

2008 No. 95

TRADE UNIONS

Certification Officer (Fees) Regulations (Northern Ireland) 2008

Made - - - -

5th March 2008

Coming into operation -

6th April 2008

The Department for Employment and Learning^(a) makes the following Regulations in exercise of the powers conferred by Articles 5(4), 6(2) and 107(3) of the Industrial Relations (Northern Ireland) Order 1992^(b) and Article 89(1) of the Trade Union and Labour Relations (Northern Ireland) Order 1995^(c) and now vested in it^(d), and of every other power enabling it in that behalf, and as respects regulations 4 to 8 with the approval of the Department of Finance and Personnel:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Certification Officer (Fees) Regulations (Northern Ireland) 2008 and shall come into operation on 6th April 2008.

(2) In these Regulations —

- (a) “the 1992 Order” means the Industrial Relations (Northern Ireland) Order 1992;
- (b) “the 1995 Order” means the Trade Union and Labour Relations (Northern Ireland) Order 1995.

Fees payable to the Certification Officer

2. An application made under Article 5(3) of the 1992 Order for the entry of any organisation of workers or of employers whenever formed, whose name is not entered in the relevant list maintained by the Certification Officer shall be accompanied by a fee of £45.

3. An application made under Article 6(1) of the 1992 Order for a certificate of independence shall be accompanied by a fee of £885.

4. In respect of an application by a trade union or unincorporated employers’ association under Article 74 of the 1995 Order for approval by the Certification Officer of an instrument of amalgamation or transfer, a fee of £1120 is hereby prescribed.

5. In respect of an application by a trade union or unincorporated employers’ association under Article 88 of the 1995 Order for approval of a change of name, a fee of £45 is hereby prescribed.

(a) Formerly known as the Department of Higher and Further Education, Training and Employment, see the Department for Employment and Learning Act (N.I.) 2001 c.15
(b) S.I. 1992/807 (N.I. 5)
(c) S.I. 1995/1980 (N.I. 12); Part VI of the 1995 Order, and in particular Articles 74 and 88 should be read with Articles 82A, 82B and 90 of that Order. Articles 82A and 82B were inserted by Article 23(2) of the Employment Relations (Northern Ireland) Order 2004 (S.I. 2004/3078 (NI 19))
(d) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Industrial Relations (Northern Ireland) Order 1992 and the Trade Union and Labour Relations (Northern Ireland) Order 1995 to the Department of Higher and Further Education, training and Employment, now renamed the Department for Employment and Learning.

6. As respects the inspection of documents kept by the Certification Officer under Part VI of the 1995 Order, a fee of £40 is hereby prescribed.

7. In respect of the issue of a certificate of independence under Article 82A(4) of the 1995 Order to an amalgamated union where, at the time the instrument of amalgamation was registered, the condition in Article 82A(3) of that Order was satisfied, a fee of £45 is prescribed for the purposes of Article 82B(2) of that Order.

Revocations

8. The Certification Officer (Fees) Regulations (Northern Ireland) 1997(a) are hereby revoked.

Sealed with the Official Seal of the Department for Employment and Learning on 5th March 2008



Sir Reg Empey
Minister for Employment and Learning

The Department of Finance and Personnel hereby approves regulations 4 to 8.

Sealed with the Official Seal of the Department of Finance and Personnel on 7th March 2008



Adrian Arbuthnot
A senior officer of the
Department of Finance and Personnel

(a) S.R. 1997 No. 367

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations prescribe and revise fees payable in respect of certain matters to the Certification Officer under the Industrial Relations (Northern Ireland) Order 1992 (“the 1992 Order”) and the Trade Union and Labour Relations (Northern Ireland) Order 1995 (“the 1995 Order”). The fees were previously prescribed in the Certification Officer (Fees) Regulations (Northern Ireland) 1997 (“the 1997 regulations”). In addition the regulations provide for the introduction of a new fee for the issue of a certificate of independence to an amalgamated trade union.

- (a) The fee payable on application for the entry of the name of any organisation of workers or of employers whenever formed is reduced from £55 to £45 (regulation 2).
- (b) The fee payable on an application by a trade union for a certificate of independence is increased from £760 to £885 (regulation 3).
- (c) The fee payable on application by a trade union or unincorporated employers’ association for approval of a proposed instrument of amalgamation or transfer is increased from £1005 to £1120 (regulation 4).
- (d) The fee payable on application by a trade union or unincorporated employers’ association for approval of a change of name is reduced from £55 to £45 (regulation 5).
- (e) The fee payable for inspection of documents kept by the Certification Officer is increased from £35 to £45 (regulation 6).
- (f) The fee payable by an amalgamated trade union for the issue of a certificate of independence where each amalgamating union had such a certificate is set at £45 (regulation 7).

The Certification Officer (Fees) Regulations (Northern Ireland) 1997 are revoked.