held by Great Britain organisations

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

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

7.22 There were no such complaints in this reporting period.

CHAPTER 8

SECRET POSTAL BALLOTS FOR TRADE UNION ELECTIONS

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

The statutory provisions

- 8.1 A trade union must ensure that no one takes up a position as a member of its principal executive committee or as its president or general secretary, without having been elected to that position. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are exceptions in respect of amalgamations, special register bodies, newly formed unions and officers nearing retirement. Elections must be by secret postal ballot of the members of the union, conducted in accordance with the provisions in the 1995 Order (Articles 12 to 28).
- 8.2 Individual trade union members have a statutory right to apply to the Certification Officer for a declaration that their trade union has failed to comply with one or more of the relevant provisions of the Order. After giving the applicant and the union an opportunity to be heard, the Certification Officer may make or refuse the declaration asked for. Where 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 The Great Britain Certification Officer made the following decisions relating to elections in Great Britain trade unions with Northern Ireland members –

Mr N Kelly v UCATT (No 2) (D/22/12-13) The claimant alleged that the union had breached section 50(1) of the 1992 Act by not according equally to all members of the union the right to vote in the 2011 election for General Secretary. The Certification Officer dismissed the complaint.

Mr M Dooley v UCATT (No 2) (D/7-8/12-13) See summary in Chapter 9 below

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

CHAPTER 9

APPLICATIONS CONCERNING BREACHES OF TRADE UNION RULES

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

The statutory provisions

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

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

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

9.3 The Certification Officer may refuse to accept an application if 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 determined seven complaints on two applications by trade union members.

Mr J Smith v UNITE (D/4/2012) The applicant made one complaint alleging a breach of union rule relating to disciplinary proceedings by the union. The Certification Officer dismissed the complaint upon withdrawal by the applicant.

Mrs C McCarthy v NIPSA (D/01/2013) The applicant made six complaints in connection with alleged breaches of the Union's rules relating to the constitution or proceedings of a committee and alleged breaches of the rules relating to the potential for disciplinary proceedings. The Certification Officer found one breach of rule relating to the constitution

or proceedings of a committee to which she made an enforcement order. The remaining five complaints were not upheld.

- 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. The full text of these decisions is available free from the Certification Office, 22nd Floor, Euston Tower, 286 Euston Road, London NW13JJ and is published on that Office's website www.certoffice.org.

Mr I Street & Mrs F Street v UNISON: The Public Service Union (D/28-29/12-13) The claimants made two complaints which alleged (a) that the union had breached its rules by not holding an annual general meeting of its Derbyshire County branch and (b) had breached its rules by denying the retired members of that branch the opportunity to stand as, and/or vote for delegates to the National UNISON retired members conference held in October 2011. In upholding the first complaint, the Certification Officer did not accept that the union could suspend the normal operations of the rules in its Derbyshire County branch by placing it in 'regional administration'. The Certification Officer dismissed the second complaint.

Mr S Trumm v National Union of Rail Maritime and Transport Workers (D/24/12-13) The claimant alleged that the union had breached its rules by allegedly expelling him without following the process set out in its rules. The Certification Officer dismissed the complaint.

Captain T Loraine v Independent Pilots Association (D/23/12-13) The claimant alleged that the union had breached its rules by creating a new position of Chief Operating Officer without altering its rules to do so. The Certification Officer dismissed the complaint.

Mr R Bentham v UCATT (D/20-21/12-13) The Certification Officer upheld a complaint that the union had breached its rules by not accepting the claimant's disciplinary charge against another member and made an enforcement order that the charge be initiated by the union by no later than a specific date.

Mr M Dooley v UCATT (No 2) (D/7-8/12-13) The claimant made two complaints alleging that the union had breached its rules and breached section 47(1) of the 1992 Act by wrongly excluding himself and another individual from standing as candidates in the 2011 election for General Secretary. The Certification Officer upheld the complaints but did not consider it appropriate to issue an enforcement order on the specific facts of this case.

Mr M Dooley v UCATT (No 3) (D/9-18/12-13) The claimant made ten complaints alleging that the union had breached various of its rules in respect of the process of his expulsion from the union. The Certification Officer dismissed all the complaints. Mr Dooley appealed to the Employment Appeal Tribunal but his appeal was dismissed in April 2013, outside this reporting period.

Mr P Moloney v Nautilus International (D/1-3/12-13) The claimant made three complaints alleging that the union had breached its rules in relation to its disciplinary proceedings. The Certification Officer upheld one of the complaints and dismissed the other two. The Certification Officer did not consider it appropriate to make an enforcement order in relation to the complaint that was upheld.

**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 2012 UNLESS OTHERWISE INDICATED)**

(a) List of Northern Ireland Unions	NI Members	Total Members (inc.ROI)	NI Subscription Contributions £'s	Total Income £'s	Total Expenditure £'s	Funds at the End of the Year £'s	Total Assets at the End of the Year £'s	Total Liabilities at the End of the Year £'s
Belfast Airport Police Association * (Mar 13)	15	15	1,800	3,920	6,789	23,076	23,466	390
Lough Neagh Fishermen's Association *	61	61	216	216	2,317	3,888	3,888	-
Northern Ireland Public Service Alliance *	45,728	45,728	4,363,314	6,327,544	4,110,808	4,439,152	4,595,967	156,815
Ulster Teachers Union *	6,008	6,077	641,727	678,791	666,772	1,007,740	1,020,938	13,198
TOTALS	51,812	51,881	5,007,057	7,010,471	4,786,686	5,473,856	5,644,259	170,013
(b) Republic of Ireland Unions	NI Members	Total Members	NI Subscription Contributions €'s	Total Income €000's	Total Expenditure €000's	Funds at the End of the Year €000's	Total Assets at the End of the Year €000's	Total Liabilities at the End of the Year €000's
IBOA-The Finance Union * ¹	4,604	19,079	1,284,981	7,722	7,223	41,211	46,106	4,895
Irish National Teachers' Organisation *	6,917	39,518	1,142,121	13,192	15,427	11,413	23,150	11,738
IMPACT*	61	60,092	12,077	18,786	20,468	52,599	59,686	7,086
Independent Workers Union*	170	1,049	4,776	125	126	-	23	23
Services, Industrial, Professional & Technical Union* ¹	1,909	214,466	181,730	34,837	25,324	47,474	55,202	7,728
TOTALS	13,661	334,184	2,625,685	74,661	68,568	152,696	184,167	31,471
(c) Schedule of unlisted Trade Unions Irish Congress of Trade Unions ²	NI Members	Total Members	NI Subscription Contributions €'s	Total Income €000's	Total Expenditure €000's	Funds at the End of the Year €000's	Total Assets at the End of the Year €000's	Total Liabilities at the End of the Year €000's
TOTALS	216,770	785,715	--	4,268,992	4,183,789	1,697,070	3,856,037	2,158,967

*Denotes a trade union holding a Certificate of Independence at 31 December 2012

¹ Figures converted from sterling to Euros using an exchange rate of €1.2307 per £ sterling.

² See Paragraph 1.19 [The total membership shown covers fifty unions recorded as affiliated to the ICTU in 2010, headquartered in NI, ROI and GB]

APPENDIX 2 (SEE PARA 4.12) - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2012 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscriptions Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
ACCORD	1,293	24,730	2	3	112,030	2,748	2,445	4,126	4,551	425
Advance	480	6,937	6	29	37,637	719	527	1,236	1,306	70
Association of Educational Psychologists	132	3,152	7	26	24,783	784	918	1,349	1,448	99
Association of School & College Leaders	196	16,904	2	72	54,381	5,636	5,112	3,542	4,518	976
Association of Teachers & Lecturers	4,234	203,074	567	969	298,278	16,273	17,099	7,651	11,372	3,721
Bakers, Food & Allied Workers Union	637	20,441	360	-	57,614	3,056	3,705	(2,372)	2,008	4,380
British Airline Pilots Association	171	8,298	72	382	106,867	6,063	5,286	7,997	8,931	934
British Association of Occupational Therapists (Sept 12)	988	27,714	176	276	63,677	6,254	6,254	-	265	265
British Dental Association (Sept 12)	921	21,879	-	281	300,608	15,960	15,757	1,387	7,216	5,829
British Dietetic Association (Feb 13)	174	6,936	-	-	7,351	300,388	300,388	361,913	365,567	3,654
British Medical Association	5,472	143,675	166	2,914	1,439,056	124	113	103	147	44
Broadcasting, Entertainment, Cinematograph & Theatre Union	458	23,283	37	1	51,862	4,679	4,446	(2,648)	5,246	7,895
Chartered Society of Physiotherapy	1,721	48,620	276	1,018	431,009	15,637	13,977	6,714	14,287	7,573
Communication Workers Union	4,731	196,725	-	419	639,929	30,478	35,053	17,664	36,820	19,156
Equity (Incorporating the Variety Artists' Association)	365	36,342	88	634	37,227	6,118	7,009	6,966	16,090	9,124
FDA	297	17,297	-	416	59,410	4,110	3,194	2,259	4,402	2,143
Fire Brigades Union	1,699	39,571	-	-	323,908	12,478	10,455	6,082	8,229	2,147

¹ Union had not provided figures for year ending 31 December 2012 by June 2013

APPENDIX 2 - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2012 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscriptions Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
GMB	12,174	601,033	177	-	1,268,613	64,679	67,166	35,645	65,124	29,479
Hospital Consultants & Specialists Association (Sept 12)	135	3,231	-	-	26,040	665	781	660	692	33
Musician's Union	246	29,991	25	184	41,734	9,593	9,200	15,453	16,907	1,454
National Association of Head Teachers	903	37,444	-	1,408	219,933	8,332	8,126	4,982	5,660	678
National Association of Schoolmasters Union of Women Teachers (NASUWT)	12,672	321,766	-	2,298	1,658,720	33,253	28,771	31,390	40,623	9,233
National Federation of Sub-Postmasters	347	6,794	-	27	49,006	1,767	1,751	3,624	3,944	320
National Union of Journalists	866	25,709	3,594	850	154,330	5,073	9,031	(2,498)	2,952	5,450
National Union of Rail, Maritime & Transport Workers	105	77,368	76	-	22,664	19,822	15,110	30,467	38,169	7,702
Nationwide Group Staff Union	163	11,465	-	-	13,510	1,130	1,088	865	1,009	144
Nautilus International	347	14,482	284	6,581	71,315	6,759	5,999	7,348	8,261	913
PDA Union, The	301	19,744	-	-	903	302,660	289,909	75,584	308,183	232,599
POA	1,498	31,265	-	-	233,323	5,543	5,701	4,668	5,415	747
Prospect	1,706	112,743	23	4,145	248,710	18,276	23,784	24,001	35,507	11,506
Public and Commercial Services Union	2,319	260,286	13	201	45,980	29,693	33,542	(3,161)	14,578	17,739
Royal College of Midwives	1,540	39,418	37	381	308,607	7,718	7,717	497,994	508,647	10,653
Royal College of Nursing of the UK (Mar 13)	13,681	399,151	426	2,585	2,317,000	46,869	45,560	8,101	19,537	11,436
Society of Chiroprodists and Podiatrists`	429	8,463	140	211	144,149	3,950	3,997	4,001	4,285	284
Society of Radiographers	759	21,502	25	255	184,437	5,433	5,075	3,094	3,396	302
Social Workers Union (Sept)	179	5,714	-	-	18,865	621,059	621,059	-	-	-
Skipton Union Representing Group Employees (SURGE)	117	1,137	-	-	4,612	49,469	45,810	40,460	46,991	6,531

¹ Union had not provided figures for year ending 31 December 2012 by June 2013

APPENDIX 2 - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS – AT 31 DECEMBER 2012 (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	372	21,541	849	-	67,872	6,813	7,338	20,027	21,856	1,828
Union of Construction Allied Trades & Technicians	931	76,793	6,653	-	52,539	6,380	6,956	9,101	13,423	4,322
UNISON	35,675	1,265,825	-	-	3,421,888	181,688	190,915	102,731	245,273	142,542
Unite the Union	46,590	1,319,413	34,112	24,188	4,686,530	164,391	183,516	41,944	216,295	174,351
Union of Shop, Distributive & Allied Workers (USDAW)	16,042	409,610	-	-	1,217	45,069	48,258	7,616	57,650	50,034
University and College Union (Aug 12)	3,738	113,233	18	50	623,395	19,079	19,862	995	22,580	21,585
TOTALS	177,804	6,080,699	48,211	50,804	19,931,519	269,039	274,008	151,513	413,518	168,346

APPENDIX 3 (SEE PARA 4.13) - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS – AT 31 DECEMBER 2012 (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	66	38,070	-	513	6,728	3,266	3,329	1,352	1,703	351
Association for Clinical Biochemistry	42	1,480	55	146	6,957	1,238	1,248	2,132	2,643	511
Association of Local Authority Chief Executives	21	334	-	-	6,300	117	98	183	201	18
Association of Principal Fire Officers (Final Return)	-	176	-	-	-	83	69	71	82	11
Association of Revenue and Customs	56	2,398	-	2	13,506	212	248	377	381	4
Boots Pharmacists' Association (BPA)	64	1,308	-	-	4,608	74	83	9	25	16
Britannia Staff Union	5	2,797	-	-	203	181	139	629	678	49
British Association of Dental Nurses	46	4,615	2	44	3,771	209	230	275	288	13
British Association of Journalists	6	1,064	-	31	670	147	132	51	83	31
British Orthoptic Society	21	904	-	-	704	31	31	2	2	-
Community	55	31,468	-	-	8,638	8,055	6,175	51	63	12
Guild of Professional Teachers of Dance, Movement to Music & Dramatic Arts Headmasters and Headmistresses' Conference (Mar 13)	46	858	9	-	2,576	53	48	84	88	4
Immigration Service Union	7	3,430	-	144	1,794	378	366	866	871	5
Independent Democratic Union	25	5,786	-	-	2,280	518	455	681	929	248
Independent Pilot's Association (Jun 12)	7	750	-	-	632	78	76	66	71	5
Institute of Journalists	11	1,009	25	183	1,396	75	65	19	20	1
Leeds Building Society Staff Association	3	411	-	1	42	9	6	49	50	1
National Association of Co-operative Officials	9	1,839	-	18	1,590	612	522	1,252	1,323	71
National Association of Group Secretaries to NFU (Oct 12)	66	519	-	-	11,890	221	202	183	193	10
National House Building Council Staff Assoc.	20	556	-	-	480	16	12	91	92	1

¹Union had not provided figures for the year end 31 December 2012 by 1 June 2013

APPENDIX 3 - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS – AT 31 DECEMBER 2012 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
NAPO – The Trade Union & Professional Association for Family Court & Probation Staff	99	8,261	-	-	29,620	2,409	2,466	1,864	2,008	144
National Society for Education in Art & Design (Sept 12)	16	1,931	5	41	1,125	319	353	4	330	326
Prison Governors Association	20	1,131	-	4	3,280	191	252	130	153	23
Prison Service Union (Final return)	20	4,432	-	-	2,808	623	910	(231)	72	303
Retail Book, Stationery and Allied Trades Employees Association, The	4	2,455	1	5	285	250	259	627	645	18
Retained Firefighter's Union	31	2,712	-	-	2,834	268	291	110	127	17
Retired Officers Association	6	212	-	39	450	34	61	34	41	7
Royal Society for the Protection of Birds Staff Association (Mar 13)	34	1,125	-	-	420	22	21	86	86	-
Staff Association	10	247	-	-	600	15	5	129	129	Nil
Society of Authors Ltd	45	8,292	78	671	3,762	1,087	1,028	806	1,353	547
Society of Union Employees	6	339	-	-	472	26	17	96	101	5
Solidarity	4	333	-	-	384	25	28	(951)	594	1,545
UFS	22	2,153	-	7	2,708	604	633	195	379	184
Union of Country Sports Workers (Mar 13)	5	3257	2	3	60	24	28	14	17	3
United Road Transport Union	20	12,200	-	-	3,173	1,698	1,717	1,556	2,227	671
Unity	66	4,118	-	-	11,606	743	797	6,989	7,170	(181)
Voice	48	26,567	-	9	6,781	2,062	1,872	796	1,079	283
Writers' Guild of Great Britain	12	1,917	5	71	1,290	419	404	186	492	306
TOTALS	1,053	181,700	185	1,994	169,282	20,330	19,956	25,685	31,307	5,622

¹Union had not provided figures for the year end 31 December 2012 by 1 June 2013

APPENDIX 4 (SEE PARA 4.15) - LIST OF NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS – 31 DECEMBER 2012 (UNLESS OTHERWISE INDICATED)

NI EMPLOYERS' ASSOCIATIONS		NI Members	NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
		£	£	£	£	£	£	£	£
1	Anglo-North Irish Fish Producers Organisation (July 12)	90	104,114	90	10,802,535	10,622,322	1,788,285	3,101,144	1,312,859
2	Construction Employers Federation Ltd	1,306	522,465	1,306	849,910	826,822	643,996	914,528	270,532
3	Engineering Employers' Federation NI Association	121	764,346	121	851,747	889,345	1,088,542	1,216,986	128,444
4	Northern Ireland Bakery Council (Mar 13)	3	Nil	3	Nil	2,735	13,937	14,726	789
5	Northern Ireland Fish Producers Organisation Ltd	140	1,990	146	1,650,720	1,409,225	5,044,251	5,246,694	202,443
6	Northern Ireland Grain Trade Association	31	33,900	31	56,072	58,741	12,053	23,502	11,449
7	NI Local Government Association (Mar 13)	26	404,797	26	993,461	1,019,611	51,468	599,593	548,125
8	Ulster Chemists Association	512	86,839	512	155,320	177,025	402,196	468,201	66,005
9	Ulster Farmers' Union	11,646	1,039,847	11,646	1,664,976	1,441,016	2,668,875	2,856,653	187,778
TOTALS		13,875	2,958,298	13,881	17,024,741	16,446,842	11,713,603	14,442,027	2,728,424

APPENDIX 5 (SEE PARA 4.16) - GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS - 31 DECEMBER 2012 (UNLESS OTHERWISE INDICATED)

GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS		NI Members	NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
		£	£		£	£	£	£	£
1	Association of Circus Proprietors	1	1,200	21	32,775	28,324	23,356	40,103	16,747
2	Association of Newspapers and Magazine Wholesalers (Mar 12)	2	5,379	7	173,766	171,799	40,143	81,120	40,977
3	BFM Ltd	1	472	125	738,925	742,260	1,255,960	1,461,659	205,699
4	British Allied Trade Federation	10	3,850	2,499	2,081,815	1,304,380	10,164,060	10,719,758	555,698
5	British Amusement Catering Trades Association (June 12)	4	7,744	453	1,326,730	1,294,080	12,415,501	29,452,944	17,037,443
6	British Precast Concrete Federation Ltd (Final Return)	4	86,502	160	784,063	818,533	197,470	494,840	297,370
7	British Printing Industries Federation (Mar 13)	29	37,390	1,357	2,290,691	2,290,691	Nil	484,968	484,968
8	Building & Engineering Services Association	49	90,253	1,311	12,495,295	15,230,751	1,842,105	14,597,523	12,755,418
9	Builders Merchants Federation (Mar 13)	3	3,850	328	4,515,592	1,684,923	3,440,452	4,667,318	1,226,866
10	Cinema Exhibitors' Association Ltd	3	6,438	179	488,752	509,423	272,930	694,661	421,731
11	Construction Plant Hire Association (June 12)	7	2,730	1,463	1,012,169	849,606	2,074,944	2,346,472	271,528
12	Dairy UK Ltd	7	130,590	379	2,108,527	409,959	4,747,857	6,306,551	1,558,694
13	Electrical Contractors' Association	21	51,000	2,829	34,699,622	25,090,971	31,197,211	62,817,659	31,620,448
14	Engineering Construction Industry Association	2	5,827	282	2,560,607	2,413,898	5,083,596	6,690,703	1,607,107
15	Federation of Master Builders	262	(7,920)	9,540	4,232	4,466	3,545	8,692	5,147
16	Federation of Window Cleaners	16	1,724	935	118,756	127,405	268,660	379,775	111,115
17	Fencing Contractors Association Ltd	1	1,185	210	153,069	149,393	45,694	75,556	29,862
18	Freight Transport Association	271	499,877	14,105	23,485	24,360	(415)	12,484	12,899
19	Glass and Glazing Federation	5	5,060	430	2,091,601	2,067,190	5,269,030	6,044,635	775,605
20	National Association of Farriers, Blacksmiths & Agricultural Engineers	2	300	1,030	92,275	87,227	85,586	110,638	25,052
21	National Federation of Retail Newsagents	623	184,155	15,888	4,867,580	4,978,551	5,356,726	6,188,579	831,853
22	National Federation of Roofing Contractors Ltd (Jan 13)	21	11,007	922	1,435,542	1,397,919	670,133	974,465	304,332
23	National Hairdressers Federation	12	2,664	5,428	1,631,300	1,583,120	2,565,029	2,789,953	224,924

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
		£	£		£	£	£	£	£
24	National Pharmacy Association Ltd	199	162,406	3,827	6,214,098	6,478,868	4,780,267	7,385,251	2,604,984
25	Producers Alliance for Cinema & Television Ltd (Sept12)	18	24,325	479	2,081,276	1,817,410	1,691,294	2,747,859	1,056,565
26	Radio Electrical & Television Retailers' Association (Oct 12)	50	12,400	1,161	712,584	657,442	1,625,462	1,816,098	190,636
27	Retail Motor Industry Federation Ltd 1	169	52,759	7,993	4,985,000	4,623,000	18,713,000	20,232,000	1,519,000
28	Road Haulage Association Ltd	174	89,970	6,834	7,175,280	6,726,442	2,241,816	3,269,394	1,027,578
29	Scottish Association of Master Bakers	1	170	286	1,961,757	1,744,847	1,811,457	2,138,607	327,150
30	Scottish and NI Plumbing Employers Federation	74	37,352	738	1,308,259	925,718	1,816,603	2,051,685	235,082
31	The Newspaper Society	2	36,217	32	2,526,574	2,477,162	943,576	2,955,255	2,051,679
32	Theatrical Management Association	3	5,703	324	857,194	783,898	262,435	539,214	276,779
33	Thermal Insulation Contractors Association	4	3,637	218	1,485,895	1,457,386	1,424,504	1,756,916	332,412
34	Vehicle Builders and Repair Association Ltd	9	8,000	621	612,736	662,866	938,635	1,023,805	85,170
TOTALS		2,059	1,564,196	82,394	105,647,822	91,614,268	126,809,504	212,080,202	85,270,698

APPENDIX 6 (PARA4.3) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2012 (UNLESS OTHERWISE INDICATED)

NORTHERN IRELAND	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
Belfast Airport Police Association	Chairman	Nil	Nil
Lough Neagh Fishermen's Association	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary	60,610	23,819
Ulster Teachers' Union	General Secretary	63,330	43,157

REPUBLIC OF IRELAND	OFFICE HELD	SALARY	BENEFITS
		€'s	(Excluding PRSI) €'s
IBOA-The Finance Union	General Secretary	132,455	67,511
Irish Congress of Trade Unions	General Secretary	Nil	Nil
IMPACT	General Secretary	152,062	51,860
Irish National Teachers' Organisation	General Secretary	153,815	67,094
Services, Industrial, Professional & Technical Union (SIPTU)	General Secretary	118,650	4,764
	General President	118,650	7,736
Independent Workers Union	National Secretary	27,355	9,600

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
Advance	General Secretary	13,451	26,172
Accord	General Secretary	116,597	8,922
Affinity	General Secretary	92,600	29,250
Association for Clinical Biochemistry	General Secretary	Nil	Nil
Association of Educational Psychologists	General Secretary	62,193	7,463
Association of Local Authority Chief Executives	Honorary Secretary	Nil	Nil
Association of Principal Fire Officers	General Secretary	Nil	Nil
Association of Revenue and Customs	President	Nil	Nil
Association of Schools and College Leaders	General Secretary	116,972	21,105
Association of Teachers & Lecturers	General Secretary	116,340	22,344
Bakers, Food & Allied Workers Union	General Secretary	44,601	14,299
	National President	44,601	12,293
Boots Pharmacists' Association (BPA)	Chief Executive	13,008	Nil
Britannia Staff Union	General Secretary	12,243	Nil
British Airline Pilots Association	General Secretary	116,354	24,675
British Association of Dental Nurses	Chief Executive	45,000	2,844
British Association of Journalists	General Secretary	19,500	Nil
British Association of Occupational Therapists	Chairman	Nil	Nil

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2012 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY £'s	BENEFITS (Excluding NI Contributions) £'s
British Dental Association	General Secretary	38,250	Nil
British Dietetic Association (28/2/13)	Head of Employment Relations	47,789	6,540
British Medical Association	Chairman of Council (to July 2012)	86,348	9,984
	Chairman of Council (from July 2012)	30,410	Nil
British Orthoptic Society	General Secretary	Nil	Nil
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	65,007	5,179
Chartered Society of Physiotherapy	Chief Executive	99,571	20,910
Communication Workers Union	General Secretary	91,972	Nil
Community	General Secretary	100,504	13,568
	Deputy Gen Secretary	88,224	22,396
Equity	General Secretary	75,038	24,206
FDA	General Secretary (past) 1/01/12 – 31/10/12	79,865	67,724
	General Secretary (present) 1/07/12 - 31/12/12	42,086	14,941
Fire Brigades Union	General Secretary	70,030	46,221
	Asst. General Secretary	66,061	48,143
GMB	General Secretary	94,000	33,000
Guild of Professional Teachers of Dance to Movement and Dramatic Arts	General Secretary	13,390	Nil
Headmasters & Headmistresses' Conference (31/3/13)	General Secretary	114,170	Nil
	Membership Sec.	114,170	Nil
Hospital Consultants & Specialists Association (30/9/12)	Chief Executive (1)	38,250	6,510
	Chief Executive (2)	40,833	2,695
Immigration Service Union	General Secretary	6,517	Nil
Independent Pilot's Association (30/6/12)	General Secretary	21,538	Nil
Independent Democratic Union	National Secretary	50,638	8,650
Institute of Journalists	General Secretary	34,520	2,374
Leeds Building Society Staff Association	Secretary	Nil	Nil
Musicians Union	General Secretary	102,291	30,120
National Association of Co-operative Officials	General Secretary	90,922	18,888
National Association of Group Secretaries to the NFU	General Secretary	8,618	Nil
National Association of Head Teachers	General Secretary	117,645	24,048
NAPO-The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	71,324	11,784
NASUWT	General Secretary	100,387	28,641
National Federation of Sub-Postmasters	General Secretary	86,265	17,762
National House Building Council Staff Association	General Secretary	Nil	Nil

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2012 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY £'s	BENEFITS (Excluding NI Contributions) £'s
National Society for Education in Art & Design (30/9/12)	General Secretary (past) Oct-Dec 2011	11,227	1,583
	General Secretary (present)	33,750	Nil
National Union of Journalists	General Secretary	64,336	9,798
National Union of Rail, Maritime & Transport Workers	General Secretary	89,805	34,429
Nationwide Group Staff Union	General Secretary	113,304	20,372
Nautilus International	General Secretary	84,714	14,207
PDA Union, The	General Secretary	Nil (Honorarium) 5000	
Prison Governors Association POA	General Secretary	Nil	Nil
	General Secretary	77,401	26,612
	Dept General Secretary	71,285	55,886
Prison Service Union (t/e to Community)	General Secretary	104,723	23,484
	* <u>(Redundancy Payment)</u>	112,000	Nil
Prospect Public and Commercial Services Union	General Secretary	107,026	112,009
	General Secretary	91,696	29,435
Retail Book, Stationery and Allied Trades Employees' Association	President	36,840	9,809
Retained Firefighters Union	Nat. General Secretary	45,542	3,960
	Asst. Gen Secretary	29,311	2,548
Retired Officers Association (30/6/12)	Treasurer	600	Nil
Royal College of Midwives	General Secretary	114,831	23,196
Royal College of Nursing of the UK (31/3/13)	Chief Executive	99,000	Nil
Royal Society for the Protection of Birds Staff Association (31/3/13)	Chairperson	1,200	Nil
Sales Staff Association	General Secretary	Nil	Nil
Society of Authors	General Secretary	87,862	5,969
Society of Chiropodists and Podiatrists	General Secretary	81,873	6,550
Society of Radiographers	Chief Executive Officer	48,967	6,188
Society of Union Employees (UNISON)	General Secretary	Nil	Nil
Solidarity	General Secretary	3,680	1,412
Surge	General Secretary	Nil	Nil
Social Workers Union	General Secretary	Nil	Nil
Transport Salaried Staffs' Association	General Secretary	77,640	5,823

SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2012 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
		£'s	£'s
UCATT	General Secretary	74,603	16,824
UFS	General Secretary	100,227	36,767
Unite the Union	General Secretary	100,422	23,335
UNISON	General Secretary	93,194	17,080
Unity	General Secretary	47,551	26,608
	Divisional Officer (1)	34,059	25,703
	Divisional Officer (2)	34,067	4,213
Union of Country Sports Workers (31/3/13)	Chairman	Nil	Nil
Union of Shop, Distributive & Allied Workers	General Secretary	93,508	28,495
United Road Transport Union	General Secretary	61,227	24,617
University and College Union	General Secretary	100,738	18,162
Voice	General Secretary	48,026	1,041
Writers Guild of Great Britain	General Secretary	58,000	5,220

¹ Union had not provided the figures for year ending 31 December 2012 by 1 June 2013.

APPENDIX 7 (SEE PARA 7.18) - GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – AT 31 DECEMBER 2012 (UNLESS OTHERWISE INDICATED)

	NI Members Contracted-in	% of total NI Members	NI Contributions £
Association of Revenue and Customs	52	92.86%	156
Communication Workers Union	2,652	56.06%	27,687
Community	47	85.45%	489
Fire Brigades Union	639	37.61%	5,210
GMB	107	0.88%	866
Musician’s Union	10	4.07%	36
National Association of Schoolmasters Union of Women Teachers (NASUWT)	1,302	10.27%	1,469
National Union of Rail, Maritime and Transport Workers	82	78.1%	256
POA	1,494	99.73%	2,788
PCS	439	18.93%	530
Prospect	286	16.76%	303
Transport Salaried Staffs’ Association	178	47.85%	712
Union of Shop, Distributive and Allied Workers	6,061	37.78%	29,000
Unite the Union	17,551	37.67%	131,030
University and College Union	754	20.17%	1,863
TOTALS	31,654	43%	202,395

APPENDIX 8 (SEE PARA 7.18) - GB TRADE UNIONS WHOSE NORTHERN IRELAND MEMBERS DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2012

Bakers, Food and Allied Workers Union

Broadcasting, Entertainment, Cinematograph and Theatre Union

Union of Construction Allied Trades and Technicians

UNISON

Unity

APPENDIX 9 - STATUTORY FEES

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

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

APPENDIX 10 –CERTIFICATION OFFICE FORMS

TITLE OF FORM	Form No:
Application for entry in the list of trade unions	CO(NI)1
Application for entry in the list of employers' associations	CO(NI)2
Application for approval of a change of name	CO(NI)3
Declaration in support of an application of a change of name	CO(NI)4
Application for a certificate of independence	CO(NI)5
Application for formal approval of instrument of transfer of engagements	CO(NI)6
Application for formal approval of a notice to members in connection with a transfer of engagements	CO(NI)7
Application for formal approval of an instrument of amalgamation	CO(NI)8
Application for formal approval of a notice to members in connection with an amalgamation	CO(NI)9
Application for the registration of an instrument of transfer of engagements	CO(NI)10
Statutory declaration on behalf of the transferring organisation in support of the registration of an instrument of transfer of engagements	CO(NI)11
Statutory declaration on behalf of the receiving organisation in support of the registration of an instrument of transfer of engagements	CO(NI)12
Application for registration of an instrument of amalgamation	CO(NI)13
Statutory declaration in support of an application for the registration of an instrument of amalgamation	CO(NI)14
Application for the approval of amendment(s) to political fund rules	PF(NI)1
Application for approval of rules for political fund	PF(NI)2
Application for approval of rules for political fund ballot or political fund	PF(NI)4
Return of result of political fund ballot	PF(NI)5

APPENDIX 11 - CERTIFICATION OFFICE PUBLICATIONS

The following publications are available on the website - www.nicertoffice.org.uk - and may also be obtained free of charge on request from the Office:

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

