STATUTORY INSTRUMENTS

1971 No. 1542

INDUSTRIAL RELATIONS

The Employers' and Workers' Organisations (Amalgamations, etc.) Regulations 1971

Made - - -	*20th September* 1971
Laid before Parliament	*27th September* 1971
Coming into Operation	*1st October* 1971

The Secretary of State, in exercise of the powers conferred on him by section 7 of the Trade Union (Amalgamations, etc.) Act 1964(**a**), sections 68(5) and 72(5) of the Industrial Relations Act 1971(**b**) and of all other powers enabling him in that behalf, and as respects Regulation 11 with the approval of the Treasury, hereby makes the following Regulations :—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Employers' and Workers' Organisations (Amalgamations, etc.) Regulations 1971 and shall come into operation on 1st October 1971.

(2) The Trade Union Regulations 1964(**c**) shall cease to have effect.

Interpretation

2.—(1) The Interpretation Act 1889(**d**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) For the purposes of these Regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them respectively, that is to say—

"the Act of 1964" means the Trade Union (Amalgamations, etc.) Act 1964 ;

"the Act of 1971" means the Industrial Relations Act 1971 ;

"the Registrar" in relation to any matter authorised or required by or under these Regulations to be dealt with by the Registrar, means the Chief Registrar of Trade Unions and Employers' Associations or any assistant registrar appointed by him under section 63(2) of the Act of 1971 who, in accordance with any general or special directions given by the said Chief Registrar, is authorised or required to act in relation to that matter ;

"duly authenticated" means bearing the signature of the Registrar and the date of the signature ;

(**a**) 1964 c. 24.
(**b**) 1971 c. 72.
(**c**) S.I. 1964/879 (1964 II, p. 1868).
(**d**) 1889 c. 63.

"unregistered organisation" means any organisation of workers or organisation of employers within the meaning of sections 61 or 62 of the Act of 1971, as the case may be, which is not a trade union or an employers' association within the meaning of the Act of 1971 ;

"Northern Ireland union" has the meaning assigned to it by section 10(5) of the Act of 1964.

Approval of proposed instruments and notices

3.—(1) An application pursuant to section 1(4) of the Act of 1964 for approval of a proposed instrument of amalgamation or transfer shall be submitted to the Registrar—

(*a*) in the case of a proposed instrument of amalgamation, by one of the amalgamating organisations ; and

(*b*) in the case of a proposed instrument of transfer, by the transferor organisation, and

the application shall be accompanied by two copies of the proposed instrument both of which shall be signed as required by paragraph 8 of Schedule 1 or, as the case may be, paragraph 3 of Schedule 2 to these Regulations, and where an unregistered organisation is to be a party to the instrument, by a copy of that organisation's rules.

(2) An application pursuant to section 1(4) of the Act of 1964 for approval of a proposed notice to be supplied to members of an organisation in accordance with section 1(2)(*d*) of that Act shall be accompanied by two copies of the proposed notice.

(3) The Registrar shall signify his approval of such instrument or notice by returning to the applicant organisation one of the copies endorsed with the word "Approved" and duly authenticated.

Contents of instrument of amalgamation or transfer

4.—(1) Subject to paragraphs (2) and (3) of this Regulation an instrument of amalgamation shall contain the particulars and information specified in Schedule 1 to these Regulations.

(2) Paragraphs 4 and 6 of Schedule 1 to these Regulations shall not apply if the amalgamated organisation is to be an unregistered organisation.

(3) Regulation 4(1) shall not apply to any instrument of amalgamation which, before the coming into operation of these Regulations, has been approved by the Chief Registrar of Friendly Societies or by any assistant registrar whom he has appointed for the purpose of section 8 of the Act of 1964.

5. An instrument of transfer shall contain the particulars and information specified in Schedule 2 to these Regulations.

Application for registration of instruments

6.—(1) An application pursuant to section 1(5) of the Act of 1964 for registration of an instrument of amalgamation shall be signed by three members of the committee of management or other governing body and the secretary of each of the amalgamating organisations and shall be submitted to the Registrar in the form to be provided by him for that purpose. The application shall be accompanied by two copies of the instrument and two

copies of the proposed rules of the amalgamated organisation and by a statutory declaration from each of the amalgamating organisations in the form to be provided by the Registrar for that purpose. Each copy of the proposed rules shall be signed by the secretary of each of the amalgamating organisations.

(2) An application pursuant to section 1(5) of the Act of 1964 for registration of an instrument of transfer shall be signed by three members of the committee of management or other governing body and the secretary of each of the organisations concerned and shall be submitted to the Registrar by the transferee organisation in the form to be provided by him for that purpose. The application shall be accompanied by two copies of the instrument and by statutory declarations made by the secretary of the transferor organisation and the secretary of the transferee organisation in the forms to be provided by the Registrar for that purpose. If the transferee organisation is an unregistered organisation the application shall also be accompanied by two copies of that organisation's rules.

(3) In any case where he considers it desirable with a view to ensuring that adequate publicity is given to the date by which complaints must be made to him, under section 4 of the Act of 1964, as to the validity of a resolution approving an instrument of amalgamation or transfer, the Registrar may, not later than seven days after the date on which he receives the application for registration of the instrument, require notice to be given or published in such manner, in such form, and on or before such date, as he may direct of the fact that the application for registration has been or is to be made to him.

Registration of instruments

7.—(1) Before registering an instrument of amalgamation, the Registrar shall satisfy himself as to the following matters:—

(i) that the proposed rules of the amalgamated organisation are in no way inconsistent with the terms of the said instrument,

(ii) if the amalgamated organisation is to be registered under the Act of 1971—

(*a*) that on the information provided by the proposed rules the amalgamated organisation will be eligible for registration under the provisions of sections 67 or 71 of the said Act, as the case may require (organisations eligible for registration as trade unions or employers' associations);

(*b*) that the instrument is accompanied by an application for registration of the amalgamated organisation, completed in accordance with sections 68(2) or 72(2) of the said Act, as the case may require.

(2) Upon registering the instrument the Registrar shall send to the address specified for that purpose on the form of application for registration one copy of the instrument endorsed with the word "Registered" and duly authenticated.

8.—(1) Before registering an instrument of transfer the Registrar shall satisfy himself that the rules of the transferee organisation are in no way inconsistent with the terms of the said instrument;

(2) Upon registering the instrument the Registrar shall send to the transferee organisation one copy of the instrument endorsed with the word "Registered" and duly authenticated.

Registration of change of name

9.—(1) An application by a trade union or an employers' association pursuant to section 6(2) of the Act of 1964 for the registration of a change of name shall be signed by three members of the committee of management or other governing body and the secretary of the organisation and shall be submitted to the Registrar in duplicate in the form to be provided by him for that purpose.

(2) The application shall be accompanied by a statutory declaration as to the manner in which the change of name was effected by the secretary of the organisation in the form to be provided by the Registrar for the purpose.

(3) Upon registering the change of name the Registrar shall return to the organisation one copy of the application endorsed with the word "Registered" and duly authenticated.

Amalgamations or transfers involving Northern Ireland unions

10. Where a Northern Ireland union is a party to an amalgamation or transfer of engagements, these Regulations shall have effect subject to the following modifications, that is to say :—

(*a*) Regulations 3 and 6(3) shall not appy to a Northern Ireland union ;

(*b*) Regulation 5 shall not apply to an instrument of transfer if the transferor organisation is a Northern Ireland union ;

(*c*) Regulation 6 shall not require any statutory declaration from a Northern Ireland union ;

(*d*) The application to the Registrar under Regulation 6(2) for the registration of an instrument of transfer shall be submitted by the transferor organisation if the transferee organisation is a Northern Ireland union ;

(*e*) Regulation 4(1) shall not require an instrument of amalgamation to contain the statements referred to in paragraphs 4, 5 and 6 of Schedule 1 to these Regulations if the amalgamated organisation is to be a Northern Ireland union.

Fees

11. The following fees shall be payable in advance—

For registration of an instrument of amalgamation or transfer	£12
For registration of a change of name ...	£2
For inspection of documents kept by the Registrar under the Act of 1964 ...	The fee (if any) which the Secretary of State by Regulations provides with respect to the inspection of documents under section 95 of the Act of 1971.

12. A fee of 25p shall be payable for the registration of an amalgamated organisation under the Act of 1971 where each of the amalgamating organisations is already registered under sections 68 or 72 of that Act, or is entered on the provisional register under section 78 of that Act.

Signed by order of the Secretary of State.

16th September 1971.

Paul Bryan,
Minister of State,
Department of Employment.

We approve Regulation 11.

V. H. Goodhew,
Bernard Weatherill,
Two of the Lords Commissioners of
Her Majesty's Treasury.

20th September 1971.

Regulation 4(1)

SCHEDULE 1

Contents of Instrument of Amalgamation

1. The instrument shall state that it is an instrument of amalgamation between the organisations named therein as the amalgamating organisations, and that upon the coming into operation of the instrument the members of the amalgamating organisations will become members of the amalgamated organisation and be subject to that organisation's rules.

2. The instrument shall either set out the proposed rules of the amalgamated organisation or state who are the persons authorised to draw up those rules.

3. If the instrument does not set out the proposed rules it shall contain a summary of what those rules will provide with regard to the following matters—

(i) the name and principal objects of the amalgamated organisation ;

(ii) the conditions of admission to membership ;

(iii) the structure of the amalgamated organisation ;

(iv) the method of appointing and removing its governing body and principal officials and of altering its rules ;

(v) the contributions and benefits applicable to members of the amalgamating organisations.

4. The instrument shall state that the proposed rules are in no way inconsistent with the principles set out in sections 65 or 69 of the Act of 1971, as the case may require (guiding principles for organisations of workers and organisations of employers).

5. The instrument shall state whether the amalgamated organisation is to be registered under the Act of 1971.

6. The instrument shall state—

that the proposed rules comply with the requirements of Schedule 4 to the

Act of 1971 (requirements as to rules of trade unions and employers' associations); or the action to be taken to ensure that the proposed rules comply with the requirements of Schedule 4 to the said Act and the time within which that action is to be taken.

7. Without prejudice to section 1(5) of the Act of 1964, the instrument shall state the date on which it is to take effect.

8. The instrument shall be signed by three members of the committee of management or other governing body and the secretary of each of the amalgamating organisations.

Regulation 5

SCHEDULE 2

CONTENTS OF INSTRUMENT OF TRANSFER

1. The instrument shall state that it is an instrument of transfer of the engagements of the organisation named therein as the transferor organisation to the organisation named therein as the transferee organisation, and that upon the coming into operation of the instrument the members of the transferor organisation will become members of the transferee organisation and be subject to that organisation's rules.

2. The instrument shall—

(i) state what contributions and benefits will be applicable to members of the transferor organisation under the transferee organisation's rules ;

(ii) if members of the transferor organisation are to be allocated to a branch or section or to branches or sections of the transferee organisation, give particulars of such allocation or the method by which it is to be decided ;

(iii) state whether before registration of the instrument the transferee organisation's rules are to be altered in their application to members of the transferor organisation and, if so, the effect of any alterations ;

(iv) without prejudice to section 1(5) of the Act of 1964, state the date on which the instrument is to take effect.

3. The instrument shall be signed by three members of the committee of management or other governing body and the secretary of each of the organisations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into force on 1st October 1971, make provision as to the manner in which organisations are required to obtain the Registrar's approval to proposed instruments of amalgamation or transfer and proposed notices to members in connection therewith ; as to the content and registration of such instruments ; and as to the registration of changes of name of an organisation.

The Regulations also prescribe the fees payable for the registration of instruments of amalgamation or transfer or of changes of name.

The Trade Union Regulations 1964 (S.I. 1964/879) are revoked.