STATUTORY INSTRUMENTS.

S.I. No. 364 of 2018

TRADE UNION (FORMS) REGULATIONS 2018
TRADE UNION (FORMS) REGULATIONS 2018

I, HEATHER HUMPHREYS, Minister for Business, Enterprise and Innovation, in exercise of the powers conferred on me by section 13 of the Trade Union Act 1871, as adapted by section 2 (as adapted by the Jobs, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 364 of 2017)) of the Registry of Friendly Societies Act, 1936 (No. 51 of 1936) and section 13 of the Trade Union Act 1975 (No. 4 of 1975), hereby make the following regulations:

1. These Regulations may be cited as the Trade Union (Forms) Regulations 2018.

2. In these Regulations:

“Act of 1871” and “the Act” means the Trade Union Act 1871;

“Registrar” means the Registrar of Friendly Societies.

3. The Regulations as to the Registration of Trade Unions dated 1st November 1876 are hereby revoked.

4. The Registrar shall not register a trade union under a name identical with that of any other existing trade union known to him or her, whether registered or not registered, or so nearly resembling such name as to be likely to deceive the members or the public.

5. Upon an application for the registration of a trade union which is already in operation, the Registrar, if he or she has reason to believe that the applicants have not been duly authorised by such trade union to make the same, may, for the purpose of ascertaining the fact, require from the applicants such evidence as may seem to him or her necessary.

6. Application for registry of a trade union shall be made in Form A subjoined to these Regulations and shall be accompanied by two printed copies of the rules, marked and signed, as mentioned in the said form.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 21st September, 2018.
7. The certificate of registry of a trade union shall be in the following format:

“CERTIFICATE OF REGISTRY OF TRADE UNION

It is hereby certified that the ____________ has been registered under the Trade Union Acts 1871 to 1990, this ____________ day of ____________ 20 ______

Signature of Registrar”

8. An alteration of the rules of a trade union may be either:

(a) A partial alteration, consisting of the addition of a new rule or part of a rule or rules to the existing rules, or of the substitution of a new rule or part of a rule or rules for any of the existing rules, or of a rescission of any of the existing rules or any part thereof without any substitution or of more than one or all of those modes; or

(b) A complete alteration consisting of the substitution of an entire set of rules for the existing set of rules.

9. An application for the registration of a partial alteration of rules must be made by seven members of the trade union, and must be made in the Form C annexed hereto, and accompanied by the following documents:

(a) Two copies of the new rules as they have been altered following the proposed changes, each copy being marked O and signed by each of the applicants; and

(b) A statutory declaration in Form D.

The Registrar, before registering the partial alteration of rules, shall ascertain that the rules of the trade union, if altered in accordance with the proposed partial alteration, will provide for all the matters required by the Trade Union Acts 1871 to 1990 to be provided for by the rules of a registered trade union.

10. The certificate of registry of a partial alteration shall be in the following form, and shall be delivered to the applicants, attached to one of the copies of the new rules:

“CERTIFICATE OF REGISTRY OF PARTIAL ALTERATION OF RULES

___________ TRADE UNION REGISTER NO ____________

It is hereby certified that the set of rules, following a partial amendment, copy of whereof is appended hereto, has been registered under the Trade Union Acts 1871 to 1990, in substitution for the set of rules already registered, this ____________ day of ____________ 20 ______

Signature of Registrar”
11. An application for the registration of a complete alteration of rules shall be made by seven members of the trade union, and shall be in Form F annexed hereto, and by two printed copies of the new rules, each copy being marked P and signed by each of the applicants; and the Registrar before registering the new set of rules shall ascertain that it provides for all matters which, by the Trade Union Acts 1871 to 1990 are to be provided for by the rules of a registered trade union.

12. The certificate of registry of a complete alteration of rules shall be in the following form, and shall be delivered to the applicants attached to one of the copies of the new set of rules:

“CERTIFICATE OF REGISTRY OF COMPLETE ALTERATION OF RULES

TRADE UNION REGISTER NO

It is hereby certified that the set of rules, copy of whereof is appended hereto, has been registered under the Trade Union Acts 1871 to 1990 in substitution for the set of rules already registered, this day of 20

Signature of Registrar”

Withdrawal or cancelling of certificate of registration

13. Every request by a trade union for withdrawal or cancelling of its certificate of registration shall be sent to the Registrar in Form J annexed hereto.

14. Notice before withdrawal or cancelling of certificate, where required, shall be in Form K annexed hereto.

15. The withdrawal or cancelling of certificate shall be in Form L annexed hereto.

Registered office

16. Notice of the situation of the registered office of a trade union, and of any change therein, shall be given to the Registrar in Form M annexed hereto.

Transfer of stock

17. Every application to the Registrar to direct a transfer of stock shall follow, as near as may be, Form P annexed hereto, and shall be accompanied by a statutory declaration in Form Q annexed hereto, or as near thereto as the facts admit, and by the certificate of the stock in respect of which the application is made.

18. The Registrar, before directing the transfer, may require further proof of any statement in the application.

19. The Registrar shall give a direction in Form R annexed hereto, so framed in each case as to suit the particular circumstances, and shall register the same
and deliver the same to the applicants endorsed with the word “registered” or “cláraithe” and duly authenticated.

**Dissolution**

20. When a trade union is dissolved, notice of the dissolution shall be given to the Registrar in duplicate in Form S annexed hereto and the Registrar shall return one copy to the trade union, endorsed with the word “registered” or “cláraithe” and duly authenticated.

**Nominations**

21. Every registered trade union shall keep a record or register of all nominations made by the members, and of all revocations and variation of the same, and for the recording or registering of every such nomination, revocation, or variation the rules of the trade union may require the member nominating to pay a sum not exceeding €1.

**Authentication of documents by Registrar**

22. Every document under the Trade Union Acts 1871 to 1990, bearing the signature of the Registrar shall be deemed to be duly authenticated for the purposes of the said Acts and the regulations made thereunder.
THE REGISTRY OF FRIENDLY SOCIETIES
TRADE UNION ACTS, 1871 TO 1990

FORM A
APPLICATION TO REGISTER A
TRADE UNION

Trade Union Number (Official use only)

Application

The application should be signed and dated and forwarded to the Registrar of Friendly Societies.

Two copies of the rules must be signed by the seven members signing this application.

1. This application is made by the seven persons whose names are subscribed to this form.
2. The name under which it is proposed that the Trade Union on behalf of which this application is made shall be registered is:

as set forth in Rule No.

To the best of our belief there is no other existing Trade Union, whether registered or not registered, the name of which is identical with the proposed name, or so nearly resembles the same as to cause confusion.

3. The place of meeting for the business of the Trade Union and the office to which all communications and notices may be addressed is at:

as set forth in Rule No.

4. The Trade Union was established on:

Day Month Year

5. The whole of the objects for which the Trade Union is established, and the purposes for which the funds thereof are applicable, are set forth in Rule No.

6. The conditions under which Members may become entitled to benefits assured are set forth in Rule No.

7. The fines and forfeitures to be imposed on Members are set forth in Rule No.

8. The manner of making, altering, amending and rescinding rules is set forth in Rule No.

Presenter Details

Person to whom queries can be addressed and to whom the registered copy will be sent

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Reference Number
Section 14 will only need to be completed in cases where the Trade Union has been in operation before the date of the application.

It must be stated whether the authority to make this application was given by a resolution of a general meeting of the Trade Union or, if not, in what other way it was given.

14. We have been duly authorised by the Trade Union to make this application on its behalf, such authorisation consisting of:

Signature

Name: in block letters or typewritten

1. [Signature]

Name: in block letters or typewritten

2. [Signature]

Name: in block letters or typewritten

3. [Signature]

Name: in block letters or typewritten

4. [Signature]

Name: in block letters or typewritten

5. [Signature]

Name: in block letters or typewritten

6. [Signature]

Name: in block letters or typewritten

7. [Signature]

Name: in block letters or typewritten

Date

Day

Month

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THE REGISTRY OF FRIENDLY SOCIETIES

TRADE UNION ACTS, 1871 TO 1990

FORM C

APPLICATION TO REGISTER
A PARTIAL ALTERATION OF
RULES OF A TRADE UNION

Trade Union Number

Trade Union name

This application for the registry of a partial alteration of the Rules of the above-named Trade Union is made by the seven persons whose names are subscribed to this form.

With this application are sent:

- Two copies of the new Rules, following the alteration, each marked O, and signed by each of the applicants;
- A statutory declaration of an officer of this Trade Union, that in making the alteration of rules now submitted for registry, the rules of the above-named Trade Union were duly complied with. (Form D).

We have been duly authorised by the above-named Trade Union to make this application on its behalf, such authorisation consisting of a resolution passed at a general meeting held on the

Here insert the date, or if there was no such resolution state in what other way authorisation was given

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Presenter Details

Name and address to which registered copy is to be sent to

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The changes to the Rules of the Trade Union are as follows:

If sufficient space is not provided, please attach the details on a continuation sheet.
THE REGISTRY OF FRIENDLY SOCIETIES

TRADE UNION ACTS, 1871 TO 1990

FORM D

DECLARATION ACCOMPANYING
ALTERATION OF RULES

Trade Union Number

Trade Union Name

Declaration

I, [name in bold capitals], of [residential address], an officer of the above-named Trade Union, do solemnly and sincerely declare that in making the alteration of the rules of the Trade Union, the application for the registry of which is appended to this declaration, the rules of the said Trade Union have been duly complied with.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signature of declarant: [name of person filing form]

Officer of the Trade Union

Declared before me: [name of witness in capitals]

[ ] Commissioner for Oaths [ ] Police Commissioner [ ] Notary Public

[ ] Person authorised by [name] to take and receive statutory declarations

Presenting solicitors are authorised under section 72 of the Solicitors Amendment Act 1994 to take declarations

Presenter Details

Name

Address

Email

TelephoneNumber

DX Number/Exchange

Person to whom queries can be addressed

Fax Number

Contact Person

Reference Number
BY Declarant's name in bold capitals or typecript

☐ who is personally known to me

☐ who is identified to me by ____________________________

☐ who is personally known to me

☐ whose identity has been established to me before the taking of this Declaration by the production

☐ of Passport no. ____________________________ issued on ____________ by the authorities of ____________________________ which is an authority recognised by the Irish Government

☐ of National identity card no. ____________________________ issued on ____________ by the authorities of ____________________________ which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement

☐ of Aliens Passport no. ____________________________ issued on ____________ (document equivalent to a passport) by the authorities of ____________________________ which is an authority recognised by the Irish Government

☐ of Refugee travel document no. ____________________________ issued on ____________ by the Minister for Justice and Equality

☐ of Travel document (other than refugee travel document) ____________________________ issued on ____________ by the Minister for Justice and Equality

At

This ____________ day of ____________ 20____

Signature of witness: ____________________________
THE REGISTRY OF FRIENDLY SOCIETIES
TRADE UNION ACTS, 1871 TO 1990

FORM F

APPLICATION TO REGISTER A
COMPLETE ALTERATION OF
RULES

Trade Union Number

Application to register a complete alteration of the registered rules of:

Trade Union Name

is made by the seven persons whose names are subscribed to this form.

Trade Union Rules

1. The complete alteration submitted for registry is the substitution of the set of rules, two printed copies of which (each copy marked P, and signed by the applicants) accompany this application, for the set of rules already registered.

2. The name under which it is proposed that the Trade Union, on behalf of which this application is made, shall be registered as:


as set forth in Rule No.

To the best of our belief there is no other existing Trade Union, whether registered or not registered, the name of which is identical with the proposed name, or so nearly resembles the same as to cause confusion.

3. The place of meeting of the business of the Trade Union and the office to which all communications and notices may be addressed, is at:


as set forth in Rule No.

4. The Trade Union was established on: Day Month Year

5. The whole of the objects for which the Trade Union is established, and the purposes for which the funds thereof are applicable, are set out in Rule No.


Presenter Details

Person to whom queries can be addressed

Name

Address

Email

Telephone Number

DX Number/Exchange

Fax Number

Contact Person

Reference Number
6. The conditions under which members may become entitled to benefits assured are set forth in Rule No.

7. The fines and forfeitures to be imposed on members are set forth in Rule No.

8. The manner of making, altering, amending, and rescinding rules is set forth in Rule No.

9. The provision for the appointment and removal of a general committee of management, of trustee or trustees, treasurer, and other officers, is set forth in Rule No.

10. The provision for the investment of funds and for the periodical audit of accounts is set forth in Rule No.

11. The provision for the inspection of the books and names of the members by every person having an interest in the funds is set forth in Rule No.

12. The provision for the manner of dissolving the Trade Union is set forth in Rule No.

13. This application is accompanied by a statutory declaration of

an officer of the said Trade Union, to the effect that, in making the alteration of rules now submitted for registry, the rules of the Trade Union were duly complied with.

14. We have been duly authorised by the Trade Union to make this application on its behalf, such authorisation consisting of a resolution passed at a general meeting held on

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**Presenter Details**

Name and address to which registered copy is to be sent:
THE REGISTRY OF FRIENDLY SOCIETIES

TRADE UNION ACTS, 1871 TO 1990

FORM J

REQUEST TO WITHDRAW OR CANCEL CERTIFICATE OF REGISTRY

Trade Union Number

Trade Union Name

Request

1. The above-mentioned Trade Union desires that its certificate of Registry under the Trade Union Acts may be withdrawn or cancelled on the following grounds:

State reason for

departing withdrawal
or cancelling of

certificate of registry

and at a general meeting duly held

on

Day

Month

Year

it was resolved as follows:-

"That the Trustees be authorised to request the Registrar to

withdraw or    cancel the certificate of registry of this Trade Union."

2. This request is made by the Trustees accordingly.

1. Signature

Name  in block letters or typescript

2. Signature

Name  in block letters or typescript

3. Signature

Name  in block letters or typescript

Date

Day

Month

Year

Registered Office

Presenter Details

Name and address to which communications are to be sent
THE REGISTRY OF FRIENDLY SOCIETIES

TRADE UNION ACTS, 1871 TO 1990

FORM K

NOTICE BEFORE
WITHDRAWAL OR
CANCELLING OF
CERTIFICATE OF REGISTRY

Trade Union Number

Trade Union Name

Notice is hereby given to the above-mentioned Trade Union that it is the intention of

the Registrar to proceed on Day Month Year

[this will be not less than two months after the date of the notice] to cancel [or to withdraw]
the registry of the Trade Union, unless cause be shown to the contrary in the meantime.

The ground of such proposed cancelling [or withdrawal] is that the certificate of registry has
been obtained by fraud [or mistake] or that the registry of the Trade Union has become void
under section 6 of the Trade Union Act 1871, or that the Trade Union has wilfully and after
notice from me violated the provisions of the Trade Union Acts 1871 to 1990 or has ceased to
exist. [the facts should be briefly specified where practicable]

Signature

Name

Registrar

Date Day Month Year
THE REGISTRY OF FRIENDLY SOCIETIES
TRADE UNION ACTS, 1871 TO 1990

FORM L
WITHDRAWAL OR CANCELLING OF CERTIFICATE OF REGISTRY

Trade Union Number

Trade Union Name

The certificate of registry of the above-mentioned Trade Union is hereby withdrawn or cancelled at its request [or as the case may be. The Registrar may, if he or she thinks fit, add a statement, as in Form K, of the ground of the cancelling].

Signature

Name: in block letters or typescript

Registrar

Date Day Month Year
THE REGISTRY OF FRIENDLY SOCIETIES

TRADE UNION ACTS, 1871 TO 1990

FORM M

NOTICE OF CHANGE OF
REGISTERED OFFICE OF A
TRADE UNION

Trade Union Number

Trade Union Name

in full

Change of
Registered
Office

Notice is hereby given that the Registered Office of the above-named Trade Union is now situate at:

Dated

Day

Month

Year

Signature

Name

in block letters or typewritten

To be signed by the
Treasurer

Signature

Name

in block letters or typewritten

Signature

Name

in block letters or typewritten

Presenter Details

Person to whom queries can be addressed

Name

Address

Email

Fax Number

Telephone Number

Contact Person

DX Number/Exchange

Reference Number
THE REGISTRY OF FRIENDLY SOCIETIES
TRADE UNION ACTS, 1871 TO 1930

FORM P

APPLICATION FOR DIRECTION TO TRANSFER STOCK

Trade Union Number

This form applies (with the necessary modifications) to a branch of a Trade Union

Trade Union Name

Application for Direction

Application for a direction to transfer stock is made by the four persons whose names are subscribed at the foot hereof, being the secretary and three members of the above-mentioned Trade Union.

1. The Trade Union on

Day

Month

Year

appointed the following as trustees to the Union.

Name

Address

Occupation

Signature

Name

Address

Occupation

Signature

Presenter Details

Name

Address

Email

Fax Number

Telephone Number

Contact Person

DX Number/Exchange

Reference Number
2. On ____________ day ____________ month ____________ year
the sum of ____________________________
was invested in the purchase of
stock transferable at the Bank of Ireland in the names of
______________________________
as trustees for the Trade Union, and the same is still standing in their names.

3. The said

is absent from Ireland [or became bankrupt on ____________ day ____________ month ____________ year
or filed a petition (or executed a deed) for liquidation of his/her affairs by assignment or
arrangement or for composition with his/her creditors on ____________ day ____________ month ____________ year
or has become a lunatic, or died on ____________ day ____________ month ____________ year

[Section 7 of the Assisted Decision-Making (Capacity) Act 2015, when commenced, will replace the Lunacy Regulation (Ireland) Act 1871]

or has not been heard of for ____________ years and it is not known whether he/she is living or dead.]

[This clause will not be necessary where the application is in consequence of the mere removal of a trustee]

4. On ____________ day ____________ month ____________ year
the said

was removed from his/her office of trustee by the Trade Union and

was appointed in his/her place. [state name and address of new trustee]

5. Since such removal, application has been made in writing to the said ____________ [state name of removed trustee] to
join in the transfer of the said stock into the names of the said

[state names of trustees and of new trustee]
as trustees for the said Trade Union, but he/she has refused to comply [or has not complied] with such application. [this paragraph may be omitted or varied as the facts require]
6. This application to the Registrar is made pursuant to the Trade Union Acts 1871 to 1990 that the Registrar may direct the said stock to be transferred in the names of the aforesaid as trustees for the Trade Union by

______________________________

______________________________

______________________________

______________________________

(This blank should be filled by the names of the surviving or continuing trustees (if any) and if they be willing and able to make the transfer; but if there is no such trustee or if any such trustee refuse or be unable to make the transfer, then by the words the Accountant-General or Deputy or Assistant Accountant-General of the said bank; and a full statement of the facts and of the grounds of such refusal or inability should be made)

7. With this application is sent the prescribed fee.

Signature of Member

Name in block letters or typewriting

Signature of Member

Name in block letters or typewriting

Signature of Member

Name in block letters or typewriting

Signature of Secretary

Name in block letters or typewriting

Date [ ] [ ] [ ]
THE REGISTRY OF FRIENDLY SOCIETIES

TRADE UNION ACTS, 1871 TO 1990

FORM Q

DECLARATION VERIFYING
STATEMENTS IN ALL APPLICATION
FOR DIRECTION TO TRANSFER
STOCK

Trade Union Number

This form applies (with the necessary modifications) to a branch of a Trade Union

Trade Union Name

in full

Registered Office

I

(name in bold capitals)
of

residential address

I do solemnly and sincerely declare that I am the secretary of the above-mentioned Trade Union and that

whose names are subscribed in the application annexed are members of the said Trade Union.

That on ___ ___ ___

the sum of

was invested in the purchase of

stock transferable at the Bank of Ireland in the names of

as trustees for the Trade Union and the declarant believes that it is still standing in their names.

Presenter Details

Person to whom queries can be addressed

Name

Address

Email

Telephone Number

DX Number/Exchange

Fax Number

Contact Person

Reference Number
The said is absent from Ireland and that on the said was removed from his/her office of trustee and was appointed in his/her place. (State name and address of new trustee)

That since such removal, application has been made in writing to said trustee to join in the transfer of the said stock into the names of the said:

[Blank lines for names]

as trustees for the said Trade Union, but he/she has refused to comply [or has not complied] with such application.

[this paragraph may be omitted or varied as the facts require]

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signature of declarant name of person filing form

Officer of the Trade Union

Declared before me name of witness in capitals

[Blank lines for names]

☐ Commissioner for Oaths ☐ Peace Commissioner ☐ Notary Public

☐ Person authorised by statutory declaration to take and receive statutory declaration

Practising solicitors are authorised under section 72 of the Solicitors (Assessment) Act 1904 to take declarations
BY Declaring's name in bold capitals or type script

☐ who is personally known to me

or

☐ who is identified to me by

who is personally known to me

or

whose identity has been established to me before the taking of this Declaration by the production to me of:

☐ Passport no. ______________ issued on ______________

by the authorities of ______________

which is an authority recognised by the Irish Government

or

☐ National identity card no. ______________ issued on ______________

by the authorities of ______________

which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement

or

☐ Aliens Passport no. ______________ issued on ______________

(document equivalent to a passport)

by the authorities of ______________

which is an authority recognised by the Irish Government

or

☐ Refugee travel document no. ______________

issued on ______________ by the Minister for Justice and Equality

or

☐ Travel document (other than refugee travel document) ______________

issued on ______________ by the Minister for Justice and Equality

At ______________

This ______________ day of ______________ 20

Signature of witness

________________________________________
THE REGISTRY OF FRIENDLY SOCIETIES

TRADE UNION ACTS, 1871 TO 1990

FORM R

DIRECTION BY THE
REGISTRAR TO TRANSFER
STOCK

Trade Union Number

This form applies (with the necessary modifications) to a branch of a Trade Union

Whereas it has been made to appear to the Registrar that transferable at

the Bank of Ireland is now standing in the names of


and as trustees for (Name of Trade Union)


a Trade Union registered under the Trade Union Acts 1871 to 1990

And that the said

is absent from Ireland [or as the case may be]

And that

has been appointed trustee of the said Trade Union in place of the said


I, as Registrar under the said Acts, hereby direct, pursuant to section 4 of the Trade Union Act 1871, that the said sum of (insert sum) so standing in the books of the Governor and Company of the Bank of Ireland in the names of the said

be transferred in the said books by the said

into the names of the said

Or
B

And that there is no surviving or continuing trustee for the said Trade Union, or that the surviving and continuing trustees refuse or are unable to transfer the said stock in pursuance of my direction.

I, as Registrar under the Trade Union Acts 1871 to 1990, hereby direct, pursuant to section 4 of the Trade Union Act 1871, that the said sum of [state sum] so standing in the books of the Governor and Company of the Bank of Ireland be transferred in the said books by the Accountant-General, or Deputy, or Assistant Accountant-General of the said bank, into the names of the said

Address

Signature

Name in block letters or typewright

Date Day Month Year
THE REGISTRY OF FRIENDLY SOCIETIES
TRADE UNION ACTS, 1871 TO 1990

FORM S
NOTICE OF DISSOLUTION
OF A TRADE UNION

Trade Union Number

Trade Union Name

Date of Dissolution
Notice is hereby given that the above-named Trade Union was dissolved in pursuance of the rules thereof on
Day Month Year

Signature
Name: In block letters or typewritten

Signature
Name: In block letters or typewritten

Signature
Name: In block letters or typewritten

Signature
Name: In block letters or typewritten

Signature
Name: In block letters or typewritten

Signature
Name: In block letters or typewritten

Signature
Name of Secretary: In block letters or typewritten

Date

Presenter Details
Person to whom queries can be addressed and to whom the registered copy will be sent

Name
Address

Email
Telephone Number
DX Number/Exchange

Fax Number
Contact Person
Reference Number
GIVEN under my Official Seal,
13 September 2018.

HEATHER HUMPHREYS,
Minister for Business Enterprise and Innovation.
EXPLANATORY NOTE

(This is not a part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to prescribe the forms to be used for the purposes of certain provisions of the Trade Union Acts 1871 to 1990.