# 1992 No. 239

# INDUSTRIAL RELATIONS

## Trade Union (Nominations) Regulations (Northern Ireland) 1992

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| *Made* . . . . . | *28th May 1992* |
| *Coming into operation* . . | *1st July 1992* |

The Department of Economic Development, in exercise of the powers conferred on it by Article 104(1), (2) and (3) of the Industrial Relations (Northern Ireland) Order 1992(**a**), and of every other power enabling it in that behalf, hereby makes the following Regulations:

### PART I

### PRELIMINARY

*Citation, interpretation and commencement*

**1.**—(1) These Regulations may be cited as the Trade Union (Nominations) Regulations (Northern Ireland) 1992.

(2) Without prejudice to sections 11 and 28 of the Interpretation Act (Northern Ireland) 1954(**b**) the reference in regulation 10 to the Trade Union Act Amendment Act 1876(**c**) shall be construed as including a reference to that Act as amended or extended by the Provident Nominations and Small Intestacies Act 1883(**d**), the Friendly Societies Act (Northern Ireland) 1957(**e**) and the Administration of Estates (Small Payments) Act (Northern Ireland) 1967(**f**).

(3) These Regulations shall come into operation on 1st July 1992.

### PART II

### NOMINATIONS

*Power to make nominations*

**2.**—(1) Subject to the provisions of these Regulations, a member of a trade union being a person who has attained the age of sixteen years may nominate any person to receive the whole or part of any moneys not exceeding £5,000 payable on his death out of any funds of the trade union of which he is a member.

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(a) S.I. 1992/807 (N.I. 5)
(b) 1954 c. 33 (N.I.)
(c) 1876 c. 22
(d) 1883 c. 47
(e) 1957 c. 1 (N.I.)
(f) 1967 c. 5 (N.I.)

(2) Every nomination shall be made in writing in a form approved by the trade union, and shall be signed by the nominator.

(3) A nomination shall be of no effect unless it is delivered at or sent to the principal office of the trade union during the lifetime of the nominator.

(4) The trade union shall register every nomination and notify the registration to the nominator.

(5) A nomination may be in favour of one person or of several persons (who shall be clearly designated in the nomination) and, where there is more than one nominee, may direct that specific sums be paid to one or more of the nominees or that the nominees shall take the money nominated in specified shares, or may give directions to both effects.

(6) A nomination shall not be valid in respect of any nominee who at the date of the nomination is an officer or employee of the trade union unless that person is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator.

*Revocation of nominations*

**3.**—(1) A nomination shall be revoked—

(*a*) by the death of the nominee, or, where there is more than one nominee, by the death of all the nominees, in the lifetime of the nominator;

(*b*) so far as relates to the interest thereunder of any nominee (being one of two or more nominees), by the death of that nominee in the lifetime of the nominator, unless the interest of that nominee is disposed of by the nomination;

(*c*) by the subsequent marriage of the nominator;

(*d*) by written notice of revocation signed by the nominator and delivered at or sent to the principal office of the trade union during the lifetime of the nominator;

(*e*) by a subsequent nomination duly made in accordance with these Regulations by the same nominator disposing of either the whole or any part of the moneys disposed of by the earlier nomination, but so far only as respects those moneys or that part of those moneys, as the case may be;

but a nomination shall not be revoked by any will or by any other act, or means whatsoever.

(2) Notwithstanding that a nomination has been revoked by the marriage of the nominator, where the trade union has paid the money to the nominee in ignorance of that marriage, the payment shall be as valid as if the nomination had not been so revoked.

*Nomination covers all funds unless otherwise stated*

**4.** A nomination shall, subject to the provisions of these Regulations, be deemed to extend to all sums to which a nominator is entitled at the time of his death unless a contrary intention appears from the nomination.

*Payment under nomination*

**5.** On the death of a nominator, the trade union shall pay to the nominee the amount due to him according to the directions of the nomination:

Provided that, if any nominee is under the age of sixteen years, the trade union shall not make any payment to that nominee until he attains that age, but may pay the sum due, or any part thereof, to any person who satisfies the trade union that he will apply it for the maintenance or benefit of the said nominee.

## PART III

## PAYMENTS ON DEATH

*Payments on death*

**6.**—(1) Where any money is payable out of the funds of a trade union on the death of a member, the trade union may, without letters of administration or probate of any will, pay out or distribute (otherwise than in accordance with a nomination) an amount not exceeding £5,000 to the person or persons the trade union considers to be entitled by law to receive it.

(2) Where any person to whom a payment may be made under this paragraph is under the age of sixteen years the trade union may make the payment to any person who satisfies it that he will apply the moneys for the maintenance or benefit of the first mentioned person.

## PART IV

## GENERAL

*Persons unable to write*

**7.** Where any document is required by the trade union or by these Regulations to be signed by any person and that person is unable to write, it shall be sufficient for the purposes of these Regulations if the document is marked by that person in the presence of a witness.

*Receipts to be a good discharge*

**8.** The receipt of any person aged sixteen years or over for any money paid to him in accordance with a nomination or payment or distribution made in accordance with these Regulations shall be a good discharge to the trade union for any money so paid.

*Proof of death*

**9.** The trade union may accept as conclusive proof of the death of a member any evidence which it considers satisfactory.

*Application of Regulations*

**10.**—(1) Any nomination made on or after 1st July 1992 and any payment made (whether or not by virtue of a nomination) on a death occurring on or after that date shall be governed by these Regulations.

(2) Any nomination made prior to 1st July 1992 under section 10 of the Trade Union Act Amendment Act 1876(**a**) shall continue in force as if it had been validly made under these Regulations, and may be varied or revoked accordingly.

(3) Any payment made (otherwise than by virtue of a nomination) on or after 1st July 1992 in respect of a death occurring before that date shall be governed by these Regulations.

(4) Any nomination made or having effect as if made under these Regulations by a member of an organisation shall continue to have effect notwithstanding that the organisation ceases to be a trade union, and may be varied or revoked accordingly.

Sealed with the Official Seal of the Department of Economic Development on 28th May 1992.

(L.S.) *R. B. Spence*
Under Secretary

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(a) 1876 c. 22

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations supersede the nomination powers contained in section 10 of the Trade Union Act Amendment Act 1876 as amended and the provision for payments on death contained in section 7 of the Provident Nominations and Small Intestacies Act 1883 as amended. They set out the procedure in greater detail.

These Regulations enable nominators to dispose of sums on death to nominated persons otherwise than under a will or on intestacy. They also allow trade unions (as defined in the Industrial Relations (Northern Ireland) Order 1992) to distribute up to £5,000 on the death of a member to persons appearing to be entitled.