

**DECISION OF THE CERTIFICATION OFFICER ON APPLICATIONS MADE
UNDER SECTION 108A(1) OF THE TRADE UNION AND LABOUR
RELATIONS (CONSOLIDATION) ACT 1992**

Ms M GRAHAM

v

THE MANUFACTURING SCIENCE AND FINANCE UNION

**Date of Decision:
2002**

10 April

DECISION

Upon application by the Applicant under section 108A(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”).

1. I refuse to make the declaration sought that on 3 September 2001 the Community Practitioners’ and Health Visitors’ Association section of the Manufacturing, Science and Finance Union acted in breach of section 9.1 of its Standing Orders by refusing a written demand for a Special General Meeting.

2. I refuse to make the declaration sought that the Community Practitioners’ and Health Visitors’ Association section of the Manufacturing, Science and Finance Union acted in breach of section 7.7 of its Standing Orders by its Standing Orders Committee requesting information from those Centres of the Association which had submitted a written demand for a Special General Meeting.

REASONS

3. The Applicant is a member of a section of the Manufacturing Science and Finance Union (“the Union” or “MSF”) known as the Community Practitioners’ and Health Visitors’ Association (“the CPHVA” or “the Association”). By an application dated 27 September 2001 the Applicant made two complaints against her union. The two complaints allege breaches of the rules or Standing Orders of the Association. These are matters within the jurisdiction of the Certification Officer by virtue of section 108A(2)(d) of the 1992 Act. The alleged breaches are that:-
 - 3.1 In breach of CPHVA Standing Order 9.1 the CPHVA refused a written demand for a Special General Meeting;
 - 3.2 In breach of CPHVA Standing Order 7.7 the Standing Orders Committee of the CPHVA requested information from those Centres of the Association which had submitted a written demand for a Special General Meeting.

4. I investigated these matters in correspondence. As required by section 108B(2) of the 1992 Act, the parties were offered the opportunity of a formal hearing and such a hearing took place on 8 March 2002. The Union was represented by Mr C Ettinger, Solicitor of Messrs Irwin Mitchell. Ms J Carnell, The Chair of the CPHVA, gave evidence on behalf of the union. Ms Graham acted in person and gave evidence. Two bundles of documents were prepared for the hearing by my Office which consisted of the exchanges of correspondence with the parties, together with their enclosures. This decision has been reached on the basis of the representations made by the Applicant and the Union, together with such documents as were provided by them. Although much material was submitted to me for inclusion in the bundles to which no reference was made at the hearing, I commend the Applicant and the Union for the clear and concise manner in which they presented their arguments at the hearing.

Findings of Fact

5. The Applicant is a health visitor and a member of the CPHVA section of MSF. By rule 114 of the MSF rules, the CPHVA section is to operate in accordance with rules equivalent to the former rules of the CPHVA before its transfer of engagements to MSF. These rules are known as the CPHVA Standing Orders and are presently as agreed at the Annual General Meeting (“AGM”) of the CPHVA in October 2000. The Standing Orders provide for the creation of Centres which are similar to the branches of other unions. The Applicant is a member of the Hull and East Yorkshire CPHVA Centre, formerly called the North Humberside Centre.

6. In the summer of 2001, following a three year consultation period, the government published a draft Nursing and Midwifery Order which it was envisaged would receive parliamentary approval in the autumn of 2001 and be effective in April 2002. Many health visitors who are members of the CPHVA were concerned about the exclusion of health visitors from the title of that draft order and from the title of the proposed Nursing and Midwifery Council.

7. On 27 July 2001, the Applicant wrote to the CPHVA demanding that a Special General Meeting (“SGM”) be convened. This letter was countersigned by the Chair, Vice Chair and Secretary of the North Humberside Centre. The demand was expressed as having been made under section 9.1 of the Standing Orders. This provides:-

“A Special General Meeting will be held when considered necessary by the Executive Committee of the CPHVA or on the written demand of ten centres covering a minimum of five MSF Regions/Countries.”

8. The Applicant’s letter of 27 July 2001 required an SGM to be convened within five weeks and proposed five specific motions for debate. Enclosed with the Applicant’s letter were forms from 18 Centres seconding the demand of the North Humberside Centre. As the Association has no standard forms upon which to demand or second a demand for an SGM, the forms used by the North Humberside Centre to make the demand and the forms used by the 18 Centres seconding that demand had been devised by the Applicant. The

seconding forms had been signed by the Chair of the North Humberside Centre before being circulated to the other Centres for signature by an official of the seconding Centre. These Centres covered ten MSF regions, as required by the Standing Orders. The motions to be discussed at the proposed SGM related mainly to the status of health visitors and the health visiting profession in the proposed legislation.

9. The Applicant's letter of Friday 27 July 2001 was received by the CPHVA on Monday 30 July and the Secretary of its Executive Committee, Mr Andrew Gardner, arranged for there to be an Extraordinary Meeting of the Executive Committee on Thursday 2 August. This meeting was conducted by telephone conference call. The minutes of this meeting record that the demand for an SGM was to be "*taken very seriously*", that, having regard to the holiday season, a provisional date of 6 October 2001 should be explored and that the Centres could be asked to fund their own delegates. However, concern was expressed that the issues raised in the demand had not emerged through the usual democratic structures of the Association during the consultation period. Further, Mr Gardner had been advised by a member in the North Middlesex Centre, one of the eighteen Centres which had seconded the demand, that the meeting which had agreed to second the demand in the North Middlesex Centre had been inquorate. The members of the Executive Committee were also aware that the AGM of the CPHVA was due to take place in any event between 31 October and 3 November 2001. Against this background the Executive Committee decided to refer the demand for an SGM to the Standing Orders Committee ("the SOC") "*to ensure that the proper procedures have been and would be followed*".
10. By a press release dated 3 August 2001, the Association made it generally known that, amongst other things, "*The Executive Committee has asked the Standing Orders Committee to ensure that those putting forward the motions have followed the correct procedures. If everything is in order, we will hold a special general meeting in the autumn*".
11. The SOC met by telephone conference call on Monday 6 August 2001 and agreed that "*evidence would be sought from those centres calling for an SGM to ensure they had*

properly consulted with their members as specified in the association's standing orders".

It was also noted that there was no requirement within the Standing Orders to hold an SGM within a period of five weeks as required in the demand. The SOC considered that the provisional date set by the Executive Committee for the SGM of 6 October was the earliest date possible.

12. On Wednesday 8 August 2001, the Chair of the SOC, Ms Sherrell Brett wrote to the North Humberside Centre and to each of the 18 seconding Centres. The Centres were asked to supply the following information by 24 August:-
 - (i) The Agenda of the meeting at which the call for an SGM was discussed.
 - (ii) The date that Agenda was distributed to all members of that Centre.
 - (iii) Minutes or notes of the meeting at which the call for an SGM was discussed and then agreed, including a record of those members attending.
 - (iv) The date the minutes or notes were distributed to all members of that Centre.
 - (v) The date the minutes or notes were distributed to that Centre's region/country committee.
13. On 4, 16 and 28 August 2001 the Applicant issued circulars to "*health visiting colleagues*" informing them of the demand for an SGM and requesting that they call Emergency Meetings in their Centres to support the demand that had already been submitted.
14. From 21 August to 29 August 2001 a further 13 Centres wrote to the Association expressing support for the demand made by the North Humberside Centre. These expressions of support took a variety of forms. Most were in the form of letters, one was an e-mail and at least two completed the form devised by the Applicant to second the North Humberside demand.
15. On Thursday 30 August 2001 the SOC held a further meeting by conference call. The responses which had been received from each of the Centres were considered individually.

The SOC considered that in order for a demand for an SGM to be valid, the Centre should have held a properly convened and quorate meeting in advance of which the members should have been made aware that a proposal to demand an SGM would be discussed. The SOC commented that “*although the standing orders were silent on a number of issues of concern to the signatory centres and the committee itself, the standing orders had been interpreted in line with the values and beliefs of the association*”. It noted that the Shetland Centre had withdrawn its support for the demand and that the Parkside and Sheffield Centres had added their support. The Cambridge Centre was not one of the original 18 seconding Centres but had subsequently submitted a form and had been sent a letter requesting details of the meeting at which it was agreed to second the demand. The SOC noted that the response from the Cambridge Centre was received after the stated deadline of 24 August 2001. Having examined each of the responses that had been received in time, the SOC concluded that only four Centres had met the requirements of the Standing Orders.

16. On Monday 3 September 2001 there was a further Extraordinary Meeting of the Executive Committee of the Association. This was again held by conference call. Ms Brett gave a verbal report of the meeting of the SOC of 30 August and confirmed that the SOC had found that the call to hold an SGM was not in order. Following discussion, the Executive Committee decided to reject the demand for an SGM but to arrange an open forum on 6 October to explain to members how the Association had arrived at its present position and what action it had taken on behalf of members. Ms Brett also informed the Executive Committee that she had offered the Applicant a meeting to explain how the SOC had arrived at its recommendation.

The Relevant Statutory Provisions

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

“108A.-(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) ...
 - (b) ...
 - (c) ...
 - (d) the constitution or proceedings of any executive committee or of any decision-making meeting;
 - (e) ... ”

- 18. Section 108B(2) of the 1992 Act empowers me to make such enquiries as I think fit and, after giving the applicant and the union an opportunity to be heard, to make or refuse to make the declarations asked for. I am required, whether I make or refuse the declaration sought, to give reasons for my decision in writing.
- 19. Section 108B(3) of the 1992 Act requires that where I make a declaration I shall also, unless I consider that to do so would be inappropriate, make an enforcement order requiring, inter alia, the union to take such steps to remedy the breach as may be specified in the order.

The Union Rules

- 20. CPHVA Standing Orders relevant to the Applicant’s complaints:

SECTION 1

CPHVA CENTRES (Including an Overseas Centre)

1.8 Role of Officers of the CPHVA Centres

The Chair will:

- 1.8.4 Ensure that records are made of decisions taken and that all votes are recorded.
- 1.8.5 Not have a deliberate vote but in the event of an equality of votes will have a casting vote. A casting vote will be used according to convention to maintain or support the status quo.

The Secretary will:

- 1.8.7 Support the Centre by providing administrative and clerical assistance.
- 1.8.8 Receive and disseminate information.
- 1.8.9 Timetable meetings to precede CPHVA Regional/Country Committee meetings and CPHVA Executive Committee meetings and arrange venues.
- 1.8.10 Agree with the committee members an annual programme of Centre meetings to be circulated to all members prior to the first Centre meeting after the CPHVA Centre AGM.
- 1.8.11 Agree the agenda of Centre meetings with the Chair.
- 1.8.12 Circulate agendas to members one week prior to meetings.
- 1.8.13 Ensure that meetings are recorded and information distributed to Centre members.
- 1.8.14 Ensure that reports are sent to the CPHVA Regional/Country Committees.

1.10 The Functions of the CPHVA Centres

The Centre will:

- 1.10.1 Fund the CPHVA Regional/Country Committee according to a formula agreed with the CPHVA Regional/Country Committee.
- 1.10.2 Act as a communication link between members and the CPHVA Regional/Country Committees.
- 1.10.3 Ensure the representatives are well briefed to put forward the centre views at CPHVA Regional/Country Committees.
- 1.10.4 Promote the interests of the CPHVA locally.
- 1.10.5 Ensure that all the members have the opportunity to represent the CPHVA and MSF at every level.
- 1.10.6 Call and hold an Annual General Meeting at a date, in sufficient time, before the CPHVA AGM to ensure participation and representation at that meeting.
(The date of the CPHVA AGM will be set by the CPHVA Executive Committee during the preceding year)
- 1.10.7 Ensure a Centre delegate is elected to attend the CPHVA Annual General Meeting.
- 1.10.8 Ensure Centre nominations for delegates to MSF Annual Conference are submitted.
- 1.10.9 Offer help and support to other Centres where appropriate.
- 1.10.10 Ensure the CPHVA Centre agenda reflects the work of the four National Committees and the Executive Committee.
- 1.10.11 Create a focus for CPHVA Centre members that will stimulate and influence debate around the work of the four National Committees.
- 1.10.12 Create opportunities for professional development of members by encouraging their involvement within CPHVA.
- 1.10.13 Engage in local campaigns to promote the services that members provide.
- 1.10.14 Engage in campaigns to influence local health policy.
- 1.10.15 Organise local recruitment initiatives, which encompass all Community Practitioners and Health Visitors.
- 1.10.16 Provide support to LARs and Health & Safety Representatives in their work to promote and protect the interests of CPHVA members.

1.11 Frequency and Conduct of CPHVA Centre meetings

The CPHVA Centre meetings will:

- 1.11.1 Be held at least four times a year at dates prior to each CPHVA Regional/Country committee meeting.
- 1.11.2 Be quorate if one third of the committee or seven members of the Centre are present, whichever is the greater number. In either event the Chair or Vice Chair shall be present.
- 1.11.3 Be adjourned if not quorate, to be reconvened within a 14 day period when the agenda remains unchanged.
- 1.11.4 Be held at a venue and time suitable for and accessible to the CPHVA Centre members.
- 1.11.5 Include in the agenda the Executive Committee briefing papers, reports from CPHVA Regional/Country committees and reports from the four National Committees.
- 1.11.6 Include agenda items submitted by members prior to the date of the meeting.

SECTION 6

THE CPHVA EXECUTIVE COMMITTEE

- 6.1 The prime responsibility for the autonomous functioning of the CPHVA section of MSF is vested in the elected Executive Committee of the CPHVA.
- 6.2 It is the decision making body which sets policy, reviews policy and ensures the Resolutions carried at the CPHVA Annual or Special General Meeting are executed by the Director and staff.

6.11 Frequency and conduct of CPHVA Executive Committee Meetings

The CPHVA Executive will:

- 6.11.5 If necessary call a Special General Meeting. This decision will require those present and voting to achieve a total number of votes equal to or greater than two thirds of the voting membership of the committee.

7.7 Functions of the CPHVA Standing Orders Committee

The CPHVA SOC will:

- 7.7.1 Determine any question raised as to the interpretation and effect of Standing Orders.
- 7.7.2 Have recourse to legal advice through the Legal Department of MSF if appropriate.
- 7.7.3 Agree the preliminary agenda of the CPHVA AGM.
- 7.7.4 Agree the Agenda and timetable of the CPHVA AGM.
- 7.7.5 Agree the order and wording of motions.
- 7.7.6 Agree amendments to the motions for inclusion in the final agenda.
- 7.7.7 Consider Motions of Urgency for inclusion in the final agenda.
- 7.7.8 Ensure that the CPHVA AGM is conducted within the rules of the CPHVA and advise the President of the CPHVA when necessary.
- 7.7.9 Ensure representation on the National Labour Relations Committee.
- 7.7.10 Ensure the revision of the rules arising from the three yearly review are written as motions from the CPHVA Executive Committee to the CPHVA AGM.

SECTION 9

CPHVA SPECIAL GENERAL MEETING

- 9.1 A Special General Meeting will be held when considered necessary by the Executive Committee of the CPHVA or on the written demand of ten centres covering a minimum of five MSF Regions/Countries.
- 9.2 Notice of a Special General Meeting including the Agenda will be given by the CPHVA Director to the CPHVA Centre Secretaries not less than fourteen days before the date of the meeting.
- 9.3 The President will preside at the Special General Meeting. In his/her absence a Vice-President will preside.
- 9.4 The Special General Meeting will be conducted in the same way as an Annual General Meeting.

The Complaints

Refusing a Written Demand for a Special General Meeting

The Applicant's Submission

21. The Applicant submitted that section 9.1 of the Standing Orders should be given its plain and literal meaning. The Association had received demands for an SGM from more than ten Centres and accordingly the Executive Committee were obliged to convene an SGM. In the alternative, the Applicant argued that if the expressions of support which the Association had received from Centres after the letter of 27 July 2001 were taken into account, the demands received were from more than ten Centres covering a minimum of

five MSF regions/countries. These demands had originated from properly convened Centre meetings and that the Executive Committee of the Association were obliged to convene an SGM.

The Union's Response

22. For the Union, Mr Ettinger submitted that the Union had acted correctly in rejecting the demand for an SGM. He submitted that the forms which seconded the demand of the North Humberside Centre may have been signed by a Centre Official but that did not establish that the members of the Centre had agreed to the demand at a properly convened and quorate Centre meeting. Mr Ettinger pointed out that the Standing Orders do not give officials of the Centres the power to make decisions on behalf of their Centres. He referred to section 1.10 of the Standing Orders which sets out the functions of the Centres, and section 1.11 which deals with the frequency and conduct of Centre meetings and asserted that the structure of these rules makes it clear that it is the Centre meetings which are given the responsibility of making decisions, not the officials of those Centres. In response to the Applicant's alternative submission, the Union argued that a demand for an SGM must take the form of a single demand made by ten or more relevant Centres. It was submitted that to allow demands from individual Centres to be received over an extended period of time would be impractical and that, in any event, there was insufficient evidence to establish that the expressions of support received by the Association after 27 July 2001 had been agreed at properly convened and quorate Centre meetings.

Conclusion

23. The case for the Applicant requires section 9.1 of the Standing Orders of the Association to be given a literal interpretation. It is argued that the Association must call an SGM if it receives a demand from a Centre, supported by nine similar demands and that the ten demands cover five MSF regions/countries. However, even such an interpretation requires a view to be formed as to what constitutes "*the demand of a Centre*".
24. It was common ground between the parties that the calling of an SGM is a serious and significant matter. Evidence was given that only one SGM had been called in the last ten years, at which there was a motion of no confidence in the then leadership. It is also plain

that the calling of an SGM is inevitably an expensive exercise and potentially disruptive. Section 9 of the Standing Orders recognises these characteristics and provides that certain hurdles must be overcome before an SGM can be required. The demand must be made in writing. The demand must be made by ten Centres and those ten Centres must cover a minimum of five MSF regions/countries.

25. Against this background the Applicant concedes that a demand made by a single member, or even a group of members of a particular Centre, would not be sufficient to constitute the demand of a Centre. On the other hand, the Applicant argued that a demand made by an officer of a Centre, following discussion with her/his members would suffice. In this case, the demand was made by the Applicant's letter of 27 July 2001 which was countersigned by the three relevant officers of her Centre.
26. The Standing Orders of the CPHVA provide Centres with a structure and constitution. It is only through that structure and constitution that any action can be attributed to the Centre. Section 1.11 of the Standing Orders provides a procedure for the calling and constitution of Centre meetings. This requires an agenda to be prepared prior to the meeting and for there to be a quorum of members present. Further, section 2.4.1 provides that Centre representatives at CPHVA regional/country committees shall "*Be elected by the CPHVA Centres*". This can only mean that the representatives are elected by means of a procedure in which all the members of the Centre can participate. I also take into account the values and beliefs of the Association which emphasise transparency and accountability.
27. I find that a demand is not made within the meaning of section 9.1 of the Standing Orders if it is made merely by an officer of a Centre supported by a number of other members. The silent majority of the Centre may or may not have a different view but, in these circumstances, they have not been given the opportunity to express that view whatever it may be. I find that a demand which satisfies the requirement of section 9.1 must be made at a properly convened and quorate meeting of the Centre and that the notice calling the meeting must inform members that a demand for an SGM will be on the agenda.

28. The Applicant argued in the alternative that even if the Union were correct in its view of what constituted the demand of a Centre, the SOC and Executive Committee were wrong to ignore the expressions of support received after the Applicant's letter of 27 July 2001. This matter was explored at the hearing on two levels. First, it was argued by the Union that a valid demand for an SGM must be made at or about the same time and that therefore the Executive Committee was correct in restricting its consideration to the demand made by the Applicant's letter of 27 July. Secondly, it was argued by the Union that even if the SOC and the Executive Committee had given detailed consideration to the subsequent expressions of support, the vast majority of these did not demonstrate that they had resulted from properly convened meetings and there were, therefore, still not ten demands which had resulted from properly convened Centre meetings.
29. Section 9.1 of Standing Orders refers to the demand for an SGM in the singular. It requires an SGM to be held "*on the written demand of ten centres...*" (my emphasis). Further, the nature of an SGM is that it should deal with urgent business which cannot be dealt with in some other way. The urgent nature of an SGM strongly suggests that there must be certainty in the procedure for convening such a meeting. So what is the rule intended to mean, bearing in mind its purpose, its authorship and the readership to whom it is addressed? The prospect of individual demands being received over a period of perhaps months and triggering a requirement of an SGM after the receipt of the tenth such demand is unattractive. Alternatively, the prospect of there being an implied term restricting the individual demands to those received within a period of two, or four, or six weeks is equally unattractive. Accordingly, as a matter of literal interpretation and common sense, I find that section 9.1 of the Standing Orders requires a single demand to be made for an SGM, which is to be the demand of ten Centres covering a minimum of five MSF regions/countries, following properly convened Centre meetings. I note in passing that section 368(3) of the Companies Act 1985 provides that a requisition for an Extraordinary General Meeting must be signed by those making the requisition and deposited at the registered office, although the requisition may consist of several documents in like form each signed by one or more of those making the requisition. In other words there must be a single requisition or demand. Whilst the Companies Act

1985 is of no direct relevance to the interpretation of the rules of the Union, the approach adopted to dealing with the practical problem described above is a helpful guide as to what works in practice. What constitutes a single demand will of course remain a question of fact to be determined on a case by case basis.

30. On the facts of this case, the only demand that was made which purported to be the demand of ten or more Centres was the one made by the Applicant's letter of 27 July 2001. This demand was examined and found to be defective. I find that the defects in the demand were not capable of being remedied by the demands that were subsequently received from other individual Centres. If I were to be wrong on this, I find in the alternative that there was insufficient evidence that the subsequent demands were made at properly convened meetings to establish that the totality of such demands amounted to the demand of ten Centres covering five MSF regions/countries.
31. For the above reasons I refuse to make a declaration that the Union was in breach of section 9.1 of the Standing Orders of the CPHVA by refusing a written demand for a Special General Meeting.

The Standing Orders Committee

The Applicant's Submission

32. The Applicant contended that the information the SOC had requested in respect of the demands for the SGM was not within its power to request under section 7.7 of Standing Orders. The Applicant argued that the functions of the SOC are restricted mainly to the conduct of an AGM. The Applicant further contended that there was no precedent for the SOC to request such information either in relation to an SGM or to the motions submitted by Centres to the AGM, and argued that the SOC had reneged on past custom and practice.

The Union's Response

33. For the Union, Mr Ettinger stated that the SOC had been charged by the Executive

Committee to advise whether the demand for an SGM was made in accordance with rule. The SOC had quite correctly requested information from the Centres concerned to be able to subsequently provide the Executive Committee with a recommendation. In order to do so, the SOC sought to establish whether or not the demand for an SGM emanated from decisions taken by the membership at Centre level. The SOC subsequently submitted its recommendations to the Executive Committee which decided that there had been no valid demand for an SGM. Mr Ettinger submitted that the SOC had not acted in breach of rule in carrying out the task delegated to it by the Executive Committee or in writing to the Centres to determine whether their demands had originated from properly convened and quorate Centre meetings.

Conclusion

34. By section 7.7 of the Standing Orders, the SOC has certain defined functions. These include at section 7.7.1 the function of determining *“any question raised as to the interpretation and effect of Standing Orders”*. Furthermore, in the explanatory note to the Standing Orders it is explained that, *“The principles set out above are the basis on which the Standing Orders are to be interpreted. If resolution is not possible locally, the matter is to be referred to the Standing Orders Committee for resolution or a decision”*.
35. Given the functions of the SOC under Standing Orders, I find that the Executive Committee did not act in breach of the Standing Orders when it delegated to the SOC the task of ensuring that the proper procedure for the calling of an SGM had been followed. In carrying out this task the SOC was required to interpret section 9.1 of the Standing Orders which does not state expressly how the demand of a Centre is to be formulated. The interpretation of the SOC was not merely one that was open to it, exercising its powers under Standing Orders, but was in my judgement the correct interpretation.
36. I find that by writing to the relevant Centres, the SOC was not purporting to carry out its specific functions under section 7.7 of the Standing Orders but was carrying out a task delegated to it by the Executive Committee. I note that it was not the SOC which rejected the demand for an SGM. The SOC only made a recommendation to the

Executive Committee and the Executive Committee rejected the demand.

37. The Executive Committee is the chief executive committee of the Association which by section 6.1 of Standing Orders has the prime responsibility for the autonomous functioning of the Association. I find that it was within the power of the Executive Committee to delegate to the SOC the task of investigating its concerns about the validity of the demands for an SGM and subsequently to reject the demand that had been submitted by the Applicant.
38. For the above reasons I refuse to make a declaration that the Union acted in breach of section 7.7 of the Standing Orders of the CPHVA by the Association's SOC requesting information from those Centres of the Association which had submitted a written demand for a SGM.

Observation

39. I note that on the 1 January 2002 MSF amalgamated with the Amalgamated Engineering and Electrical Union to form a new union, Amicus. The rules of Amicus provide that the former rules of MSF shall continue to apply to the former members of MSF, insofar as they are consistent with the rules of Amicus.

D COCKBURN
Certification Officer