

**DECISIONS OF THE CERTIFICATION OFFICER ON APPLICATIONS MADE UNDER
SECTION 55 OF THE TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT
1992**

**IN THE MATTER OF COMPLAINTS AGAINST
THE BRITISH ACTORS' EQUITY ASSOCIATION**

Complaint One

“The British Actors’ Equity Association conceded before the hearing of the complaint that the post of President of Equity was a position which should have been filled by an election complying with the requirements of the 1992 Act, and that the present incumbent had not been so elected. I therefore uphold this complaint and declare that the union, in respect of the election of its President, breached the requirements of Chapter IV of Part I of the 1992 Act by failing to ensure the President was elected in accordance with section 46(1)(a) of the Trade Union and Labour Relations (Consolidation) Act 1992.

The union told me at the hearing that its President had resigned the previous evening. It gave an undertaking that it intended, as part of current consultations and a constitutional working party set up to look at reforms of the structure of the Association, to amend its rules so as to ensure that the provisions relating to the post of the President do accord with the requirements of the 1992 Act. Provided that the union (a) changes its rules so that the post of President is no longer one to which the election provisions of the 1992 Act apply or (b) ensures that the election of the President is carried out in accordance with those provisions, I am satisfied that this will secure the avoidance or repetition of the failure in future”.

Complaint Two

“Both the Council of Equity and its Executive Committee carry out executive functions. In recent years in practice the Executive Committee has had an enhanced role and the provisions in the rule book whereby the Council controls the Executive have had a diminishing effect. It is a very fine judgement as to which is now the principle body exercising executive functions within the union. On balance though I find that at present the Council is still the body to which section 46 (2) (a) and the provisions of Chapter IV of Part I of the 1992 Trade Union and Labour Relations (Consolidation) Act apply. As the Council is directly elected in a fully postal ballot, I dismiss the complaint.”

**E G Whybrew
Certification Officer
8 April 1999**