

**EMPLOYMENT RELATIONS TRIBUNAL**

**ORDER**

**ERT/ RN 125/24**

**Before**

<b>Indiren Sivaramen</b>	<b>Acting President</b>
<b>Alain Hardy</b>	<b>Member</b>
<b>Kirsley E. Bagwan</b>	<b>Member</b>
<b>Divya Rani Deonanan</b>	<b>Member</b>

**In the matter of:-**

**Registrar of Associations (Applicant)**

**And**

**Ireland Blyth Ltd Staff Association (Respondent)**

This is an application made by the Applicant under section 7(3) of the Employment Relations Act, as amended (the “Act”), for an order directing the cancellation of the registration of the Respondent union. The Applicant was assisted by Counsel whereas the Respondent was represented by Mr Sergio Zamudio. The latter informed the Tribunal that there was no objection for the cancellation of the registration of the trade union. The Tribunal thus fixed the matter for hearing and proceeded to hear both parties at another sitting.

The representative of the Applicant deposed before the Tribunal and she produced copies of (1) the certificate of registration of the Respondent (Doc A), (2) the Rules of the Respondent (Doc B), (3) a return filed by the Respondent showing the address of the Respondent as at 31 December 2018 and thereafter (Doc C), (4) the last return filed on behalf of the Respondent for the year ending 31 December 2016 (Doc D) and (5) the notice dated 28 December 2022 (Doc E) issued on the Respondent granting a delay up to 31 January 2023 for the Respondent to submit its annual returns for the accounting

periods ended 31 December 2017, 2018, 2019, 2020 and 2021. She stated that up to now the Respondent has not filed the above-mentioned annual returns. She stated that according to the last return filed by the Respondent, the latter had cash at bank and investments in shares. The representative of the Applicant prayed for the cancellation of the registration of the Respondent and for the distribution of the assets of the Respondent.

The representative of the Respondent stated that he had no questions for the officer representing the Applicant and that he had no statement to make to the Tribunal.

The Tribunal has examined all the evidence on record. In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal has no hesitation in finding that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act.

For the reasons given above, the Tribunal directs the Applicant to cancel the registration of the Respondent. Any assets of the Respondent shall be disposed of in the same manner as provided for by Rule 26.2 of the Rules of the Respondent, that is all the debts and liabilities legally incurred on behalf of the union shall be discharged and the remaining funds and property divided equally among the compliant members. In case the Respondent is not wound up as per the above and section 7 of the Act, the Respondent shall be wound up by the Applicant in the prescribed manner.

**(SD) Indiren Sivaramen**

**Acting President**

**(SD) Alain Hardy**

**Member**

**(SD) Kirsley E. Bagwan**

**Member**

**(SD) Divya Rani Deonanan**

**Member**

**17 January 2025**