

SCHEDULES

SCHEDULE 2

ADMINISTRATIVE PROVISIONS RELATING TO TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

PART I

ANNUAL RETURNS, AND QUALIFICATIONS, APPOINTMENT AND REMOVAL, AND FUNCTIONS, OF AUDITORS

Appointment and removal of auditors

- 11 The rules of every trade union and every employers' association shall contain provision for the appointment and removal of auditors.
- 12 Notwithstanding anything in the rules of a trade union or employers' association, its auditor or auditors shall not be removed from office except by resolution passed at a general meeting of its members, or of delegates of its members.
- 13 (1) Notwithstanding anything in the rules of a trade union or employers' association, a qualified auditor appointed to audit its accounts for the preceding year of account shall (subject to sub-paragraph (2) of this paragraph) be re-appointed as auditor for the current year of account unless—
- (a) a resolution has been passed at a general meeting of the trade union or employers' association appointing somebody instead of him or providing expressly that he shall not be re-appointed, or
 - (b) he has given to the trade union or employers' association notice in writing of his unwillingness to be re-appointed, or
 - (c) he is ineligible for appointment as its auditor or one of its auditors for the current year of account, or
 - (d) he has ceased to act as its auditor or one of its auditors by reason of incapacity.
- (2) Where notice is given of an intended resolution to appoint some person or persons in place of a retiring auditor and the resolution cannot be proceeded with at the meeting because of the death or incapacity of that person or persons, or because he or they are ineligible for appointment as auditor or auditors for the current year of account, the retiring auditor shall not be automatically re-appointed by virtue of this paragraph.
- (3) For the purposes of this paragraph a person is ineligible for appointment as auditor of a trade union or employers' association for the current year of account if, but only if,—
- (a) he would be precluded by paragraph 10 above from acting as its auditor for that year, or

- (b) he is not a qualified auditor at the time when the question of his appointment falls to be considered.
 - (4) In this paragraph "qualified auditor", in relation to a trade union or employers' association, means a person qualified to be its auditor or one of its auditors in accordance with paragraphs 6 to 9 above, "the current year of account", in relation to the appointment of a person as auditor, means the year of account in which the question of that appointment arises, and "the preceding year of account" means the year of account immediately preceding the current year of account.
- 14 Regulations may make provision as to the procedure to be followed when it is intended to move a resolution—
- (a) appointing another auditor or other auditors in place of a retiring auditor or retiring auditors of a trade union or an employers' association, or
 - (b) providing expressly that a retiring auditor or auditors of a trade union or an employers' association shall not be re-appointed,
- and as to the rights of auditors and members of a trade union or an employers' association in relation to such a motion.
- 15 (1) Where any regulations made under paragraph 14 above require copies of any representations made by a retiring auditor to be sent out, or require any such representations to be read out at a meeting, the High Court or the Court of Session, on the application of the trade union or employers' association or of any other person, may dispense with that requirement if satisfied that the rights conferred on the retiring auditor by the regulations are being abused to secure needless publicity for defamatory matter.
- (2) On any such application the High Court or the Court of Session may order the costs or expenses of the trade union or employers' association to be paid, in whole or in part, by the retiring auditor, whether he is a party to the application or not.