

**DECISIONS OF THE ASSISTANT CERTIFICATION OFFICER ON AN
APPLICATION MADE UNDER SECTION 31(1) AND SECTION 108A(1) OF
THE TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT
1992**

MR G KING and MR M KING

v

THE TRANSPORT AND GENERAL WORKERS UNION

Date of Decisions:

20 December 2006

DECISIONS

Upon application by Mr G King and Mr M King (“the Claimants”) under Section 31(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”)(Complaint 1) and upon application by the Claimants under Section 108A(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”)(Complaints 2 and 3):

1. I declare that the Transport and General Workers Union (“TGWU”, “the Union”) failed to comply with the Claimant’s request for access to the accounting records of the 1/230 branch of the Union, made on or around 3 May 2006, in breach of section 30 of the 1992 Act.
2. Where I am satisfied that the claim is well-founded I am required by section 31(2B) of the 1992 Act to make an appropriate enforcement order. I make the following order:
 - (a) The Union is ordered to give the Claimants access to inspect the accounting records of branch 1/230 in the form of The Quarterly Returns to the Union’s Region 1 going back to 1 January 2005, or from whenever such returns were first made, whichever is the shorter period. The Claimants are to be given access to those records no later than 28 January 2007.
 - (b) The Union shall allow the Claimants to be accompanied at the inspection by an accountant (being a person eligible for appointment as a company auditor under section 25 of the Companies Act 1989). The Union need not allow the Claimants to be accompanied by an accountant if the accountant fails to enter into such agreement as the Union may reasonably require for protecting the confidentiality of the records.

- (c) The Union shall allow the Claimants to take or will supply to the Claimants such copies or extracts from the accounting records as they may request.
- (d) The Union may charge the Claimants for allowing them to inspect the records to which they have had access, for allowing them to take copies of, or extracts from, those records or for supplying any such copies. If such charges are required, before any arrangements are made for the inspection the Union shall notify the Claimants of the principles in accordance with which its charges will be determined. Such charges are not to exceed the reasonable administrative expenses incurred by the Union in complying with this order. The Claimants shall be liable to pay such sum upon demand by the Union, after having inspected and, if appropriate having been provided with copies of the records to which they have had access pursuant to this order.
3. I refuse to make the declaration sought by the Claimants that on or around 6 December 2005 in breach of rule 10.4(a) of the rules of the Union the 1/230 branch of the Union failed to elect members of the Cab Trade Advisory Committee.
4. I refuse to make the declaration sought by the Claimants that on or around 6 December 2005 in breach of rule 10.4(a) of the rules of the Union the 1/230 branch of the Union failed to elect members of the Cab Trade News Committee.

REASONS

1. By application dated 22 May 2006 the Claimants made allegations against their Union, The Transport and General Workers Union. Following correspondence, the Claimants' allegations were subsequently refined and identified as complaints in the following terms:-

Complaint 1

“that on or around 3 May 2006 the Union breached section 30 of the 1992 Act by failing to provide Mr G King and Mr M King with access to the accounting records of the 1/230 branch of the union”

Complaint 2

“that on or around 6 December 2005 the 1/230 branch of the TGWU in breach in breach of rule 10.4(a) of the rules of the union failed to elect the members of the Cab Trade Advisory Committee”

Complaint 3

“that on or around 6 December 2005 the 1/230 branch of the TGWU in breach of rule 10.4(a) of the rules of the Union failed to elect the members of the Cab Trade News Committee”

2. I investigated the alleged breaches in correspondence. A formal hearing took place on 28 November 2006. The Claimants attended and were represented by Mr M King. Evidence for the Claimants was given by Mr Lambert, former Branch Secretary of Branch 1/230 of the Union, who also submitted a witness statement. The Union was represented by Mr R Collins, an Assistant General Secretary of the Union. A 225 page bundle of documents was prepared for the hearing by my office. At the hearing a further two pages were adduced. The

Claimants and the Union produced written skeleton arguments. The rules of the Union were also in evidence.

Findings of Fact

3. Having considered the representations made to me and the relevant documents I found the facts to be as follows:-
4. Mr G King and Mr M King are members of the TGWU's branch 1/230.
5. Branch 1/230 is a branch of the TGWU consisting of members of the Licensed Cab Trade in Central London. It has around 500 members plus up to 100 retired members.
6. The Cab Trade Advisory Committee ("CTAC") consists of 3 representatives from branch 1/230 and 3 or 4 representing cab drivers in other parts of the Union's Region 1. The Cab Trade News Board (also known as the Cab Trade News Committee "CTNC") has nominees from the CTAC and others with writing and publishing expertise. Its circulation is certainly throughout Region 1 whether it goes beyond that I do not know.
7. The members of branch 1/230 pay their subscriptions to the account of Region 1 usually by monthly direct debit.
8. In June 2005 Mr M King sought details of how his monthly subscription, which had just been increased, was calculated. The Regional Finance Officer (RFO) explained there were four elements. The standard scale 1 TGWU subscription; distress cover; driver care and a 1/230 local branch fund. He further explained that

"The branch fund element is a section fund from which the cab section support cab drivers in protection of the licence and for the production of cab trade news etc..."
9. In March 2005 Mr M King had lodged a number of complaints with the Regional Secretary about the officers of branch 1/230 and others. These complaints were largely focused on the alleged failure of the 1/230 branch officers to follow through the wishes of the branch on certain technical matters affecting the cab trade. He complained also that a levy was imposed without a vote of the affected members. The Regional Secretary asked the Regional Industrial Organiser (RIO) to investigate the complaints. Of the 'levy' he said it *"is a voluntary additional contribution made by all members of branches in the cab section. The fund is administered by the Cab Trade Advisory Committee"*. The RIO went on to say that the increase complained of *"was recorded in the minutes of the CTAC"* and that he was satisfied *"that this increase was reported to the 1/230 branch"* and the operation of the fund was explained at the branch meeting in response to a question from Mr M King. Mr King was not content with the RIO's report and continued to press his complaints within the Union.

10. While it is not clear in what sense payments for the 1/230 local branch fund are voluntary, the contributions are determined effectively by the CTAC and paid to Region which passes them to the CTAC fund to administer as it thinks best for the cab trade. Some of these funds, but not all, will end up at branch level. It is only when the money reaches the branch 1/230 that it becomes funds of that branch.
11. On 26 August 2005 Mr King wrote to the RFO repeating his request for information about the financing of the 1/230 branch. He made 13 specific requests including asking for the names of the Union's accountants and auditor. Point 11 was "*Please provide details of how I can access any financial records concerning 1/230?*". CTNC was mentioned but not CTAC. The RFO referred the bulk of the issues to the Branch Secretary of branch 1/230.
12. On 2 November 2005 Mr King wrote to the Regional Secretary complaining that the Branch Secretary was refusing to include the number of branch members in the quarterly report on income and expenditure and was also "*...insisting that the quarterly report remain in a restrictive cover...*"
13. On 3 May 2006 Mr King wrote to the Acting Regional Secretary with complaints about the conduct of the 1/230 branch meetings. He also said "*I am now asking you to provide access to the accounts of the 1/230, the names of the Branch auditors, the number of members in the 1/230 and the accounts of the Cab Trade Newspaper. All of these are covered by rule and as such should be made readily available to any member of the branch that requests them*".
14. On 22 May 2006 the Certification Office received a registration of complaint form alleging a breach of section 30 of the 1992 Act (Right of Access to accounting records) and two other breaches (see below).
15. On 6 June 2006 the 1/230 branch met. The minutes record that a quarterly financial report was laid on the table for members to peruse. There is a standard format for this report. The first page under Receipts has four headings; "*Balance brought forward*", "*Branch Fund contributions*", "*Branch Administration Allowance*" and "*All other income (sources to be stated)*". Under Payments there are five headings: "*Affiliation fees and Subscriptions*", "*Branch Management Expenses*", "*Payments for Benevolent purposes*", "*Miscellaneous Expenses*", and "*Balance carried forward*". The second page requires the details of all the receipt and payments under each of the operative heads specified above. The report has to be sent to Region each quarter. The branch does not have a ledger in which payments and receipts are registered.
16. The normal procedure for election to the CTAC was for nominations to be taken one month before the election at a branch meeting. In December 2005 nominations were made and voted on at the same meeting on 6 December.

17. The Editorial Board of Cab Trade News is a body of long standing and it fills vacancies by co-option. I have seen no evidence of there ever having been an election.
18. The registration of complaint form received in the Certification Office on 22 May 2006 alleged that appointments to these two bodies breached rule 10.4(a) of the rules of the Union.

The Relevant Statutory Provisions

19. The provisions of the 1992 Act which are relevant for the purpose of this application are as follows:-

S.28 Duty to keep accounting records

(1) A trade union shall -

- (a) cause to be kept proper accounting records with respect to its transactions and its assets and liabilities, and*
- (b) establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances.*

(2) Proper accounting records shall not be taken to be kept with respect to the matters mentioned in subsection(1)(a) unless there are kept such records as are necessary to give a true and fair view of the state of the affairs of the trade union and to explain its transactions.

S.29 Duty to keep records available for inspection

(1) A trade union shall keep available for inspection from their creation until the end of the period of six years beginning with the 1st January following the end of the period to which they relate such of the records of the union, or of any branch or section of the union, as are, or purport to be, records required to be kept by the union under section 28.

(2) In section 30 (right of member to access to accounting records)-

- (a) references to a union's accounting records are to any such records as are mentioned in subsection (1) above, and*
- (b) references to records available for inspection are to records which the union is required by that subsection to keep available for inspection.*

(3) The expiry of the period mentioned in subsection (1) above does not affect the duty of a trade union to comply with a request for access made under section 30 before the end of that period.

S.30 Right of access to accounting records

(1) A member of a trade union has a right to request access to any accounting records of the union which are available for inspection and relate to periods including a time when he was a member of the union.

In the case of records relating to a branch or section of the union, it is immaterial whether he was a member of that branch or section.

(2) Where such access is requested the union shall-

- (a) make arrangements with the member for him to be allowed to inspect the records requested before the end of the period of twenty-eight days beginning with the day the request was made,*
- (b) allow him and any accountant accompanying him for the purpose to inspect the records at the time and place arranged, and*

- (c) secure that at the time of the inspection he is allowed to take, or is supplied with, any copies of, or extracts from, records inspected by him which he requires.

S.31 Remedy for failure to comply with request for access

(1) A person who claims that a trade union has failed in any respect to comply with a request made by him under section 30 may apply to the Court [or to the Certification Officer].

(2B) Where the Certification Officer is satisfied that the claim is well-founded he shall make such order as he 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.

S.108A Right to apply to Certification Officer

(1) A person who claims that there has been a breach or threatened breach of the rules of a trade union relating to any of the matters mentioned in subsection (2) may apply to the Certification Officer for a declaration to that effect, subject to subsections (3) to (7).

(2) 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) ...

S.108B Declarations and orders

(3) Where the Certification Officer makes a declaration he shall also, unless he considers that to do so would be inappropriate, make an enforcement order, that is, an order imposing 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;
- (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 a similar kind does not occur in future.

The Relevant Union Rules

20. The rules of the Union relevant to this application are as follows:-

Rule 10

BRANCHES

4(a) Each Branch subject as hereinafter mentioned shall have for its management a Chair and Secretary, and a committee. Branches requiring additional officers shall submit their requests to the Regional and/or Trade Group or District Committee, which shall make recommendations to the General Executive Council for authorisation. Except in the case of a new Branch, or with the consent of the Regional Committee, the Chair, Secretary and committee members respectively, shall have been financial members of the Union for a period of not less than two years immediately

preceding the date of nomination, and each of them shall be nominated at least four weeks before the date of election. Every officer must at all times be a financial member. If, in the case of any Branch, the General Executive Council shall arrange for the secretarial duties of such Branch to be performed by a permanent or full-time officer, the Branch shall not, so long as such arrangement continues, be entitled to elect a Branch Secretary.

4(b) Branch officers...and committees shall hold office for two years. They... shall be elected at a Branch meeting by show of hands, or by ballot, if so decided by the meeting. The election shall take place and be completed not later than December 31 in each alternate year and the elected candidates shall take office the following January for two years. Casual vacancies may be filled at an ordinary Branch meeting, but notice of the impending election must be given to members of the Branch on the notice convening the meeting.

12 The following shall be the order of business at each meeting:-

(d) Minutes of previous branch meeting for approval and signing by the Chair

(f) Secretary's finance report, including report of monthly Administration

Allowance and approval of branch expenditure

(j) Any report of infringement of the rules

Rule 20

UNION ACCOUNTS, AUDIT INSPECTION OF ACCOUNTING RECORDS and AUTHORISED FUNDS FOR CHARITABLE AND OTHER OBJECTS, ETC.

4 In accordance with Section 30 of the Trade Union and Labour Relations (Consolidation) Act, 1992 ,any member of the Union has the right to access to any accounting records of the Union which are available for inspection and which relate to periods including a time when that person was a member of the Union.

Complaint 1

“that on or around 3 May 2006 the Union breached section 30 of the 1992 Act by failing to provide Mr G King and Mr M King with access to the accounting records of the 1/230 branch of the union”

Summary of the submissions

21. The Claimants stated that for at least eighteen months they had been asking, at meetings of the 1/230 branch, for detailed branch accounts. In June 2005 they had asked specific questions of the RIO, who had referred them back to branch where they were ignored.
22. The quarterly report is all the Union has produced. In the Claimants' view, while this report may be a component part of the accounts, it is not a fair and true picture. The report should show income, expenditure, receipts, membership numbers, details of branch auditors, details of any bank accounts and accounts including those relating to Cab Trade News and the Cab Trade Advisory Committee or sub-committee.

23. The Claimants appreciate that there may be some debate about what constitutes accounts and whether or not they are available, but they believe that these accounts, documents and bank accounts exist and the CTAC and CTNC are components of the 1/230 branch accounts. These records both exist and are available.
24. The Claimants also pointed to rules of the Union requiring the Union to collect and provide much of the information they were seeking.
25. In their view the Union has constructed a mysterious system of funding for the 1/230 branch. It appears to give money to the CTAC which it claims is not a body constituted under rule, that then controls the legitimate 1/230 branch and the CTNC, which the Claimants also consider to be illegitimate. The Claimants further argue that the CTAC and the CTNC are kept intentionally ambiguous by the Union so as to prevent any scrutiny of their activities or finances.
26. The Claimants concluded that the accounts they have asked for are available but have not been provided therefore breaching section 30 of the 1992 Act.
27. For the Union Mr Collins contended there had been some lack of precision in what the Claimants had requested. It was accepted that on 3 May 2006 they requested the Acting Regional Secretary to provide access to the accounts of the 1/230 branch, the names of the branch auditors, the number of members of the 1/230 branch and the accounts of the Cab Trade Newspaper. In doing so they had stated that the rules gave them the right to the information.
28. In the Union's view several of the items requested did not qualify as accounting records covered by section 30 of the 1992 Act: membership figures, are not accounting records; Cab Trade News funds are not funds of the Union. CTN is not a Union newspaper. The Union, via the CTAC, pays money into the CTN account which also receives money from advertisements, but the Union cannot draw on that account once payments have been made. Section 30 of the 1992 Act does not require the Union to name auditors, although the Union's auditors are named in the annual accounts and in the financial statement published in the Union Journal.
29. As far as the accounts of branch 1/230 are concerned, quarterly reports by the Branch Secretary are required under the rules of the Union. At each relevant meeting of the branch the Branch Secretary produces a copy of the accounts that have to be sent to the Region. They are placed on the table. The minutes of branch 1/230 going back over a number of years record that they were so tabled and were available for inspection. The quarterly returns are for the purpose of recording all items of expenditure and income of the branch.
30. In the Union's view the Claimants had been given access to all of the information for which they had asked and which is covered by section 30 of the 1992 Act.

31. Although the Claimants had made no direct request to the Union for the accounting records of the CTAC the Union undertook to provide them with such accounting records as may be available.

Conclusion - Complaint 1

32. This complaint falls to be determined by me under section 31(1) of the 1992 Act.
33. In **Mortimer v Amicus (D/1/03)** and **Foster v Musicians Union (D/13-17/03)** the Certification Officer had considered at some length what is required for a union to be held to be in breach of section 30 of the 1992 Act. First, it must be established that a request for access to accounting records has been made; second that what was being sought were in fact accounting records; and finally, that the request had been denied.
34. On the first of these issues I note that the Claimants' requests were usually, and certainly the request on 3 May 2006 was, framed as asking for access to branch accounts not for accounting records. However, in the context of the form in which this and their previous requests were made it is quite clear that they were looking for something to back up the information they were seeking. I accept that they were seeking accounting records for the 1/230 branch.
35. Certain of the items the Claimants were seeking were not accounting records, or were not accounts of the branch or even accounts of the Union. Membership numbers and names of auditors are not accounting records. Nor can a request for the accounting records of the CTAC be subsumed in a request for those of branch 1/230. I find that the accounts of CTN are not funds of the Union. The Union is not responsible for the accounts of CTN. Though members may have a legitimate interest, a legal right or a right under rule to some or all of these items, refusal of them does not constitute an offence under section 30 of the 1992 Act.
36. The key question in this case is do the quarterly reports of branch 1/230 constitute the available accounting records and were they made available to the Claimants. On first reading the quarterly reports are accounts which show only income and expenditure under a heading in each quarter and the impact of that on the branch bank accounts. I was advised that they were put together using cheque book stubs and bank statements. There are no intermediate records.
37. In **Foster v Musicians Union** the Certification Officer suggested that in certain exceptional circumstances source material such as invoices; receipts; bus tickets might be retained as back-up material for a union's accounts. If there was no intermediate ledger this source material could constitute the accounting records that a union is required to keep and to provide access to if members so request. The Certification Officer did not rule out this possibility in the case of a small union but thought that to give members more generally a right to source documents would not only impose an immediate practical

burden on larger unions but effectively give members the ability to conduct their own audit of a union's affairs. I respectfully agree that Parliament is unlikely to have had that intention.

38. I do not feel I have to go down that route. I am of the view that while the first page of the quarterly report is effectively an account, the second page which details all items of income and expenditure, is a record compiled from source material backing that account and as such constitutes an accounting record.
39. I am not, though, satisfied that the access to these records given to the Claimants satisfies the requirements of section 30 of the 1992 Act. Section 30 requires the Union to make arrangements with the member for the inspection to take place within 28 days of the request being received, allow the member and any accompanying accountant to inspect the accounts at the time and place agreed, and secure that at the time of the inspection the member is allowed to take, or is supplied with, copies or extracts from the records inspected. The union may charge for this exercise but only on pre-agreed reasonable terms.
40. It is against that background that I have to judge the Union's response to the Claimants' request of 3 May 2006 for access to the accounting records of branch 1/230. It seems that the Claimants were not contacted to make the necessary arrangements. The Union relied on the fact that the Branch Secretary, as he is recorded as doing at all relevant branch meetings going back over a number of years, announced that the Quarterly Report required by Region was available at the meeting for members to peruse. I have no evidence that the Claimants were told that this was the Union's response to their written request. Moreover, the Claimants also say that the Branch Secretary insisted that the records remain in a restricted cover. That response falls so far short of the access required under section 30 of the 1992 Act as to constitute a denial of access.
41. When I find that there has been a breach of section 30 of the 1992 Act I am required to make such an order as I think appropriate for ensuring that the Claimant has proper access as specified in section 31(2)(B) of the 1992 Act.
42. I realise that the Order I have made does not necessarily cover the material the Claimants have been seeking. It does though cover the only accounting records for which the Union has been asked and to which it has not provided access as required under section 30 of the 1992 Act.
43. The Claimants clearly thought that the CTAC was part of branch 1/230. There is indeed a considerable overlap of key members and of interests. Partly for this reason the Claimants have never asked the Union for the accounting records of the CTAC. At the hearing the Union volunteered to provide to the Claimants the available accounting records of the CTAC.

Complaint 2

“that on or around 6 December 2005 the 1/230 branch of the TGWU in breach of rule 10.4(a) of the rules of the union failed to elect the members of the Cab Trade Advisory Committee”

Summary of the Submissions

44. The Claimants stated that at the meeting of branch 1/230 on 6 December 2005, the branch officers accepted nominations for 3 posts on the Cab Trade Advisory Committee and allowed a vote on them at the same meeting. Rule 10.4(a) of the rules of the Union requires nominations to be submitted at least four weeks before the election.
45. The Union had contended that the CTAC is not a constitutional committee of the Union and therefore not governed by rule 10 or any of the rules of the Union concerning elections. The Claimants consider the CTAC to be an integral part of branch 1/230.
46. The Claimant's argued that the CTAC is a decision-making committee: it raised the cost of the cab levy paid by members of branch 1/230 and nominates members to other committees. Committees that operate with union finance, treasurers, cheque books, accounts, bank accounts and electoral powers must surely be subject to the rules of the Union and must be a constitutional committee of the Union. The Claimants argued that denying its status as a constitutional committee calls into question the validity of its position in relation to subscriptions and negotiations with bodies such as Transport for London and the Public Carriage Office. The CTAC is a committee of the Union and is subject to all the relevant legislation and to the rules of the Union. The members of branch 1/230 who serve on it have not been elected according to those rules.
47. The Union noted that the Claimants have made specific reference to rule 10 of the rules of the Union. The rule is headed “Branches”. The only committee covered by this rule is that of the branch. The CTAC is not a branch, nor, in the Union's view, is it a constitutional committee which falls under rule 10, or any other of the rules of the Union. Constitutional committees are those set up according to its rule book. Within the Union there are many other committees with an industrial function which have powers to act on behalf of members but which are not subject to specific rules in the way that constitutional committees are.
48. The Union further argued that for a complaint to be considered by the Certification Officer under subsection (2)(d) of section 108A of the 1992 Act it must relate to an executive committee or any other decision-making committee which falls under the rules of the Union. The CTAC is an industrial body and any complaint about it does not fall under the jurisdiction of the Certification Officer.

Conclusion - Complaint 2

49. This complaint potentially falls to be determined by me under subsections (2)(a) and (d) of section 108A of the 1992 Act.
50. I can understand the Claimants' concern that the body within the Union that seems to exercise most influence over issues affecting the cab trade in London is not the branch but an advisory body. That is, the CTAC. This concern is no doubt aggravated by their view that the branch nominees for that committee have been improperly elected to it.
51. However, none of these are issues for me. The complaint relates to rule 10.4(a) of the rules of the Union. That rule clearly relates to elections of branch officers and the branch committee. The CTAC is not a branch and elections to it are not therefore covered by this rule. For that reason I must dismiss the complaint. The initial complaint was brought under subsections (2)(a) and (d) of section 108A of the 1992 Act. I have not considered the issue of my jurisdiction under subsection (2)(d). If, as in this case, a complaint fails because there is no breach of the rule cited it would be bound to fail under either jurisdiction.

Complaint 3

"that on or around 6 December 2005 the 1/230 branch of the TGWU in breach of rule 10.4(a) of the rules of the Union failed to elect the members of the Cab Trade News Committee"

Summary of the Submission

52. The Claimants' contend that the CTNC is paid for by a so called voluntary contribution collected by the Union's Region 1. Its members are appointed by the CTAC. The CTN's address is the same as Region 1. It uses the Union's database. Its mail is franked with the Union's frank. It has its own bank account, issues cheques, produces accounts and has a treasurer (the same person as for the CTAC). The CTNC is financially an integral part of branch 1/230, but its members are not elected according to the rules of the Union.
53. The Union repeated its arguments used in relation to complaint 2. It added that the CTNC did not actually exist. There is, though, an editorial board of Cab Trade News known as the Cab Trade News Committee. New members are co-opted to the board as and when required.
54. The Cab Trade News Journal reflects TGWU policy, and is funded by donations from branches throughout the cab trade section and by advertisements placed in the journal. It is not a union publication.
55. It is incorrect to regard the CTNC as a committee of the Union, let alone a branch.

Conclusion - Complaint 3

56. This matter potentially falls to be determined by me by virtue of subsections (2)(a) and (d) of section 108A of the 1992 Act.
57. Whatever else it is, the CTNC is not a branch of the Union and there is no obligation for members of it to be elected according to rule 10.4(a) of the rules of the Union. I therefore dismiss this complaint.
58. I repeat my conclusions in relation to jurisdiction under subsections (2)(a) and (d) of section 108A of the 1992 Act that I set out for complaint 2.

E G Whybrew CBE
Assistant Certification Officer