1965. No. 232 **[C]**

TRADE UNIONS

REGULATIONS, DATED 8TH NOVEMBER, 1965, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, WITH THE CONCURRENCE OF THE MINISTRY OF COMMERCE AND WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION 13(6) OF THE TRADE UNION ACT 1871 AND SECTION 7 OF THE TRADE UNION (AMALGAMATIONS, ETC.) ACT (NORTHERN IRELAND) 1965.

The Ministry of Health and Social Services in exercise of powers conferred by section 13(6) of the Trade Union Act 1871(**a**) and by section 7 of the Trade Union (Amalgamations, etc.) Act (Northern Ireland) 1965(**b**) and of all other powers enabling it in that behalf, with the concurrence of the Ministry of Commerce and as respects Regulation 11 with the approval of the Ministry of Finance, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Trade Union Regulations (Northern Ireland) 1965, and shall come into operation on 3rd January, 1966.

(2) Nothing in these Regulations other than Regulation 3 shall apply to amalgamations, transfers of engagements or changes of name which, by virtue of section 10(2) of the Act of 1965, are proceeded with and completed under the enactments repealed by that Act.

Interpretation

2.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the Act of 1965" means the Trade Union (Amalgamations, etc.) Act (Northern Ireland) 1965;

"duly authenticated" means bearing the signature of the Registrar and the date of the signature;

"the Trade Union Regulations 1876" means the Regulations dated 1st November, 1876, as to the registration of trade unions.

Revocation

3. The following shall cease to have effect except for the purpose of amalgamations, transfers of engagements or changes of name which, by virtue of section 10(2) of the Act of 1965, are proceeded with and completed under the enactments repealed by that Act, that is to say—

(*a*) Regulations (2), (16) and (22) of the Trade Union Regulations 1876 and so much of Regulation (24) of those Regulations as prescribes the fee for the registration of an amalgamation or a change of name; and

(*b*) the Trade Union Regulations (Northern Ireland) 1948(**c**).

Approval of proposed instruments and notices

4.—(1) An application pursuant to section 1(4) of the Act of 1965 for approval of a proposed instrument of amalgamation or transfer shall be submitted to the Registrar—

(**a**) 34 & 35 Vict. c. 31. (**b**) 1965. c. 2 (N.I.).
(**c**) S.R. & O. (N.I.) 1948, No. 23.

(*a*) in the case of a proposed instrument of amalgamation, by one of the amalgamating unions; and

(*b*) in the case of a proposed instrument of transfer, by the transferor trade union.

The application shall be accompanied by two copies of the proposed instrument (one or both of which shall be signed as required by paragraph 7 of Schedule 1 or, as the case may be, paragraph 4 of Schedule 2) and, where an unregistered trade union is to be a party to the instrument, by a copy of that union's rules.

(2) An application pursuant to section 1(4) of the Act of 1965 for approval of a proposed notice to be supplied to members of a trade union in accordance with section 1(2)(*d*) of that Act shall be submitted to the Registrar by that union and shall be accompanied by two copies of the proposed notice.

(3) The Registrar shall signify his approval of such an instrument or notice by returning to the applicant union one of the copies endorsed with the word "Approved" and duly authenticated.

Contents of instrument of amalgamation or transfer

5.—(1) An instrument of amalgamation shall contain the particulars and information specified in Schedule 1.

(2) An instrument of transfer shall contain the particulars and information specified in Schedule 2.

Applications for registration of instruments

6.—(1) An application pursuant to section 1(5) of the Act of 1965 for registration of an instrument of amalgamation shall be signed by three members of the committee of management or other governing body and by the secretary of each of the amalgamating unions and shall be submitted to the Registrar in the form TA set out in Schedule 3. The application shall be accompanied by two copies of the instrument and of the proposed rules of the amalgamated union and by a statutory declaration from each of the amalgamating unions in the form UA set out in Schedule 4. Each copy of the proposed rules shall be signed by the secretary of each of the amalgamating unions.

(2) An application pursuant to the said section 1(5) for registration of an instrument of transfer shall be signed by three members of the committee of management or other governing body and by the secretary of each of the unions concerned and shall be submitted to the Registrar by the transferee union in the form VA set out in Schedule 5. The application shall be accompanied by two copies of the instrument and by statutory declarations in the forms WA and XA set out respectively in Schedules 6 and 7 and, if the transferee union is unregistered, by two copies of that union's rules.

(3) In any case where he considers it desirable with a view to ensuring that adequate publicity is given to the date by which complaints must be made to him under section 4 of the Act of 1965 as to the validity of a resolution approving an instrument of amalgamation or transfer, the Registrar may, not later than seven days after the date on which he receives the application for registration of the instrument, require notice to be given or published in such manner, in such form, and on or before such date, as he may direct of the fact that the application for registration has been or is to be made to him.

Registration of instruments

7.—(1) Before registering an instrument of amalgamation the Registrar shall satisfy himself that the proposed rules of the amalgamated union are

in conformity with the said instrument and, if the amalgamated union is to be a registered union, that the said rules will provide for all the matters required by the Trade Union Acts (Northern Ireland) 1871 to 1965 to be provided for by the rules of a registered union. Upon registering the instrument the Registrar shall send to the address specified for the purpose on the form TA one copy of the instrument endorsed with the word "Registered" and duly authenticated and, if the amalgamated union is a registered union, a copy of the rules bearing a certificate of registry in the form B subjoined to the Trade Union Regulations 1876; so, however, that the copy of the rules shall not be sent before the date on which the instrument is to take effect.

(2) Before registering an instrument of transfer the Registrar shall satisfy himself that the rules of the transferee union are in conformity with the said instrument. Upon registering the instrument the Registrar shall send to the transferee union one copy of the instrument endorsed with the word "Registered" and duly authenticated.

Applications for registration of rules as altered in pursuance of section 3 *of the Act of* 1965

8.—(1) This Regulation applies to applications for the registration of an alteration of rules made for the purposes of a transfer of engagements by the committee of management or other governing body of the transferee union pursuant to the powers conferred by section 3 of the Act of 1965.

(2) As respects applications to which this Regulation applies, Regulation (7) of the Trade Union Regulations 1876 shall have effect as if—

(*a*) for the reference therein to the form C (being the form of application for registration of a partial alteration of rules) there were substituted a reference to the form CA set out in Schedule 8 to these Regulations; and

(*b*) for the reference therein to the form D (being the form of statutory declaration which must accompany the application) there were substituted a reference to the form DA set out in Schedule 9 to these Regulations.

Registration of change of name

9.—(1) An application by a registered trade union for the registration of a change of name pursuant to section 6(2) of the Act of 1965 shall be signed by three members of the committee of management or other governing body and by the secretary of the union and shall be submitted to the Registrar in duplicate in the form NA set out in Schedule 10.

(2) The application shall be accompanied, as may be appropriate, either—

(*a*) by an application and declaration pursuant to Regulation (7) of the Trade Union Regulations 1876; or

(*b*) by a statutory declaration in the form OA set out in Schedule 11.

(3) Upon registering the change of name the Registrar shall return to the union one copy of the application endorsed with the word "Registered" and duly authenticated.

Amalgamations or transfers involving Great Britain unions

10. Where a Great Britain union is a party to an amalgamation or transfer of engagements these Regulations shall have effect subject to the following modifications, that is to say—

(*a*) Regulations 4, 6(3) and 8 shall not apply to a Great Britain union;

(*b*) Regulation 5(2) shall not apply to an instrument of transfer where the transferor union is a Great Britain union;

(*c*) Regulation 6 shall not require any statutory declaration from, or any information as to the votes recorded by, a Great Britain union, and the Registrar may modify the forms TA and VA accordingly;

(*d*) the application to the Registrar under Regulation 6(2) for the registration of an instrument of transfer shall be submitted by the transferor union in a case where the transferee union is a Great Britain union; and

(*e*) so much of paragraph (1) of Regulation 7 as relates to the rules of a registered union shall not apply if the amalgamated union is to be a Great Britain union.

Fees

11. The following fees shall be payable in advance—

For registration of an instrument of amalgamation or transfer . .	£10
For registration of a change of name	£2
For inspection of documents kept by the Registrar or for a copy or extract of any such document, or for any document certified as a true copy of any such document .	The fees (if any) payable for the like matters under Regulation (24) of the Trade Union Regulations 1876.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 8th day of November, 1965.

(L.S.) *W. Slinger,*
Assistant Secretary.

The Ministry of Commerce hereby concurs in the foregoing Regulations.
Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 8th day of November, 1965.

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

The Ministry of Finance hereby approves Regulation 11 of the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 8th day of November, 1965.

(L.S.) *R. R. Butler,*
Assistant Secretary.

SCHEDULE 1

Regulation 5(1)

Contents of Instrument of Amalgamation

1. The instrument shall state that it is an instrument of amalgamation between the unions named therein as the amalgamating unions, and that upon the coming into operation of the instrument the members of the amalgamating unions will become members of the amalgamated union and be subject to that union's rules.

2. The instrument shall either set out the proposed rules of the amalgamated union or state who are the persons authorised to draw up those rules.

3. If the instrument does not set out the proposed rules, it shall contain a summary of what those rules will provide with respect to the following matters—

(1) the name and principal objects of the amalgamated union;

(2) the conditions of admission to membership;

(3) the organisation of the amalgamated union, including the methods of appointing and removing its governing body and other principal officers and of altering its rules; and

(4) the contributions and benefits applicable to members of the amalgamating unions.

4. The instrument shall specify any property held for the benefit of any of the amalgamating unions or for the benefit of a branch of any of those unions which is not to be vested in the appropriate trustees as defined in section 5(3) of the Act of 1965, and shall state the proposed disposition of any such property.

5. The instrument shall state whether the amalgamated union is to be a registered union.

6. Without prejudice to section 1(5) of the Act of 1965, the instrument shall state the date on which it is to take effect.

7. The instrument shall be signed by three members of the committee of management or other governing body and by the secretary of each of the amalgamating unions.

SCHEDULE 2

Regulation 5(2)

Contents of Instrument of Transfer

1. The instrument shall state that it is an instrument of transfer of the engagements of the union named therein as the transferor union to the union named therein as the transferee union, and that upon the coming into operation of the instrument the members of the transferor union will become members of the transferee union and be subject to that union's rules.

2. The instrument shall—

(1) state what contributions and benefits will be applicable to members of the transferor union under the transferee union's rules;

(2) if members of the transferor union are to be allocated to a branch or branches of the transferee union, give particulars of such allocation or the method by which it will be decided;

(3) state whether before registration of the instrument the transferee union's rules are to be altered in their application to members of the transferor union and, if so, the effect of any such alterations; and

(4) (without prejudice to section 1(5) of the Act of 1965) state the date on which the instrument is to take effect.

3. The instrument shall specify any property held for the benefit of the transferor union or for the benefit of a branch of the transferor union which is not to be