
STATUTORY INSTRUMENTS

1995 No. 1980

**The Trade Union and Labour Relations
(Northern Ireland) Order 1995**

PART V

APPLICATION OF FUNDS FOR POLITICAL OBJECTS

Supplementary

Manner of making union rules

66. If the Certification Officer is satisfied, and certifies, that rules of a trade union made for any of the purposes of this Part and requiring approval by him have been approved—

- (a) by a majority of the members of the union voting for the purpose, or
- (b) by a majority of delegates of the union at a meeting called for the purpose,

the rules shall have effect as rules of the union notwithstanding that the rules of the union as to the alteration of rules or the making of new rules have not been complied with.

Effect of amalgamation

67.—(1) Where on an amalgamation of two or more trade unions—

- (a) there is in force in relation to each of the amalgamating unions a political resolution and such rules as are required by this Part, and
- (b) the rules of the amalgamated union in force immediately after the amalgamation include such rules as are required by this Part,

the amalgamated union shall be treated for the purposes of this Part as having passed a political resolution.

(2) That resolution shall be treated as having been passed on the date of the earliest of the ballots on which the resolutions in force immediately before the amalgamation with respect to the amalgamating unions were passed.

(3) Where one of the amalgamating unions is a Great Britain union, the references above to the requirements of this Part shall be construed as references to the requirements of the corresponding provisions of the law of Great Britain.

Overseas members

68.—(1) Where a political resolution is in force in relation to the union, rules made by the union for the purpose of complying with Article 48 (political ballot rules) in relation to a proposed ballot may provide for overseas members of the union not to be accorded entitlement to vote in the ballot.

(2) Accordingly, where provision is made in accordance with paragraph (1), the Certification Officer shall not on that ground withhold his approval of the rules.

(3) An “overseas member” means a member of the trade union (other than a merchant seaman or offshore worker) who is outside Northern Ireland throughout the period during which votes may be cast.

For this purpose—

“merchant seaman” means a person whose employment, or the greater part of it, is carried out on board sea-going ships; and

“offshore worker” means a person in offshore employment within the meaning of section 287 of the Great Britain Act, other than one who is in such employment in an area where the law of Great Britain applies.

Appeals from Certification Officer

69. An appeal lies to the Court of Appeal on any question of law arising in proceedings before or arising from any decision of the Certification Officer under this Part.

Meaning of “date of the ballot”

70. In this Part the “date of the ballot” means, in the case of a ballot in which votes may be cast on more than one day, the last of those days.

Application to Great Britain unions and members

71.—(1) Subject to paragraphs (2) to (5), the provisions of this Part apply only to a trade union which has its head or main office in Northern Ireland.

(2) The rules of any Great Britain union made in pursuance of section 71(1)(b) of the Great Britain Act shall, in so far as they apply to members of the union in Northern Ireland,—

(a) comply with the requirements of Article 59; and

(b) in so far as they so comply, be subject to the approval of the Certification Officer.

(3) Every member of a Great Britain union who—

(a) has not delivered to the union the notice referred to in Article 59(1)(a); or

(b) has delivered such a notice but has withdrawn it in accordance with Article 59(2),

shall be deemed for the purposes of Chapter VI of Part I of the Great Britain Act to be a member who is exempt from the obligation to contribute to the political fund of the union; and references in that Act to a member who is so exempt shall be construed accordingly.

(4) Article 57(2) to (4) shall apply in relation to rules of a trade union approved—

(a) by the Certification Officer under paragraph (2)(b); or

(b) before 1st July 1992, by the officer appointed to perform in Northern Ireland the functions of registrar of friendly societies,

as they apply in relation to rules made in pursuance of Article 57; and Article 66 shall apply to any rules to be approved by the Certification Officer under paragraph (2)(b).

(5) Articles 60 to 62 apply to a member of a Great Britain union as if—

(a) for references in Article 60(1) to a political fund there were substituted references to a political fund within the meaning of Chapter VI of Part I of the Great Britain Act;

(b) in Article 60(1) for the words “not a contributor” there were substituted the words “exempt from the obligation to contribute”.

Application of Part V to certain bodies

72.—(1) This Part applies to a trade union which is in whole or part an association or combination of other unions as if the individual members of the component unions were members of that union and not of the component unions.

But nothing in this Part prevents a component union from collecting contributions on behalf of the association or combination from such of its members as are contributors to the political fund of the association or combination.

(2) This Part applies with the necessary modifications in relation to an unincorporated employers' association as it applies in relation to a trade union.