

**DECISIONS OF THE CERTIFICATION OFFICER ON AN APPLICATION MADE UNDER
SECTION 31(1) OF THE TRADE UNION AND LABOUR RELATIONS
(CONSOLIDATION) ACT 1992**

MR N KELLY

V

**Union of Construction, Allied Trades and Technicians
(UCATT)**

Date of Decision

13 October 2011

DECISION

Upon application by Mr Kelly ("the claimant") under section 31(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act")

This application is dismissed upon withdrawal by the claimant.

REASONS

1. Mr Kelly made a complaint to the Certification Office in the following terms:

Complaint

In breach of section 30(2)(a) of the 1992 Act, UCATT failed to comply with Mr Kelly's request of 10 January 2011 to Mr Alan Ritchie, General Secretary, UCATT, requesting access to the accounting records of the union, in particular accounting records relating to the expenses paid to members of the union's Executive Council and General Secretary.

2. On 5 March 2011, Mr Kelly attended at the office of the Union to inspect the accounting records he had requested to see. Mr Kelly was given access to the annual reports of the union, which he considered did not satisfy his request.
3. The Union later offered Mr Kelly the opportunity to examine further accounting records, which Mr Kelly declined. The Union refused to supply Mr Kelly with samples of the further accounting records for him to consider whether they satisfied the request he had made.
4. Prior to the commencement of the hearing on 13 October 2011 the Union supplied Mr Kelly with a copy of further accounting records relevant to his request. These accounting records were provided for the purpose of Mr Kelly deciding whether to withdraw his application and upon an undertaking by Mr Kelly to keep them confidential in the meantime.

5. At the hearing Mr Kelly withdrew this application on the basis that the accounting records he had been shown met his original request and that he would be allowed to inspect them at a later date.
6. As agreed between the parties, Mr Kelly returned to the Union the accounting records he had been shown prior to the hearing and the Union agreed to give Mr Kelly access to inspect the same accounting records at a mutually convenient time and place in accordance with section 30 of the 1992 Act.

A handwritten signature in black ink, appearing to read 'David Cockburn', with a horizontal line underneath the name.

David Cockburn
The Certification Officer