

SD/8/26-27

**The Assistant Certification Officer's Sift Decision under Section 108A of the
Trade Union and Labour Relations (Consolidation) Act 1992**

David Strachan

Applicant

and

**Associated Society of Locomotive
Engineers and Firemen (ASLEF)**

Respondent

Date of Decision

9 July 2026

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Decision

1. Mr David Strachan (“the Applicant”) applied to the Certification Officer (“the CO”) on 3 June 2026, under section 108A of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”), for a declaration that the Associated Society of Locomotive Engineers and Firemen (“ASLEF”, or “the Respondent”) had breached its rules.
2. Having considered the application:

I find that the application is not one which the Certification Officer has the jurisdiction to determine.

It cannot therefore be accepted for determination by the Certification Officer and is dismissed.

Background

3. The Applicant is a member of the Respondent union.
4. On the application form, the Applicant summarised the complaint as:

On 7th of April the District Officer confirmed in writing that he would forward my Early Conciliation Certificate and evidence pack to Thompsons solicitors for a merit assessment.

i supplied the requested documents on 8th of April in a single email exactly as requested

My subject access request (SAR) shows no record of any referral, correspondence, notes or communications with Thompsons, this indicates that

no merits assessment took place despite the unions assurance one would be sought

ASLEF breached rule 16,1 (b) on 21st April when the District Organiser refused support without providing written reasons on an actual merits assessment.

The general secretary's letter dated 13th of May stated that legal advice had been obtained from Thompsons but my SAR confirms that no such referral occurred.

ASLEF also breached rule 16.1 (e) by failing to place my request before the executive committee no evidence of EC involvement appears in my SAR and ASLEF have refused the EC considered my case I have repeatably asked ASLEF to confirm whether my case has ever been referred to Thompsons, ASLEF have refused to answer this procedural question ASLEF failed to follow its own procedures, failed to keep proper records and failed to provide the written explanation required by rule 16.1 (b).

5. On 10 June 2026, in correspondence with the Certification Office, the Applicant extended the complaint to encompass breaches of rules 6.1 and 6.2.
6. On 11 June 2026, the Certification Office wrote to the Applicant to inform them that a preliminary view had been reached that the application did not fall within the jurisdiction of the Certification Officer (CO).
7. The letter explained to the Applicant that the CO had delegated to me, as the Assistant Certification Officer (ACO), responsibility for determining questions of jurisdiction arising at the stage of initial consideration of applications.

8. Given the preliminary view that the application did not fall within the CO's jurisdiction, the Applicant was told that they had two options:
 - 8.1. **Option 1** was to withdraw the application, in which case no formal decision would be made or issued and the matter would be closed;

Or,
 - 8.2. **Option 2** was to request that a formal decision be made following the preliminary view. The Applicant was told that if they chose this option, I would formally consider whether the complaint fell within the CO's jurisdiction and issue a written decision. That decision would be sent to the Applicant, and the Union, and would be published on the CO's website.
9. The Applicant was also told that should they select option 2, they would then have 2 weeks to provide any supplementary evidence or argument on which they wished me to rely in determining the issue of jurisdiction.
10. On 11 June 2026, the Applicant wrote to the Certification Office confirming their preference for a formal decision regarding the issue of jurisdiction.
11. The Applicant provided written submissions and several accompanying pieces of supporting evidence. I have considered the material provided solely for the purpose of deciding whether the application falls within the jurisdiction of the CO under section 108A of the 1992 Act. I have not made findings on whether the Applicant's factual allegations are correct. Instead, for the purpose of this jurisdictional sift only, I have taken the Applicant's allegations at their highest. The question I have determined is whether the application discloses a complaint about a breach of a rule relating to one of the matters listed in section 108A(2).
12. Whilst I have carefully considered all the material provided, it is not necessary, for the purpose of this jurisdictional sift decision, to refer to every

document submitted by the Applicant. The question for me is whether the Applicant has identified a rule of the Respondent union which, on its proper construction, relates to one of the matters listed in section 108A(2), and whether the alleged breach engages the rule in that qualifying aspect. I have therefore focused on the rules relied upon by the Applicant and the allegations said to amount to breaches of those rules.

13. For the avoidance of any doubt, I have reached findings only so far as required to determine the question of jurisdiction. Since I have found that the rules relied upon do not bring the application within the jurisdiction of the CO, I have reached no findings on whether any rules were in fact breached.
14. The application has not been accepted for determination by the CO for want of jurisdiction, therefore, there has been no correspondence with the Respondent union in respect of the application.

The relevant statutory provisions

15. The statutory provisions which are relevant for the purposes of this application are as follows:

The Trade Union and Labour Relations (Consolidation) Act 1992

s108A 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) such other matters as may be specified in an order made by the Secretary of State.
- (3) The applicant must be a member of the union or have been one at the time of the alleged breach or threatened breach.
- (4) A person may not apply under subsection (1) in relation to a claim if he is entitled to apply under section 80 in relation to the claim.
- (5) No application may be made regarding—
- (a) the dismissal of an employee of the union;
 - (b) disciplinary proceedings against an employee of the union.
- (6) An application must be made—
- (a) within the period of six months starting with the day on which the breach or threatened breach is alleged to have taken place, or

(b) if within that period any internal complaints procedure of the union is invoked to resolve the claim, within the period of six months starting with the earlier of the days specified in subsection (7).

(7) Those days are—

(a) the day on which the procedure is concluded, and

(b) the last day of the period of one year beginning with the day on which the procedure is invoked.

(8) The reference in subsection (1) to the rules of a union includes references to the rules of any branch or section of the union.

(9) In subsection (2)(c) “industrial action” means a strike or other industrial action by persons employed under contracts of employment.

(10) For the purposes of subsection (2)(d) a committee is an executive committee if—

(a) it is a committee of the union concerned and has power to make executive decisions on behalf of the union or on behalf of a constituent body,

(b) it is a committee of a major constituent body and has power to make executive decisions on behalf of that body, or

(c) it is a sub-committee of a committee falling within paragraph (a) or (b).

(11) For the purposes of subsection (2)(d) a decision-making meeting is—

(a) a meeting of members of the union concerned (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union, is final as regards the union or which, under the rules of the union or a constituent body, is final as regards that body, or

(b) a meeting of members of a major constituent body (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union or the body, is final as regards that body.

(12) For the purposes of subsections (10) and (11), in relation to the trade union concerned—

(a) a constituent body is any body which forms part of the union, including a branch, group, section or region;

(b) a major constituent body is such a body which has more than 1,000 members.

(13) Any order under subsection (2)(e) shall be made by statutory instrument; and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

(14) If a person applies to the Certification Officer under this section in relation to an alleged breach or threatened breach he may not apply to the court in relation to the breach or threatened breach; but

nothing in this subsection shall prevent such a person from exercising any right to appeal against or challenge the Certification Officer's decision on the application to him.

(15) If—

(a) a person applies to the court in relation to an alleged breach or threatened breach, and

(b) the breach or threatened breach is one in relation to which he could have made an application to the Certification Officer under this section,

he may not apply to the Certification Officer under this section in relation to the breach or threatened breach.

254 The Certification Officer

(4) The Certification Officer may delegate to an assistant certification officer such functions as he thinks appropriate, and in particular may delegate to the assistant certification officer for Scotland such functions as he thinks appropriate in relation to organisations whose principal office is in Scotland.

References to the Certification Officer in enactments relating to his functions shall be construed accordingly.

The relevant rules of the Union

16. The Rules of the Union which are relevant for the purposes of this application are as follows:

6.1 Executive Committee Duties

- (a) There shall be eight Executive Committee members who shall meet for the ordinary business of ASLEF for a minimum of one week in each calendar month.
- (b) Special sessions may be convened if the General Secretary and Executive Committee President agree there is a requirement.
- (c) They shall publish an annual report after the close of year which shall be in such form and be signed by such persons as the Certification Officer may require and shall contain detailed items of income and expenditure, assets and liabilities. It shall also contain the wages, railway fares and expenses of the Executive Committee, General Secretary, Assistant General Secretary, District Organisers, Company Council Representatives or their equivalent and the wages of the office staff, each item to be separate.
- (d) It shall be the duty of the Executive Committee to provide the General Secretary with a sufficient number of copies of the Annual Report and Financial Statements, and it shall be his/her duty to supply gratuitous copies, on application, to every member or person interested in the funds of the union.
- (e) The Executive Committee shall determine anything upon which the rules are silent.

(f) They shall attend meetings organised by the members for the purpose of organising or giving their report, upon receiving instructions from the General Secretary to do so.

(g) The President and Vice President or their nominated deputies shall attend the Annual Assembly of Delegates of the union but no member of the Executive Committee shall attend as a delegate.

(h) They shall provide suitable offices and staff for the transaction of the business of the union.

(i) They shall ensure the provision of educational opportunities for the membership.

(j) They shall make available to branches a full and concise monthly report on the whole of the work performed by them on behalf of the union, which shall include both the individual and collective activities of the Executive Committee members, and a complete record of the voting.

(k) The President or in their absence the Vice-President, of the Executive Committee, shall attend the diarised monthly finance committee meeting and carry out the provisions of rule 20.

(l) Executive Committee members are to attend financial training courses as organised by the General Secretary.

6.2 Executive Committee Powers

(a) The Executive Committee shall appoint each year its own President and Vice President. Five members shall form a quorum.

(b) The Executive Committee shall have the power to suspend from office pending investigation into a disciplinary offence if the matter is of a serious nature, one of their own, and any Full Time Official.

(c) The Executive Committee shall exercise full control over the funds of ASLEF in strict accordance with these rules and shall have the power to appoint a special audit.

(d) All monies received on account of contributions, levies, donations or otherwise, shall be applied towards carrying out the objects of the union according to its rules. Should any officer or member take any sum of money from the funds of the union which may have been entrusted to them and appropriate same for their own use, or otherwise dispose of it without authority, or commit an offence against any statutory obligations, they shall be dealt with by the Executive Committee under Rule 17.

(e) Whenever they consider it necessary, the Executive Committee shall institute legal proceedings against any officer or member who may in any way defraud the union. Also against any Trustee or Trustees who may refuse to sign and deliver up to any person appointed by the Executive Committee to receive same, all bank books, cheques and other documents and materials which may be in their

possession, or under their control, or which require their signatures.

(f) The Executive Committee shall institute all legal proceedings on behalf of the union and have power to take any lawful steps they think proper to enforce their decisions and the decisions of the disciplinary or appeals panels.

(g) The Executive Committee may submit any question they think fit to the members of the union for the purpose of obtaining instructions thereon and the votes of the members shall be final.

(h) The Executive Committee has the power to make an order upon any branch monies to discharge any bills or debts contracted by or on account of the union by such a particular branch.

(i) Should any branch or branches refuse to remit monies upon the order of the Executive Committee directing such a remittance the Executive Committee may suspend the branch.

(j) The Executive Committee shall give instructions to the General Secretary in relation to the duties of that post and shall have the power to appoint assistants in the office when required, who shall act under the control of the General Secretary and the Executive Committee.

(k) In the event of the General Secretary being unable through illness or any other cause to carry out the

duties of that post the Executive Committee shall have the power to fill the position pro tem.

(l) The Rules of ASLEF and the resolutions and instructions of the Annual Assembly of Delegates shall be enforced by the Executive Committee.

(m) Should any dispute arise amongst the members of the Executive Committee, branches shall accept the statement of the majority, signed by the President of the Executive Committee.

(n) The opening or closing of branches must be authorised by the Executive Committee.

(o) The Executive Committee shall have the power to decide at any time to withdraw members from their employment or take any other form of industrial action.

(p) The Executive Committee shall have the power to inaugurate proposed industrial action in the interests of the members in whatever form. No single branch or group of branches may enter into an agreement with the headquarters or branch of any other trade union or organisation for the purpose of negotiating industrial action or withdrawal of labour unless application has been received from the Head Office of the other trade union concerned or other organisation. The Executive Committee sanction must be obtained in the first instance.

(q) Unless proposals for industrial action are submitted to the Executive Committee and receive their sanction,

no benefits or payments from the union's funds will be allowed.

(r) So much of the funds of the union as may not be wanted for immediate use shall, with the consent of the Executive Committee, be invested in the names of the Trustees in such of the following ways as such committee shall direct, namely, upon a deposit account with any bank, in the National Savings Bank, in the Public Funds, or upon Government real or leasehold securities, or upon the debentures or mortgages or other securities of any company incorporated by charter or Act of Parliament paying a dividend, or upon the security of any County, Borough, or other rates authorised to be levied or mortgaged by Act of Parliament.

(s) The Executive Committee shall ensure that a proportion of the union's funds are held in a separate account for the sole use of relieving distress/hardship of members who have withdrawn their labour under the instruction or sanction of the Executive Committee or Annual Assembly of Delegates or Special Assembly of Delegates. The details of such account, shall be printed under separate heading in the Annual Report and Financial Statements.

(t) The Executive Committee may, in the names of the Trustees of the union, hold, purchase, or take on lease, any land and may sell, exchange, mortgage, lease or build upon the same (with power to alter and pull down buildings and again rebuild), and no

purchaser, assignee, mortgage, or tenant shall be bound to inquire as to the authority for any sale, exchange mortgage, or lease by the Trustees, and the receipt of the Trustees shall be a discharge for all monies arising from or in connection with such sale, exchange, mortgage, or lease.

16.1 Legal Assistance to Members and Dependants

(a) ASLEF shall have the power to grant legal assistance to members in connection with matters arising out of their employment, and to members who sustain injury by accident whilst off duty and to the dependants of such members. Also, ASLEF shall grant legal assistance to members of the union who have suffered harassment, physical or verbal, racial or sexual abuse, or being subjected to any actions contrary to Rule 3.1, Equal Opportunities Statement.

(b) The powers set out in 16.1.(a) above shall be exercised by the General Secretary on behalf of the ASLEF subject to the General Secretary's discretion. Where any such legal assistance is not granted or a case not pursued, the General Secretary will notify in writing the member and branch concerned explaining the reasons why. Any correspondence to the branch will not include any details of a personal or private nature.

(e) Any member who has used all the stages of the Individual Grievance Procedures and is not satisfied with the outcome may take their grievance to the member's own Branch. If the members of the Branch support the member's claim then all of the correspondence should be sent by the Branch Secretary to the General Secretary for the attention of the Executive Committee with the recommendation that legal guidance be sought.

The Applicant's submissions

17. The application concerns an alleged breach of the rules of the Respondent union in respect of a request for legal assistance. The Applicant relies on Rule 16.1(a), which concerns the Respondent's power to grant legal assistance, Rule 16.1(b), which concerns written reasons where legal assistance is not granted or a case is not pursued, and Rule 16.1(e), which concerns a member taking a grievance to the member's branch and the sending of correspondence to the General Secretary for the attention of the Executive Committee where the branch supports the claim. The Applicant also relies on Rules 6.1 and 6.2, which concern Executive Committee duties and powers. The Applicant states that the complaint is not about the merits of the refusal of legal support, but about alleged procedural failures, lack of records, and failure to place the matter before the Executive Committee.

18. Rules 6.1 and 6.2

18.1. In respect of Rules 6.1 and 6.2, the Applicant submits that the Executive Committee failed to act after the Applicant sent correspondence about the Rule 16.1(e) process. The Applicant alleges that, after the Respondent acknowledged the escalation, the

Executive Committee did not consider the matter, record it, discuss it, or issue any decision. The Applicant further submits that the absence of Executive Committee papers, minutes, internal notes, or other records shows that the matter was not handled as required. The Applicant also relies on alleged record-keeping failures and alleged contradictory information from the General Secretary's office as matters affecting Executive Committee proceedings.

18.2. In respect of jurisdiction, the Applicant submits that Rules 6.1 and 6.2 concern the duties and powers of the Executive Committee and therefore fall within section 108A(2)(d), as rules relating to the constitution or proceedings of an executive committee or decision-making meeting. The Applicant contends that the complaint is about the Respondent's failure to allow the Executive Committee process to operate, rather than about the merits of the decision not to support the Applicant's Employment Tribunal claim.

19. Rule 16.1(a)

19.1. In respect of Rule 16.1(a), the Applicant's original application referred to this rule in the context of the Respondent's handling of a request for legal assistance. Rule 16.1(a) provides for the Respondent to have power to grant legal assistance to members in connection with matters arising out of their employment, and in other specified circumstances.

19.2. The Applicant did not make a separate jurisdiction submission in respect of Rule 16.1(a). The Applicant's jurisdiction submission was directed to the alleged failure to provide written reasons under Rule 16.1(b), the alleged failure to place the matter before the Executive Committee under Rule 16.1(e), and the alleged relevance of Rules 6.1 and 6.2.

20. Rule 16.1(b)

20.1. In respect of Rule 16.1(b), the Applicant submits that the General Secretary failed to provide the written explanation required when legal assistance was refused or a case was not pursued. The Applicant says that no written reasons, explanation, breakdown, confirmation of process, confirmation of referral, or merits assessment were provided. The Applicant also alleges that a letter from the General Secretary stated only that the understanding was that the Respondent's external legal support had considered the case, while the Applicant's subject access request showed no referral.

20.2. In respect of jurisdiction, the Applicant submits that his allegation is of a procedural breach and not a challenge to the substantive refusal of legal support. The Applicant's jurisdiction submission is that the procedural failures formed part of the same process as the Rule 16.1(e) escalation and the alleged failure to involve the Executive Committee. From this point, the Applicant submits that the application falls within section 108A(2)(d).

21. Rule 16.1(e)

21.1. In respect of Rule 16.1(e), the Applicant submits that a valid escalation was made and acknowledged by the Respondent. The Applicant says that, despite that acknowledgement, the matter was not placed before the Executive Committee, no Executive Committee papers or minutes were produced, and no record of any Executive Committee decision exists. The Applicant further submits that the branch route was not viable because local representatives and the company council had refused to support the Applicant.

21.2. The Applicant emphasises that the complaint under Rule 16.1(e) concerns the alleged failure to place the matter before the Executive Committee, not the merits of the refusal of legal support. In respect of jurisdiction, the Applicant submits that the rule engages section

108A(2)(d), because it requires correspondence to be sent for the attention of the Executive Committee and therefore concerns Executive Committee proceedings.

The jurisdiction of the Certification Officer

22. The CO's jurisdiction to determine complaints about breaches of union rules is conferred by section 108A of the 1992 Act. That jurisdiction is limited. It is not a general power to decide whether a trade union has acted fairly, whether it has followed every part of its rulebook, or whether it has handled a member's request for assistance correctly.
23. Section 108A applies only where the rule said to have been breached relates to one of the matters listed in section 108A(2). Those matters are the appointment or election of a person to office, the removal of a person from office, disciplinary proceedings by the union, the balloting of members on any issue other than industrial action, and the constitution or proceedings of an executive committee or decision-making meeting.
24. The first question is therefore whether the rule relied upon, on its proper construction, relates to one of those listed matters. It is not enough that the facts complained about may have some connection with a listed matter. The necessary relationship must arise from the scope or operation of the rule itself.
25. Where a rule contains more than one provision, or deals with more than one subject, the jurisdictional question must be asked with care. This is particularly so where a rule is divided into a number of sub-rules, some of which may relate to a matter listed in section 108A(2), and others of which may not. It is not enough that the rule, viewed as a whole, contains a provision which may relate to a listed matter. The alleged breach must

engage the provision, or aspect of the rule, which gives it the necessary relationship to section 108A(2).

26. That principle is not confined to rules divided into sub-rules. Even where a rule is expressed more simply, the CO must identify the aspect of the rule which is said to be engaged. The facts and circumstances of the application may assist in identifying that aspect, but they cannot change the meaning of the rule or create a jurisdictional relationship which the rule does not otherwise bear. The question remains whether the alleged breach, taken at its highest, engages the rule in a respect which relates to one of the matters listed in section 108A(2).
27. In this case, the Applicant relies on section 108A(2)(d). I must therefore consider whether the rules relied upon relate to the constitution or proceedings of the Executive Committee or of any decision-making meeting. A rule does not fall within section 108A(2)(d) merely because it refers to the Executive Committee, or because the Applicant says the Executive Committee should have been involved. The rule must relate to the constitution of that body, or to the way in which its business is conducted. If the complaint concerns the substance of a decision, the handling of a request for legal assistance, record-keeping, or general procedural unfairness, it will not fall within section 108A(2)(d) unless the rule relied upon connects those matters clearly and directly with the constitution or proceedings of a qualifying body.
28. For the avoidance of doubt, a finding that an application is not within the CO's jurisdiction is not a finding that the Applicant has no remedy available to them. It means only that the complaint is not one which the CO has power to determine under section 108A. Any wider dispute between the Applicant and the Respondent would have to be pursued, if at all, by other means.

Conclusions

29. I must decide whether this application falls within the jurisdiction conferred by section 108A of the 1992 Act. I have considered each of the rules relied upon, and set out my conclusions, as follows:

30. **Conclusions on Rules 6.1 and 6.2**

30.1. In respect of Rules 6.1 and 6.2, the strongest arguable statutory gateway is section 108A(2)(d), because both rules contain provisions about the Executive Committee.

30.2. Rules 6.1 and 6.2 are broad rules, made up of 32 sub-rules dealing with different aspects of the Executive Committee's duties and powers. Some of those sub-rules may, in principle, relate to the constitution or proceedings of the Executive Committee. For example, Rule 6.1 refers to the number of Executive Committee members, the ordinary meeting pattern, annual reporting, and monthly reports including voting records. Rule 6.2(a) refers to the appointment of the President and Vice President and to quorum. However, in determining whether the application before me falls within the CO's jurisdiction, particular care is required to identify whether the alleged breach engages an aspect of either rule which gives it that relationship to section 108A(2)(d). It is not enough that the rules, taken as a whole, concern the Executive Committee.

30.3. On the material provided, the Applicant's complaint does not engage any such qualifying aspect of Rule 6.1. The Applicant does not allege a breach concerning the composition of the Executive Committee, the calling or holding of meetings, the quorum, voting, reports of Executive Committee work, or any rule-based procedure governing how the Executive Committee conducts its business. The complaint is, in substance, that the Respondent did not process the Applicant's

request for legal assistance by placing it before the Executive Committee and did not keep records of that process.

30.4. Rules 6.1 and 6.2 do not, on their own terms, impose a duty on the Executive Committee to consider an individual member's request for legal assistance under Rule 16.1(e), nor do they create a general record-keeping duty in respect of such a request.

30.5. Accordingly, I find that the application in respect of Rules 6.1 and 6.2 is not within the jurisdiction of the CO.

31. Rule 16.1(a)

31.1. In respect of Rule 16.1(a), the rule concerns the Respondent's power to grant legal assistance to members in connection with matters arising out of their employment and in other specified circumstances. The rule does not, on its face, relate to any of the matters listed in section 108A(2). In particular, it does not relate to the constitution or proceedings of an executive committee or decision-making meeting.

31.2. The Applicant's complaint concerns the handling of a request for legal assistance, including the alleged absence of a merits assessment, the alleged refusal of support, and the alleged failure to progress the matter under other parts of Rule 16.1. Taken at its highest, that does not engage Rule 16.1(a) in any respect relating to a listed matter under section 108A(2).

31.3. Accordingly, I find that the complaint in respect of Rule 16.1(a) is not within the jurisdiction of the CO.

32. Rule 16.1(b)

32.1. In respect of Rule 16.1(b), the rule concerns the exercise of discretion by the General Secretary in relation to legal assistance and the requirement to notify the member and branch in writing, with reasons,

where legal assistance is not granted or a case is not pursued. Rule 16.1(b) does not relate to the constitution or proceedings of an executive committee or decision-making meeting. It concerns the grant or refusal of legal assistance by the General Secretary and written reasons for that refusal.

32.2. The Applicant submits that the complaint is procedural and not a challenge to the merits of the refusal of support. I accept and adopt that characterisation for the purposes of this jurisdictional sift decision.

32.3. However, a procedural complaint is not within the jurisdiction conferred by section 108A unless the rule, on its proper construction, relates to one of the listed matters. Rule 16.1(b) does not require a matter to be put before the Executive Committee, does not regulate the constitution or proceedings of that body, and does not impose a procedural requirement on a qualifying decision-making meeting. The alleged failure to provide written reasons is therefore a complaint about the handling of legal assistance by the General Secretary.

32.4. Accordingly, I find that the complaint in respect of Rule 16.1(b) is not within the jurisdiction of the CO.

33. Rule 16.1(e)

33.1. In respect of Rule 16.1(e), the strongest arguable statutory gateway is section 108A(2)(d). The rule provides that a member who has used all stages of the Individual Grievance Procedures and is not satisfied with the outcome may take the grievance to the member's own branch. If the members of the branch support the member's claim, all correspondence should be sent by the Branch Secretary to the General Secretary for the attention of the Executive Committee with the recommendation that legal guidance be sought.

33.2. Rule 16.1(e) refers to the Executive Committee, but a reference to that body does not, by itself, mean that the rule relates to the constitution or proceedings of the Executive Committee. The rule is part of the legal assistance rule. It describes a route by which, where the branch supports the member's claim, the Branch Secretary sends correspondence to the General Secretary for the attention of the Executive Committee. It does not set out how the Executive Committee must be constituted, how its meetings must be called, how it must conduct its business, what quorum or voting rules apply, or what decision it must make. The rule is directed to the process for seeking legal guidance and assistance, not to the constitution or proceedings of the Executive Committee.

33.3. Further, even if Rule 16.1(e) were read at its highest as having an aspect capable of relating to Executive Committee proceedings, the Applicant's pleaded case does not engage that aspect. On the Applicant's own case, the Applicant did not take the matter through a branch which supported the claim and then caused the Branch Secretary to send the correspondence to the General Secretary for the attention of the Executive Committee. The Applicant submits that the branch route was not viable and that the Respondent nevertheless acknowledged the Applicant's direct escalation. That does not engage the condition set out in Rule 16.1(e). The alleged failure is therefore not a breach of the rule in any qualifying aspect relating to the constitution or proceedings of the Executive Committee.

33.4. Accordingly, I find that the complaint in respect of Rule 16.1(e) is not within the jurisdiction of the CO.

Overall conclusion

34. I have considered the rules relied upon by the Applicant and have taken the Applicant's case at its highest. The application is, in substance, about the Respondent's handling of the Applicant's request for legal assistance, the reasons given for refusing assistance, the alleged absence of a merits assessment, and the alleged failure to involve the Executive Committee. Those matters do not fall within the CO's jurisdiction unless they are tied to a rule which, on its proper construction, relates to one of the matters listed in section 108A(2), and unless the alleged breach engages the rule in that qualifying aspect.
35. For the reasons given herein, the rules relied upon either do not relate to a listed matter, or, where they may do so in principle, the alleged breach does not engage the rule in its qualifying aspect. I therefore find that the application is not one which the CO has jurisdiction to determine. It cannot therefore be accepted for determination and is dismissed.



MICHAEL KIDD
The Assistant Certification Officer

9 July 2026