

In the Matter

CO/L/3/12-13

**The Removal from the List of Trade Unions
of the UDW**

Under section 4 of the Trade Union and Labour Relations (Consolidation) Act 1992.

The Certification Officer removed UDW from the list of trade unions for the reasons contained in a letter from the Certification Officer to the UDW dated 12 February 2013, appended hereto.



for Trade Unions
& Employers'
Associations

Mr J Ledbury
National Secretary/Treasurer
UDW
2 Bearley Cottages, Bearley Lane
Tintinhull nr Yeovil
BA22 8PE

Your ref:
Our ref: CO/788T/1/05-06
Date: 12 February 2013

BY POST AND EMAIL

Dear Mr Ledbury

**Trade Union and Labour Relations (Consolidation) Act 1992
UDW removal from list of trade unions**

I refer to letters from David Taylor of this office dated 6 December and 16 November 2012.

Mr Taylor's letter of 6 December stated that the Certification Officer had determined that the UDW should be considered for removal from the list of trade unions on the grounds that it no longer met the definition of a trade union in section 1 of the 1992 Act. The letter further stated that the Certification Officer would consider any representations you made on this matter but that if no representation were received by 7 January his intention was to remove the name of the UDW from the list of trade unions. You were asked to provide, in the event that the closure of the union, referred to in your letter of 26 November 2012, went ahead, details of how the closure was effected, either in accordance with UDW rules or otherwise.

This office has not received any such representations from you or any other response to the above letter of 6 December. Whilst you have not provided confirmation of whether or not UDW has ceased to exist the Certification Officer has determined on the basis of the information before him that it is not a trade union within the meaning of section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

As stated in the above letter of 6 December 2012 the particular facts to be considered in making a decision on whether to remove UDW from the list of trade unions are those provided by you in your telephone call to Mr Taylor of 12 November and in your letter of 26 November. We were informed that:-

- membership of the UDW has reduced drastically, to the point where you are doubtful whether there are any members you could contact about the closure of the UDW;
- there are no members of the Executive other than yourself and no prospect of

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- forming an Executive;
- there are insufficient funds to continue operating;
- the UDW has not been able to provide support to members for some time.

The definition of a trade union is contained in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 as follows:

"a "trade union" means an organisation...which consists wholly or mainly of workers of one or more descriptions and whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers' associations"

As you are aware the Certification Officer has had concerns about the status of the UDW as a trade union for some time. These issues were raised with you in our meeting on 12 July 2010 and the concerns were put to you in writing in letters from this office of 21 October 2010 and 16 February 2011.

The letter of 16 February 2011 stated,

"For the avoidance of doubt, the Certification Officer has concerns that a) if UDW is not operating within its own rules it may not be said to be an organisation, and b) the principal purposes of UDW may not include the regulation of relations between workers and employers. As regards what is meant by "having as a principal purpose the regulation of relations between workers...and employers" (which forms an essential part of the definition of a trade union in section 1 of the 1992 Act), the Certification Officer has taken a preliminary view that the Act does envisage that one of a trade union's main intentions will be to act on behalf of its members collectively so as to regulate the relations between its members as a body, or groups of members, and their employer. He also has taken a provisional view that merely acting for individuals in respect of specific events, as would a solicitor or claims consultant, does not constitute regulating relations between workers and employers as envisaged by the 1992 Act. On the basis of the information currently before him, the Certification Officer is not convinced that UDW's principal purposes include the regulation of relations."

In subsequent correspondence you were informed of enquiries to this office by persons who you had asserted were members of the Executive Committee of the Union but who denied that they were at the relevant time. Indeed, you have informed us that since your involvement with the UDW you have not held a formal meeting of the Executive Council or a general meeting of the Union.

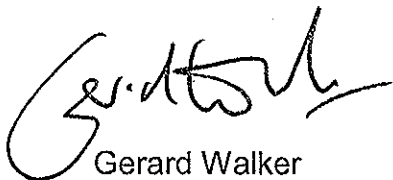
You asserted that there would be a meeting of the Union's executive in April 2011 at which the rules would be revised. You further asserted that *"the UDW has representatives at some of the largest employers in the UK and at all locations where we have a significant presence. These representatives undertake all the normal union activity at their respective sites and offer support and first stage representation to our members"*. However you did not provide substantive evidence of these

assertions. Nor did you provide evidence that the UDW has as a principal purpose the regulation of relations.

Having considered all the information before him the Certification Officer has determined that UDW is no longer a trade union on the grounds that, on the balance of probabilities it is no longer an organisation, it no longer has members and its principle purposes do not include the regulation of relations between workers and employers or employers' associations. You are therefore notified that the name of UDW will be removed from the list of trade unions on 13 February 2013.

You have the right to appeal against this decision to the Employment Appeal Tribunal ("the EAT") on a question of law. Any such appeal must be lodged within 42 days of the date of this letter. The EAT's address is: 2nd Floor, Fleetbank House, 2-6 Salisbury Square, London EC4 8JX (telephone: 0207 273 1041/1044). Further information about the EAT can be found on its website: www.justice.gov.uk/tribunals/employment-appeals.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gerard Walker', written in a cursive style.

Gerard Walker
Assistant Certification Officer
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