

**POA**  
**Annual Conference**  
**2017**

**CONFERENCE**  
**PAPER THREE**



# CONFERENCE PAPER THREE

## CHANGES TO THE POLITICAL FUND RULES

### NORTHERN IRELAND

#### Introduction

The POA like all trade unions must comply with the Certification Officer's amended Rules and Regulations should it wish to continue to have a Political Fund.

The National Executive Committee believe it is vital for the POA to have a political voice and a means to campaign and lobby MP's, to further the aims and objectives of the union.

All members of the union have the right to contribute to the Political Fund from their current subscription or opt out of the Fund. This remains the case, however, prior to the closing date for Conference Motions it was anticipated that more stringent changes would be applied to Northern Ireland as well as England, Wales and Scotland, these did not materialise.

This paper sets out the procedures and changes which the POA are required to make in Northern Ireland and provides Conference with the opportunity to endorse these changes and maintain our Political Fund.

#### History

##### **MOTION 177/ 2007**

That Conference accepts Conference Paper (7) Political Fund Ballot Rules Northern Ireland, under which a ballot could be held on a resolution approving the furtherance of the political objectives of the POA within the meaning of the Trade Union and Labour Relations (NI) Order 1995 (as amended).

Further that, if those Rules are given formal approval by the Certification Officer, a ballot will be held in accordance with them.

Thank you very much, Conference, this is exactly the same, but in relation to Northern Ireland, where the other one was in relation to England, Wales and Scotland. It comes under Article 48 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, but it is exactly the same, apart from a different piece of legislation. I would ask you for your support in that as well, colleagues.

#### Changes

These are the key changes to the NI Political Fund Rules:

Ballot Rules

Change of address for the Certification Officer

#### Conclusion

The NEC seek Conference approval to introduce the necessary changes to ensure the POA's Political Fund is compliant with the Rules and Regulations as set out in the Model Rules and attached for ease of reference.

At the time of finalising this paper confirmation from the Certification Officer was still outstanding that these changes were acceptable to her. The mover of the Motion will confirm her decision and any amendments to Conference.

If Conference accept these changes the NEC will conduct a postal ballot of all affected members using the services of Electoral Reform Services (ERS).

Please support.



**The Professional Trades Union for Prison,  
Correctional & Secure Psychiatric Workers**

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**Our Ref: GS/011/17**

**Your Ref:**

24<sup>th</sup> April 2017

Dear Mrs Havlin

We seek your informal/preliminary approval of two matters. Firstly, our draft Ballot Rules for maintenance of the Political Fund and secondly, an amended Political Fund Rule. We hope to be able to place both sets of Rules before our Conference starting on 9<sup>th</sup> May 2017.

**1. BALLOT TO MAINTAIN POA POLITICAL FUND**

Under the Union and Labour Relations (NI) Order 1995 the POA will be required to conduct a ballot of its members by the 1<sup>st</sup> October 2017. It is our intention to have completed this process though by mid-September 2017.

As part of our preparatory work, I have enclosed two sets of draft Ballot Rules to be used in the above ballot of POA members in Northern Ireland for preliminary approval.

These draft rules are taken from the Model Rules you provided and set out in Annex A of your document "A Guide to Political Fund Review Ballots". It is the intention of the Union to use the offices of Electoral Reform Services (ERS) to act as both the Scrutineer and Independent Person for the purpose of this ballot.

The only change from your Model Rules is that we have inserted the name of the Union.

I hope that the draft rules meet with your approval, if you require any further clarification or there are any difficulties with the proposed rule please contact me at the above address.

## 2. PROPOSED POLITICAL FUND RULE

We already have a Political Fund Rule for Northern Ireland but need to amend it at the above Conference to take account of your change of address to 10-16 Gordon Street. We enclose two copies for your attention.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Steve Gillan', with a small flourish at the end.

**STEVE GILLAN**  
General Secretary

Mrs Sarah Havlin  
Certification Officer for Trade Unions and Employers Associations  
10-16 Gordon Street,  
Belfast,  
BT1 2LG

## **RULES FOR A BALLOT TO MAINTAIN THE POA POLITICAL FUND**

### **Rules for a ballot under Article 48 of the Trade Union and Labour Relations (NI) Order 1995 (as amended)**

#### **General**

1. The Executive shall be responsible to the union for securing that the ballot which is held to maintain a political fund is conducted in accordance with these rules. This overall responsibility cannot be delegated, even where the responsibility for carrying out a particular duty falls upon a person not subject to the rules of the union. Administrative tasks for the conduct of such a ballot may be delegated in accordance with the rules or practice of the union.

#### **Interpretation**

2. In these ballot rules, unless the context otherwise requires:

"the Order" means the Trade Union and Labour Relations (NI) Order 1995 (as amended);

"the Certification Officer" means the Certification Officer for Trade Unions and Employers' Associations whose address is 10-16 Gordon Street, Belfast, BT1 2LG.

"dispatch envelope" means the envelope (in the form required by these rules) in which the voting paper and return envelope are dispatched to the member;

"executive" means the principal committee of the union exercising executive functions, by whatever name it is called;

"independent person" means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of Article 52 of the 1995 Order and these rules;

"person" in relation to the position of an independent person or a scrutineer, includes an unincorporated or incorporated body of persons;

"proper address" in relation to any member means his/her home address or other address which he/she has requested the union in writing to treat as his/her postal address under Article 51(4)(a) of the 1995 Order;

"return envelope" means an envelope in the form required by these rules;

"scrutineer" means the independent person appointed by the union to that position in relation to the ballot under Article 49 of the 1995 Order and these rules;

"the period specified before disposal" means the end of the period of one year beginning with the announcement by the union of the result of the ballot or, if within that period an application is made under Article 54 of the 1995 Order (complaint of failure to comply with the ballot rules), until the Certification Officer or the High Court authorises disposal by the scrutineer;

"voting paper" or "ballot paper" means a voting paper in the form required by these rules;

### **Purpose of these Rules**

3. These rules are adopted for the purposes of a ballot under Article 47 of the 1995 Order and apply only to such a ballot.

### **Copies of these Rules to be available to Members.**

4. The executive shall ensure that a copy of these rules is supplied, free of charge or on payment of a reasonable charge, to any member of the union who requests a copy.

### **Appointment of a Scrutineer where the Scrutineer acts as the independent person**

5. Before the review ballot is held, a scrutineer shall be appointed to carry out such functions in relation to the ballot as are required under the 1995 Order and such additional functions as are specified in the appointment, and to act as the independent person under Article 49(1) of the 1995 Order in relation to the ballot.
6. A person is eligible for appointment as scrutineer if:
  - (a) the person satisfies the conditions which are for the time being specified by the Department pursuant to Article 49(2) of the 1995 Order or is a person specified by name in an order made under that section (the conditions specified by the Department were, at the time of the adoption of these rules, contained in The Trade Union Elections and Ballots (Independent Scrutineer Qualifications) Order (NI) 1992 (SR 1992 no. 241) and the persons specified by name were contained in the Trade Union Elections and Ballots (Independent Scrutineer Qualifications) (Amendment) Order (NI) 2003 (SR 2003 no. 331) – available at [www.opsi.gov.uk](http://www.opsi.gov.uk)); and
  - (b) there are no grounds for believing that the person in question will carry out any function conferred on him/her in relation to the ballot otherwise than competently; or that his/her independence in relation to the union or in relation to the ballot might reasonably be called into question.

## **Terms of the Appointment**

7. The terms of the appointment shall require the scrutineer:
- (a) to supervise the production of the voting papers and to undertake the storage and distribution of the voting papers and the counting of votes cast;
  - (b) to be the person to whom the voting papers are returned by those voting;
  - (c) to inspect the register of names and addresses of members of the union or to examine the copy of the register as at the relevant date which is supplied to him/her in accordance with Article 49(3)(b) of the 1995 Order whenever it appears to him/her appropriate to do so and in particular where the conditions specified in Article 49(4) of the 1995 Order are satisfied;
  - (d) take such steps as appear to him/her to be appropriate for the purpose of enabling him/her to make a report under these rules;
  - (e) to make that report to the union as soon as is reasonably practicable after the last date for the return of voting papers;
  - (f) to retain custody of and keep secure in a safe place all voting papers returned for the purposes of the ballot together with the relevant copy of the register of names and addresses of members supplied to him/her by the union for the period specified before disposal, as defined in rule 2;
  - (g) to carry out such other functions in relation to the ballot as are required of him/her under these rules or as the executive may specify in his/her appointment;
  - (h) to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal;
  - (i) to respect the duty of confidentiality in respect of the register; and
  - (j) to carry out these tasks in a manner which minimises the risk of any contravention of requirements imposed by or under any enactment or these rules or the occurrence of any unfairness or malpractice.

## **Notice of Appointment**

8. Before the scrutineer begins to carry out any of these functions either:
  - (a) a notice stating the name of the scrutineer shall be sent to every member of the union to whom it is reasonably practicable to send such a notice; or
  - (b) all such other steps shall be taken for notifying members of the union of the name of the scrutineer as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

Such notice or notification may invite members to inform the union of any change of address and advise members of the dates between which the ballot will be held.

## **Union's Duty Towards the Scrutineer**

9. Nothing in the terms of the scrutineer's appointment (including any additional functions specified in the appointment) shall be such as to make it reasonable for any person to call into question the scrutineer's independence in relation to the union.
10. The union shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on him/her by the terms of the appointment which would make it reasonable for any person to call into question the scrutineer's independence in relation to the union.
11. The Union shall comply with all reasonable requests made by the scrutineer for the purpose of, or in connection with, the carrying out of his/her functions.

## **Dispatch envelopes**

12. The dispatch envelope:
  - (a) shall be addressed to the member entitled to vote;
  - (b) shall state that if the envelope is undelivered to the member it should be returned to the scrutineer and give his/her name and address;
  - (c) shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and
  - (d) in the event of the envelope containing material other than the material relating to the ballot, the envelope shall have printed on it prominently the words "ballot paper" or "voting paper". But where, for the purpose of personal safety, a member asks the union in writing to send a voting paper to him/her by some

means other than by post, the union shall send the voting paper to him/her by that other means.

### **Voting Papers**

13. Every voting paper shall be in or substantially in accordance with the form set out in appendix 1 to these rules and:
  - (a) shall state the name of the scrutineer and clearly specify the address to which, and the date by which, it is to be returned;
  - (b) shall be marked with one of a series of consecutive whole numbers, every one of which is used in giving a different number in that series to each voting paper printed or otherwise produced for the purposes of the ballot;
  - (c) may have printed on it the logo or emblem of the union;
  - (d) may have printed on it or attached to it an explanatory statement.

### **Return Envelopes**

14. Every return envelope:
  - (a) shall be capable of being sealed;
  - (b) shall be addressed to the scrutineer;
  - (c) shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and
  - (d) may have printed on it:
    - (i) the name of the union;
    - (ii) the logo or emblem of the union; and
    - (iii) the words "voting paper" or "ballot paper"

### **Date of Ballot**

15. The executive shall determine:
  - (a) the date by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date for receipt of completed voting papers by the scrutineer;
  - (b) the last date for receipt of completed voting papers by the scrutineer; and
  - (c) the date on which the counting of votes is to commence.

## **Conduct of the Ballot**

16. Entitlement to vote in the ballot shall be accorded equally to all members.
17. The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.
18. So far as is reasonably practicable, every person who is entitled to vote in the ballot shall, in accordance with these rules:
  - (a) be sent a voting paper by post (or if a member has specified some other means under rule 12, by that other means) in such time as to be received on or before the opening day of the ballot; and
  - (b) be given a convenient opportunity to vote by post.
19. Every person who is entitled to vote in the ballot shall:
  - (a) be allowed to vote without interference from, or constraint imposed by, the union or any of its members, officials or employees; and
  - (b) so far as is reasonably practicable be able to do so without incurring any direct cost to him/herself.
20. Every person who is entitled to vote in the ballot shall have sent to him/her in a sealed dispatch envelope, at his/her proper address, by post or such other means as he/she may have specified under rule 12:
  - (a) a voting paper; and
  - (b) a return envelope addressed to the scrutineer.
21. When it is not practicable for a particular member to be sent a voting paper and return envelope by the date determined in accordance with these rules, a voting paper and return envelope may be sent to that member as soon as is reasonably practicable after that date, so as to give that member a convenient opportunity to vote by post.
22. The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. This record shall be kept by the scrutineer for the period specified before disposal, as defined in rule 2.

## **Manner of Voting**

23. Every member who wishes to vote must return his/her voting paper to arrive at the address of the scrutineer on or before the date determined in accordance with these rules.

24. The scrutineer shall store in a secure place any voting papers returned to him/her undelivered and shall keep a record of each voting paper so returned.
25. The scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and for the period specified before disposal, as defined in rule 2. The scrutineer shall at all times take all reasonable steps to secure the safe custody of the returned envelopes and voting papers so as to minimise the risk of any contravention of the requirements imposed by or under any enactment or these rules, or the occurrence of any unfairness or malpractice.

### **Counting of the Ballot**

26. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the scrutineer. Any inaccuracy in counting is to be disregarded for the purpose of this rule if it is accidental or on a scale which could not affect the results of the ballot.
27. The scrutineer shall before counting begins:
  - (a) place any unused voting papers in a secure place; and
  - (b) keep a record of the number of voting papers so stored and a record of any voting papers issued under rule 21.
28. No person may be present at the count other than:
  - (a) the scrutineer;
  - (b) those acting under the supervision of the scrutineer; and
  - (c) those present with the consent of the scrutineer.
29. On the date appointed for the commencement of the count, the scrutineer shall undertake the opening of the return envelopes received and the counting of votes.
30. The scrutineer shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper "rejected".
31. Those voting papers which are not rejected shall be counted.
32. After the count the scrutineer shall retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal, as defined in rule 2.

### **Scrutineer's report**

33. As soon as is reasonably practicable after the last date for the return of voting papers the scrutineer shall make a report ("the scrutineer's

report") to the union in accordance with these rules. The scrutineer's report shall state:

- (a) the number of voting papers distributed for the purposes of the ballot;
- (b) the number of voting papers returned to the scrutineer by the members;
- (c) the number of valid votes cast in the ballot for and against the resolution;
- (d) the number of spoiled or otherwise invalid voting papers returned;
- (e) the fact that the scrutineer was appointed as the independent person or persons;
- (f) whether the scrutineer:
  - (i) is satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment or these rules in relation to the ballot;
  - (ii) is satisfied that the arrangements made by him/her with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any interference or malpractice might occur;
  - (iii) is satisfied that the he/she has been able to carry out his/her functions without any interference as would make it reasonable for any person to call his/her independence in relation to the union into question; and
  - (iv) has inspected the register of names and addresses of members of the union or has examined a copy of the register supplied to him/her under these rules.

34. If the scrutineer has inspected the register or examined a copy of the register in accordance with these rules, the report shall state:

- (a) in the case of each inspection or examination, whether it was at the request of a member of the union or at his/her own instance, and, if appropriate, whether he/she declined to act on such a request; and
- (b) whether any inspection of the register or any examination of the copy of the register has revealed any matters which he/she

considers should be drawn to the attention of the union in order to assist in securing that the register is accurate and up-to-date, but shall not state the name of any member who has requested this inspection or examination.

**Copy of the Scrutineer's Report to be sent to the Certification Officer**

35. A copy of the scrutineer's report shall be sent by the union to the Certification Officer as soon as is reasonably practicable.

**Publicising the Result of the Ballot**

36. The result of the ballot shall not be published until the union has received the scrutineer's report.

37. Within three months from the date on which it receives the scrutineer's report the executive shall:

(a) send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or

(b) take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

38. The union shall ensure that any notification given under rule 37(b) is accompanied by a statement that the union will, on request, supply any member with a copy of the report either:

(a) free of charge; or

(b) on payment of such reasonable fee as may be specified in the notification,

and ensure that any member who makes such a request is supplied with a copy of the report on payment of such fee (if any) as has been notified to him/her.

**POLITICAL FUND RULES (NORTHERN IRELAND)**

- (1) Under Article 59 of the Trade Union and Labour Relations Order (Northern Ireland) as amended no member of the union shall be required to make any contribution to the political fund of the union unless she/he has delivered as provided in Rule (4) to the head office or some branch office of the union, a notice in writing, in the form set out in Rule (2) of her/his willingness to contribute to that fund, and has not withdrawn the notice in the manner provided in Rule (3). Every member of the union who has not delivered such a notice or who, having delivered such a notice, has withdrawn it in the manner provided in Rule (3) is to be deemed for the purpose of these rules to be a member who is exempt from the obligation to contribute to the political fund of the union.
- (2) The form of notice of willingness to contribute to the Political Fund of the union is as follows:

**FORM OF POLITICAL FUND CONTRIBUTION NOTICE PRISON OFFICERS' UNION**

Name of Member's Branch: .....

**POLITICAL FUND (CONTRIBUTION NOTICE)**

I hereby give notice that I am willing, and agree, to contribute to the political fund of the Prison Officers' Union and I understand that I shall in consequence be liable to contribute to that fund and shall continue to be so liable, unless I deliver to the Head Office or some other branch office of the union, a written notice of withdrawal. I also understand that after delivering such a notice of withdrawal I shall still continue to be liable to contribute to the political fund until the next following first day of January.

Name: .....

Address: .....  
.....

Membership Number: .....

..... day of ..... 20.....

- (3) If at any time a member of the union, who has delivered such a notice as is provided for in Rules (1) and (2) gives notice of withdrawal thereof, delivered, as provided in Rule (4) to the head office or at any branch office of the union, she/he shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.

- (4) The notices referred to in Rules (1), (2) and (3) may be delivered personally by the members or by any authorised agent of the member, and any notice shall be deemed to have been delivered at the head or branch office of the union if it has been sent by post properly addressed to that office.
- (5)
  - (a) All contributions to the political fund of the union from members of the union who are liable to contribute to that fund shall be levied and made separately from any contributions to the other funds of the union.
  - (b) The contribution to the political fund of the union shall be the sum of 15 pence per month.
- (6) If any Northern Ireland member alleges that she/he is aggrieved by a breach of any of these rules for the political fund, she/he may complain to the Northern Ireland Certification Officer for Trade Unions and Employers' Associations, *Certification Office 10-16 Gordon Street, Belfast, BT1 2LG* and the Certification Officer, after giving the complainant and any representative of the union an opportunity of being heard may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just in the circumstances; any such order of the Certification Officer may, subject to the right of appeal provided by Section 95 of the Trade Union and Labour Relations (Consolidation) Act 1992, be enforced, in manner provided for in Section 82(4) of that Act.

## **RULES FOR A BALLOT TO MAINTAIN THE POA POLITICAL FUND**

### **Rules for a ballot under Article 48 of the Trade Union and Labour Relations (NI) Order 1995 (as amended)**

#### **General**

1. The Executive shall be responsible to the union for securing that the ballot which is held to maintain a political fund is conducted in accordance with these rules. This overall responsibility cannot be delegated, even where the responsibility for carrying out a particular duty falls upon a person not subject to the rules of the union. Administrative tasks for the conduct of such a ballot may be delegated in accordance with the rules or practice of the union.

#### **Interpretation**

2. In these ballot rules, unless the context otherwise requires:

"the Order" means the Trade Union and Labour Relations (NI) Order 1995 (as amended);

"the Certification Officer" means the Certification Officer for Trade Unions and Employers' Associations whose address is 10-16 Gordon Street, Belfast, BT1 2LG.

"dispatch envelope" means the envelope (in the form required by these rules) in which the voting paper and return envelope are dispatched to the member;

"executive" means the principal committee of the union exercising executive functions, by whatever name it is called;

"independent person" means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of Article 52 of the 1995 Order and these rules;

"person" in relation to the position of an independent person or a scrutineer, includes an unincorporated or incorporated body of persons;

"proper address" in relation to any member means his/her home address or other address which he/she has requested the union in writing to treat as his/her postal address under Article 51(4)(a) of the 1995 Order;

"return envelope" means an envelope in the form required by these rules;

"scrutineer" means the independent person appointed by the union to that position in relation to the ballot under Article 49 of the 1995 Order and these rules;

"the period specified before disposal" means the end of the period of one year beginning with the announcement by the union of the result of the ballot or, if within that period an application is made under Article 54 of the 1995 Order (complaint of failure to comply with the ballot rules), until the Certification Officer or the High Court authorises disposal by the scrutineer;

"voting paper" or "ballot paper" means a voting paper in the form required by these rules;

### **Purpose of these Rules**

3. These rules are adopted for the purposes of a ballot under Article 47 of the 1995 Order and apply only to such a ballot.

### **Copies of these Rules to be available to Members.**

4. The executive shall ensure that a copy of these rules is supplied, free of charge or on payment of a reasonable charge, to any member of the union who requests a copy.

### **Appointment of a Scrutineer where the Scrutineer acts as the independent person**

5. Before the review ballot is held, a scrutineer shall be appointed to carry out such functions in relation to the ballot as are required under the 1995 Order and such additional functions as are specified in the appointment, and to act as the independent person under Article 49(1) of the 1995 Order in relation to the ballot.
6. A person is eligible for appointment as scrutineer if:
  - (a) the person satisfies the conditions which are for the time being specified by the Department pursuant to Article 49(2) of the 1995 Order or is a person specified by name in an order made under that section (the conditions specified by the Department were, at the time of the adoption of these rules, contained in The Trade Union Elections and Ballots (Independent Scrutineer Qualifications) Order (NI) 1992 (SR 1992 no. 241) and the persons specified by name were contained in the Trade Union Elections and Ballots (Independent Scrutineer Qualifications) (Amendment) Order (NI) 2003 (SR 2003 no. 331) – available at [www.opsi.gov.uk](http://www.opsi.gov.uk)); and
  - (b) there are no grounds for believing that the person in question will carry out any function conferred on him/her in relation to the ballot otherwise than competently; or that his/her independence in relation to the union or in relation to the ballot might reasonably be called into question.

## **Terms of the Appointment**

7. The terms of the appointment shall require the scrutineer:
- (a) to supervise the production of the voting papers and to undertake the storage and distribution of the voting papers and the counting of votes cast;
  - (b) to be the person to whom the voting papers are returned by those voting;
  - (c) to inspect the register of names and addresses of members of the union or to examine the copy of the register as at the relevant date which is supplied to him/her in accordance with Article 49(3)(b) of the 1995 Order whenever it appears to him/her appropriate to do so and in particular where the conditions specified in Article 49(4) of the 1995 Order are satisfied;
  - (d) take such steps as appear to him/her to be appropriate for the purpose of enabling him/her to make a report under these rules;
  - (e) to make that report to the union as soon as is reasonably practicable after the last date for the return of voting papers;
  - (f) to retain custody of and keep secure in a safe place all voting papers returned for the purposes of the ballot together with the relevant copy of the register of names and addresses of members supplied to him/her by the union for the period specified before disposal, as defined in rule 2;
  - (g) to carry out such other functions in relation to the ballot as are required of him/her under these rules or as the executive may specify in his/her appointment;
  - (h) to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal;
  - (i) to respect the duty of confidentiality in respect of the register; and
  - (j) to carry out these tasks in a manner which minimises the risk of any contravention of requirements imposed by or under any enactment or these rules or the occurrence of any unfairness or malpractice.

## **Notice of Appointment**

8. Before the scrutineer begins to carry out any of these functions either:
  - (a) a notice stating the name of the scrutineer shall be sent to every member of the union to whom it is reasonably practicable to send such a notice; or
  - (b) all such other steps shall be taken for notifying members of the union of the name of the scrutineer as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

Such notice or notification may invite members to inform the union of any change of address and advise members of the dates between which the ballot will be held.

## **Union's Duty Towards the Scrutineer**

9. Nothing in the terms of the scrutineer's appointment (including any additional functions specified in the appointment) shall be such as to make it reasonable for any person to call into question the scrutineer's independence in relation to the union.
10. The union shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on him/her by the terms of the appointment which would make it reasonable for any person to call into question the scrutineer's independence in relation to the union.
11. The Union shall comply with all reasonable requests made by the scrutineer for the purpose of, or in connection with, the carrying out of his/her functions.

## **Dispatch envelopes**

12. The dispatch envelope:
  - (a) shall be addressed to the member entitled to vote;
  - (b) shall state that if the envelope is undelivered to the member it should be returned to the scrutineer and give his/her name and address;
  - (c) shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and
  - (d) in the event of the envelope containing material other than the material relating to the ballot, the envelope shall have printed on it prominently the words "ballot paper" or "voting paper". But where, for the purpose of personal safety, a member asks the union in writing to send a voting paper to him/her by some

means other than by post, the union shall send the voting paper to him/her by that other means.

### **Voting Papers**

13. Every voting paper shall be in or substantially in accordance with the form set out in appendix 1 to these rules and:
  - (a) shall state the name of the scrutineer and clearly specify the address to which, and the date by which, it is to be returned;
  - (b) shall be marked with one of a series of consecutive whole numbers, every one of which is used in giving a different number in that series to each voting paper printed or otherwise produced for the purposes of the ballot;
  - (c) may have printed on it the logo or emblem of the union;
  - (d) may have printed on it or attached to it an explanatory statement.

### **Return Envelopes**

14. Every return envelope:
  - (a) shall be capable of being sealed;
  - (b) shall be addressed to the scrutineer;
  - (c) shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and
  - (d) may have printed on it:
    - (i) the name of the union;
    - (ii) the logo or emblem of the union; and
    - (iii) the words "voting paper" or "ballot paper"

### **Date of Ballot**

15. The executive shall determine:
  - (a) the date by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date for receipt of completed voting papers by the scrutineer;
  - (b) the last date for receipt of completed voting papers by the scrutineer; and
  - (c) the date on which the counting of votes is to commence.

## **Conduct of the Ballot**

16. Entitlement to vote in the ballot shall be accorded equally to all members.
17. The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.
18. So far as is reasonably practicable, every person who is entitled to vote in the ballot shall, in accordance with these rules:
  - (a) be sent a voting paper by post (or if a member has specified some other means under rule 12, by that other means) in such time as to be received on or before the opening day of the ballot; and
  - (b) be given a convenient opportunity to vote by post.
19. Every person who is entitled to vote in the ballot shall:
  - (a) be allowed to vote without interference from, or constraint imposed by, the union or any of its members, officials or employees; and
  - (b) so far as is reasonably practicable be able to do so without incurring any direct cost to him/herself.
20. Every person who is entitled to vote in the ballot shall have sent to him/her in a sealed dispatch envelope, at his/her proper address, by post or such other means as he/she may have specified under rule 12:
  - (a) a voting paper; and
  - (b) a return envelope addressed to the scrutineer.
21. When it is not practicable for a particular member to be sent a voting paper and return envelope by the date determined in accordance with these rules, a voting paper and return envelope may be sent to that member as soon as is reasonably practicable after that date, so as to give that member a convenient opportunity to vote by post.
22. The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. This record shall be kept by the scrutineer for the period specified before disposal, as defined in rule 2.

## **Manner of Voting**

23. Every member who wishes to vote must return his/her voting paper to arrive at the address of the scrutineer on or before the date determined in accordance with these rules.

24. The scrutineer shall store in a secure place any voting papers returned to him/her undelivered and shall keep a record of each voting paper so returned.
25. The scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and for the period specified before disposal, as defined in rule 2. The scrutineer shall at all times take all reasonable steps to secure the safe custody of the returned envelopes and voting papers so as to minimise the risk of any contravention of the requirements imposed by or under any enactment or these rules, or the occurrence of any unfairness or malpractice.

### **Counting of the Ballot**

26. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the scrutineer. Any inaccuracy in counting is to be disregarded for the purpose of this rule if it is accidental or on a scale which could not affect the results of the ballot.
27. The scrutineer shall before counting begins:
  - (a) place any unused voting papers in a secure place; and
  - (b) keep a record of the number of voting papers so stored and a record of any voting papers issued under rule 21.
28. No person may be present at the count other than:
  - (a) the scrutineer;
  - (b) those acting under the supervision of the scrutineer; and
  - (c) those present with the consent of the scrutineer.
29. On the date appointed for the commencement of the count, the scrutineer shall undertake the opening of the return envelopes received and the counting of votes.
30. The scrutineer shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper "rejected".
31. Those voting papers which are not rejected shall be counted.
32. After the count the scrutineer shall retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal, as defined in rule 2.

### **Scrutineer's report**

33. As soon as is reasonably practicable after the last date for the return of voting papers the scrutineer shall make a report ("the scrutineer's

report") to the union in accordance with these rules. The scrutineer's report shall state:

- (a) the number of voting papers distributed for the purposes of the ballot;
- (b) the number of voting papers returned to the scrutineer by the members;
- (c) the number of valid votes cast in the ballot for and against the resolution;
- (d) the number of spoiled or otherwise invalid voting papers returned;
- (e) the fact that the scrutineer was appointed as the independent person or persons;
- (f) whether the scrutineer:
  - (i) is satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment or these rules in relation to the ballot;
  - (ii) is satisfied that the arrangements made by him/her with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any interference or malpractice might occur;
  - (iii) is satisfied that the he/she has been able to carry out his/her functions without any interference as would make it reasonable for any person to call his/her independence in relation to the union into question; and
  - (iv) has inspected the register of names and addresses of members of the union or has examined a copy of the register supplied to him/her under these rules.

34. If the scrutineer has inspected the register or examined a copy of the register in accordance with these rules, the report shall state:

- (a) in the case of each inspection or examination, whether it was at the request of a member of the union or at his/her own instance, and, if appropriate, whether he/she declined to act on such a request; and
- (b) whether any inspection of the register or any examination of the copy of the register has revealed any matters which he/she

considers should be drawn to the attention of the union in order to assist in securing that the register is accurate and up-to-date, but shall not state the name of any member who has requested this inspection or examination.

**Copy of the Scrutineer's Report to be sent to the Certification Officer**

35. A copy of the scrutineer's report shall be sent by the union to the Certification Officer as soon as is reasonably practicable.

**Publicising the Result of the Ballot**

36. The result of the ballot shall not be published until the union has received the scrutineer's report.

37. Within three months from the date on which it receives the scrutineer's report the executive shall:

(a) send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or

(b) take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.

38. The union shall ensure that any notification given under rule 37(b) is accompanied by a statement that the union will, on request, supply any member with a copy of the report either:

(a) free of charge; or

(b) on payment of such reasonable fee as may be specified in the notification,

and ensure that any member who makes such a request is supplied with a copy of the report on payment of such fee (if any) as has been notified to him/her.

**POLITICAL FUND RULES (NORTHERN IRELAND)**

- (1) Under Article 59 of the Trade Union and Labour Relations Order (Northern Ireland) as amended no member of the union shall be required to make any contribution to the political fund of the union unless she/he has delivered as provided in Rule (4) to the head office or some branch office of the union, a notice in writing, in the form set out in Rule (2) of her/his willingness to contribute to that fund, and has not withdrawn the notice in the manner provided in Rule (3). Every member of the union who has not delivered such a notice or who, having delivered such a notice, has withdrawn it in the manner provided in Rule (3) is to be deemed for the purpose of these rules to be a member who is exempt from the obligation to contribute to the political fund of the union.
  
- (2) The form of notice of willingness to contribute to the Political Fund of the union is as follows:

**FORM OF POLITICAL FUND CONTRIBUTION NOTICE PRISON OFFICERS' UNION**

Name of Member's Branch: .....

**POLITICAL FUND (CONTRIBUTION NOTICE)**

I hereby give notice that I am willing, and agree, to contribute to the political fund of the Prison Officers' Union and I understand that I shall in consequence be liable to contribute to that fund and shall continue to be so liable, unless I deliver to the Head Office or some other branch office of the union, a written notice of withdrawal. I also understand that after delivering such a notice of withdrawal I shall still continue to be liable to contribute to the political fund until the next following first day of January.

Name: .....

Address: .....  
.....

Membership Number: .....

..... day of ..... 20.....

- (3) If at any time a member of the union, who has delivered such a notice as is provided for in Rules (1) and (2) gives notice of withdrawal thereof, delivered, as provided in Rule (4) to the head office or at any branch office of the union, she/he shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.

- (4) The notices referred to in Rules (1), (2) and (3) may be delivered personally by the members or by any authorised agent of the member, and any notice shall be deemed to have been delivered at the head or branch office of the union if it has been sent by post properly addressed to that office.
- (5)
  - (a) All contributions to the political fund of the union from members of the union who are liable to contribute to that fund shall be levied and made separately from any contributions to the other funds of the union.
  - (b) The contribution to the political fund of the union shall be the sum of 15 pence per month.
- (6) If any Northern Ireland member alleges that she/he is aggrieved by a breach of any of these rules for the political fund, she/he may complain to the Northern Ireland Certification Officer for Trade Unions and Employers' Associations, *Certification Office 10-16 Gordon Street, Belfast, BT1 2LG* and the Certification Officer, after giving the complainant and any representative of the union an opportunity of being heard may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just in the circumstances; any such order of the Certification Officer may, subject to the right of appeal provided by Section 95 of the Trade Union and Labour Relations (Consolidation) Act 1992, be enforced, in manner provided for in Section 82(4) of that Act.