

Annual
Report
of the
Certification
Officer

2010-2011



www.certoffice.org

CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report
of the Certification Officer
2010-2011**

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First published 2011

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I am required by the Trade Union and Labour Relations (Consolidation) Act 1992 to submit to you both a report on my activities as Certification Officer during the previous reporting period. I have pleasure in submitting such a report for the period 1 April 2010 to 31 March 2011.

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

DAVID COCKBURN
The Certification Officer
17 June 2011

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Introduction

This is the thirty-fifth Annual Report to be published since the post of Certification Officer was established in 1975. It deals with my activities during the period 1 April 2010 to 31 March 2011.

It is proposed in the Public Bodies Bill that the Certification Officer and the Central Arbitration Committee will merge. Any such merger would be effected by statutory instrument after the Bill receives Royal Assent. It is anticipated that the functions of the Certification Officer will continue as part of the new merged body.

The functions of the Certification Officer are contained in the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) (referred to in this report as “the 1992 Act” or “the Act”). They include responsibility:

under Part I, Chapter I – for maintaining a list of trade unions and for determining the independence of trade unions;

under Part I, Chapter III – for dealing with complaints by members that a trade union has failed to maintain an accurate register of members or failed to permit access to its accounting records; for seeing that trade unions keep proper accounting records, have their accounts properly audited and submit annual returns; for the investigation of the financial affairs of trade unions; for ensuring that the statutory requirements concerning the actuarial examination of members’ superannuation schemes are observed; and for dealing with complaints that a trade union has failed in its duty to secure that positions in the union are not held by certain offenders;

under Part I, Chapter IV – for dealing with complaints by members that a trade union has failed to comply with one or more of the provisions of the Act which require a trade union to secure that its president, general secretary and members of its executive are elected to those positions in accordance with the Act;

under Part I, Chapter VI – for ensuring observance by trade unions of the statutory procedures governing the setting up, operation and review of political funds; and for dealing with complaints about breaches of political fund rules or about the conduct of political fund ballots or the application of general funds for political objects;

under Part I, Chapter VII – for seeing that the statutory procedures for amalgamations, transfers of engagements and changes of name are complied with, and for dealing with complaints by members about the conduct of merger ballots;

under Part I, Chapter VIIA – for dealing with complaints by members that there has

been a breach, or threatened breach of the rules of a trade union relating to the appointment, election or removal of an office holder; disciplinary proceedings; ballots of members other than in respect of industrial action; or relating to the constitution or proceedings of an executive committee or decision making meeting;

under Part II – for maintaining a list of employers' associations; for ensuring compliance with the statutory requirements concerning accounting records, annual returns, financial affairs and political funds; and for ensuring that the statutory procedures applying to amalgamations and transfers of engagements in respect of employers' associations are followed.

As in each Annual Report, I give details of the membership of trade unions as reported to me in the relevant period. The number of trade union members recorded in the Annual Returns received in 2010-2011 is 7,328,905. This represents a decrease of 58,993 or -0.8% over the membership recorded in my last Annual Report. Within these figures, the number of non-contributing members has increased from 7 % to 8.5% of total members.

Continuing the trend which has now been uninterrupted since 1983, the total number of trade unions and employers associations has again decreased over the most recent reporting period. In 1983 there were 502 trade unions and 375 employers' associations. At the end of this reporting year there were 177 trade unions and 106 employers' associations. In this period, eight trade unions and 22 employers' associations ceased to exist. Four unions ceased to exist by reason of having merged, three were dissolved and one moved its head quarters out of Great Britain. Of the 22 Employers' Associations, 19 were deemed no longer to meet the statutory definition of an employers' association, the other three dissolved. More unusually, four entirely new unions were added to the list of trade unions.

An issue that has arisen in the current year is the increased number of bodies which wish to be entered on the list of trade unions seemingly for the purpose of exercising the right to accompany workers at grievance and disciplinary hearings under section 10 of the Employment Relations Act 1999, frequently for a fee. I am carefully considering, on the facts of each case, whether such bodies satisfy the definition of a trade union in the 1992 Act or are commercial bodies seeking to take advantage of the section 10 right to accompany workers.

This Annual Report relates to those annual returns received from unions up to 31 March 2011 which mainly cover the period October 2009 to September 2010 (see para 4.1). Accordingly it contains extensive information on the spending from the political funds of trade unions over the period of the general election held on 6 May 2010.

Over the past year 48 complaints were determined. Of these, 39 complaints alleged that a union had breached its own rules. The other 9 related to breaches of statutory provisions. A summary of these decisions can be found in Chapters 7,8 and 9 of this report. The decision which attracted the most attention was that of *Dooley v UCATT* in which I removed the General Secretary of UCATT from his position and ordered that there be a further election. The union appealed my decision but the appeal was unsuccessful.

Copies of all decisions made by the Certification Officer since 1975 are now available on the Certification Office website www.certoffice.org

My website continues to be the primary source for those interested to obtain information about the work of the Certification Office. Along with every decision made by the Certification Officer it contains all the annual returns from trade unions and employers' associations since 2003, guidance on various aspects of the Certification Office functions, copies of my Annual Report back to 2001-2, a list of trade unions and employers' associations known to me. In addition it is possible to sign up for e-mail updates of forthcoming hearings and issues relating to decisions of the Certification Officer. This year the website was fully rebuilt for the first time since its launch in 2001-2. This will ensure that the site fully complies with standards set by the Central Office for Information.

The Advisory, Conciliation and Arbitration Service (Acas) is responsible for providing me with the finance and support services necessary for the performance of my statutory duties. This in no way affects my independence from both Acas and the Secretary of State for Business, Innovation and Skills.

Mr Gerard Walker and Ms Christine Stuart continued to hold their appointments as Assistant Certification Officer and Assistant Certification Officer for Scotland respectively. Mr Whybrew continues to be available to me as an Assistant Certification Officer to determine those complaints in which it would be appropriate that I recuse myself. On 31 March 2011 there were eight staff in post in the Certification Office. The net cost of the Office for the year ending 31 March 2010 was £624,677. This represents a decrease of £74,000. Allowing for the effect of a one-off cost reported last year, this represents a 4.7% decrease in the cost of the running of the office. The major reasons for this reduction are the reduced costs of accommodation and other efficiency savings. My salary as Certification Officer at 31 March 2011 was £73,527 for a three-day week. This sum is pensionable at an additional cost to the public purse of £19,813. It is taxed under PAYE.

Accounts relating to the activities of the Certification Office, prepared under section 258 of the 1992 Act, are published separately by order of the House of Commons. In broad terms it is estimated that about 53% of the Office's resources were allocated to work connected with annual returns from trade unions and employers' associations, and the maintenance of the lists of trade unions and employers' associations, 36% to work relating to complaints and trade union finances and the remainder to other matters including political funds, certification of independence and mergers.

Where it is necessary to hold a hearing to determine a complaint, the Certification Officer can make payment towards the expenses incurred by the complainant and their witnesses in attending the hearing. During the period under review such payments amounted to £1,649.55. Assistance with legal costs is not available.

The Certification Officer is a 'prescribed person' within the meaning of the Public Interest Disclosure (Prescribed Persons) Regulations 1999 (as amended). This provision relates to 'whistleblowing' by relevant workers of trade unions and employers' associations relating to fraud, and other irregularities, in the financial affairs of the organisations for which they work.

During this reporting year my office was unaware of any reliance on a disclosure made to me by a relevant worker, pursuant to section 43F of the Employment Rights Act 1996.

Advice and contacts for information

The Office receives many enquiries and requests for guidance from trade unions, employers' associations and their members. Often we can help but there are constraints on the advice that can be given. It is for example inappropriate, unless the law requires it, to give guidance on, or prior approval to, a specific course of action in those areas where complaints can be made to me by an individual member. It would also be clearly inappropriate for my Office to comment on the merits of a possible complaint. Where a complaint is made, I have to investigate it and decide it impartially on the facts of the case and in the light of the representations made by the parties concerned. I and my staff must avoid giving advice which might seem in any way to prejudice that impartiality. That said, the Office is happy to assist where it can and guidance booklets covering different aspects of the Certification Officer's responsibilities are available on the Certification Officer's website www.certoffice.org or in hard copy format free of charge. They are listed in Appendix 11 and requests for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 22nd Floor, Euston Tower, 286 Euston Road, London, NW1 3JJ, tel: 020 7210 3734, e-mail: info@certoffice.org.

Lists of Trade Unions and Employers' Associations

Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This chapter sets out the background to that process. It also gives the numbers on the lists at 31 March 2011 and the changes that have occurred during the previous twelve months. The lists are set out in full in Appendix 1 (trade unions) and Appendix 2 (employers' associations).

Entry in the lists and its significance

- 1.1 The Certification Officer maintains a list of trade unions and a list of employers' associations in accordance with the provisions of sections 2-4 and sections 123-125 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("The 1992 Act").
- 1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. A fee is payable on application (see appendix 10 for the statutory fee). The name of the organisation shall be entered in the relevant list if the Certification Officer is satisfied that it falls within the appropriate definition in the 1992 Act (see paragraphs 1.20 and 1.21). Entry in the list is a relatively simple process but it is not automatic. The Certification Officer will test whether the organisation satisfies the statutory definition. There are simplified provisions for the listing of a trade union formed by the amalgamation of two or more trade unions which were already on the list (see paragraph 1.6). The 1992 Act does not impose any test of size or effectiveness.
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list may appeal on a point of law to the Employment Appeal Tribunal (EAT).
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under section 6 of the 1992 Act. There are a number of other advantages of being listed for trade unions and unincorporated employers' associations. It is one of the requirements for obtaining tax relief in respect of expenditure on provident benefits (section 981 Corporation Tax Act 2010). There are certain procedural advantages in connection with the devolution of property following a change of trustees (section 13 of the 1992 Act). The fact of being on the relevant list is evidence (in Scotland, sufficient evidence) that the organisation is a trade union or employers' association. The name of a trade union or employers' association is protected by the provision that an organisation shall not be entered in the relevant list if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

- 1.5 The current lists are available for inspection free of charge at the Certification Office, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. The lists for organisations having their head office in Scotland are also available for inspection at the office of the Assistant Certification Officer for Scotland, Melrose House, 69a George Street, Edinburgh EH2 2JG. They also appear on the website of the Certification Officer, www.certoffice.org.

Unions formed by amalgamation

- 1.6 Upon the amalgamation of two or more unions listed in accordance with Part I Chapter VII of the 1992 Act, the amalgamated union shall automatically be listed by the Certification Officer when the instrument of amalgamation takes effect. The newly amalgamated union shall, however, be removed from the list if it does not send certain prescribed information to the Certification Officer within six weeks of the date the instrument of amalgamation takes effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 10).

Trade unions and employers' associations not on the lists (scheduled bodies)

- 1.7 As entry on the lists is voluntary, it is difficult to know precisely how many trade unions and employers' associations exist but have not applied to be listed. At the end of this reporting period, the Certification Officer was aware of 15 trade unions and 44 employers' associations which met the statutory definitions but which had not sought to be listed. The Certification Officer maintains schedules to the relevant lists, which contain the names of those organisations which satisfy the statutory definition of a trade union or employers' association but which have not applied to be listed. There may be other organisations which meet the statutory definitions of a trade union or employers' association of which the Office is unaware. The fact that an organisation is not on the relevant list does not exempt it from its statutory responsibilities, including the requirement to make an annual return. The returns from the scheduled bodies are available for inspection in the same way as are those of listed organisations. Those trade unions and employers' associations known to the Office but which have not applied to be included in the relevant lists are set out in the schedules to Appendices 1 and 2 respectively.
- 1.8 During the year, the Office approached one organisation which it was thought might be trade unions of which it was previously unaware. The Certification Officer has since determined that the Professional Cabin Crew Council is a trade union and has therefore included it in the schedule of trade unions.

Removal from the lists and schedules

- 1.9 If at any time it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union or an employers' association its name may be removed from the list. The organisation concerned will be given an opportunity to make representations as to why its name should not be removed. There is a right of appeal to the EAT on a point of law against removal of a name from a list. The Certification Officer must also remove the name of an organisation

from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.

- 1.10 The table below gives the names of the eight trade unions and 22 employers' associations removed from the lists and schedules during the period 1 April 2010 to 31 March 2011. An asterisk denotes those which ceased to exist as a result of mergers. The others were dissolved or deemed no longer to meet the statutory definition of a trade union or employers' association.

Trade Unions

England and Wales – Listed

Association for College Management*
Community and District Nursing Association*
Council of Civil Service Unions
Derbyshire Group Staff Union*
Diageo Staff Association
Engineering Officers Technical Association

England and Wales – Scheduled

International Federation of Actors

Scotland – Listed

Staff Union Dunfermline Building Society*

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

British Glove Association
Publishers Association

England and Wales – Scheduled

Kaolin and Ball Clay Association (UK)
Spa (UK) Limited t/a Prism

Scotland – Listed

Scottish Newspaper Publishers Association

Scotland – Scheduled

Argyll Building Trades Employers' Association
Ayrshire and South West Association of the Scottish Building Employers' Federation
Dumbarton and District Master Wrights and Builders Association
Dundee and District Master Plumbers Association
Edinburgh and District Master Builders' Association

Forth Valley Building Trades Employers' Association
Grampian Building Employers' Association
Highland Building Employers' Association
Scottish Building – Dundee and Angus
Scottish Building – Fife Association
Scottish Building Glasgow & District Association
Scottish Building – Moray District
Scottish Building Orkney Association
Scottish Building – Perth and District
Scottish Building Federation – Renfrewshire and Inverclyde Association
Scottish Master Slaters and Roof Tilers Association
Western Isles Building Employers' Association

Additions to the lists and schedules

- 1.11 The table below gives the names of the five trade unions added to the lists and schedules during the period 1 April 2010 to 31 March 2011. There were no employers' associations added during this same period.

Trade Unions

England and Wales – Listed

Employees General Union
Myunion
Public Trade Union
SKYSHARE

England and Wales – Scheduled

Professional Cabin Crew Council

Scotland – Listed

None

Scotland – Scheduled

None

Transfers from the Schedule to the lists

- 1.12 Two unions transferred from the schedule of unlisted trade unions to the list of trade unions.

Trade Unions

England and Wales

Energy and General Workers Union
Workers of England Union

The lists and schedules at 31 March 2011

1.13 As required by sections 2 and 123 of the 1992 Act, this report includes the names of those trade union and employers' associations on the lists as at 31 March 2011. They are reproduced as Appendices 1 and 2. This lists comprised of 162 trade unions and 62 employers' associations.

Changes during the year are summarised in the table below:

| | <i>On lists at 31 March 2010</i> | <i>Changes between 1 April 2010 and 31 March 2011</i> | | <i>On lists at 31 March 2011</i> |
|----------------------------|--|---|-----------------|--|
| | | <i>Additions</i> | <i>Removals</i> | |
| Trade Unions | 163 | 6 | 7 | 162 |
| Employers' Associations | 65 | 0 | 3 | 62 |

1.14 As at 31 March 2011 there were 15 trade unions on the schedule of unlisted unions and 44 employers' associations on the schedule of unlisted associations. The total number of listed and scheduled trade unions and employers' associations is, therefore, as follows:

| | <i>Listed</i> | <i>Scheduled</i> | <i>Totals</i> |
|----------------------------|---------------|----------------------|---------------|
| Trade Unions | 162 (163) | 15 (17) | 177 (180) |
| Employers' Associations | 62 (65) | 44 (63) ¹ | 106 (128) |

The figures in brackets are the equivalent figures in the previous reporting year.

¹As a result of changes to the constitution of the Scottish Building Federation, 17 separate associations affiliated to it were removed from the CO's schedule.

Special register bodies

- 1.15 Under the Industrial Relations Act 1971, a special register was established for the registration of organisations which were either companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members. These were mainly professional bodies.
- 1.16 The Trade Union and Labour Relations Act 1974 provided that trade unions could no longer have corporate status. However, it also provided for an exception to preserve the position of those bodies which were already on the special register.
- 1.17 The statutory requirements affecting trade unions in the 1992 Act take account of the corporate status of these bodies and their other activities. Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary. However, the voting members of the executive committee of special register bodies must be elected in accordance with the statutory provisions.
- 1.18 The following 13 special register bodies remain on the list of trade unions:

Association of Clinical Biochemistry
British Association of Occupational Therapists Limited
British Dental Association
British Dietetic Association
British Medical Association
Chartered Society of Physiotherapy
Educational Institute of Scotland
Headmasters and Headmistresses Conference
Royal College of Midwives
Royal College of Nursing of the United Kingdom
Society of Authors Limited
Society of Chiropractors and Podiatrists
Society of Radiographers

Changes of name of listed trade unions and employers' associations

- 1.19 Sections 107 and 134 of the 1992 Act provide that a change of name of a listed trade union or employers' association must be approved by the Certification Officer before it can take effect. During the reporting period approval was given to the changes of name of five listed trade unions and four employers' associations, the details of which are given in the table below:

| <i>Trade Unions</i> | | <i>Effective Date</i> |
|---------------------|---|-----------------------|
| <i>From</i> | Aegis; The Aegon UK Staff Association | |
| <i>To</i> | Aegis the Union | 28 May 2010 |
| <i>From</i> | G4S Justice Services Staff Association | |
| <i>To</i> | G4S Care and Justice Services Staff Association | 6 September 2010 |

| | | |
|-------------|----------------------------------|------------------|
| <i>From</i> | Lloyds TSB Group Union | |
| <i>To</i> | Lloyds Trade Union | 6 September 2010 |
| <i>From</i> | Gallaher Sales Staff Association | |
| <i>To</i> | Sales Staff Association | 24 November 2010 |
| <i>From</i> | Independent Pilots Federation | |
| <i>To</i> | Independent Pilots Association | 17 January 2011 |

Employers' Associations

| | | |
|-------------|---|-----------------|
| <i>From</i> | British Clothing Industry Association Ltd | |
| <i>To</i> | UK Fashion and Textile Association Ltd | 10 June 2010 |
| <i>From</i> | Scottish Print Employers Federation | |
| <i>To</i> | Graphic Enterprise Scotland | 2 August 2010 |
| <i>From</i> | West Midlands Leaders Board | |
| <i>To</i> | West Midlands Councils | 2 December 2010 |
| <i>From</i> | National Hairdressers' Federation | |
| <i>To</i> | National Hairdressers' Federation Ltd | 10 January 2011 |

Definition of a trade union

1.20 Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 provides as follows:

"In this Act, a "trade union" means an organisation (whether temporary or permanent) –

- (a) 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; or*
- (b) which consists wholly or mainly of –*
 - (i) constituent or affiliated organisations which fulfil the conditions in paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions), or*
 - (ii) representatives of such constituent or affiliated organisations,*

and whose principal purposes include the regulation of relations between workers and employers or between workers and employers' associations, or the regulation of relations between its constituent or affiliated organisations."

Definition of an employers' association

1.21 Section 122 of the Trade Union and Labour Relations (Consolidation) Act 1992 provides as follows:

“(1) In this Act, an “employers’ association” means an organisation (whether temporary or permanent) –

(a) which consists wholly or mainly of employers or individual owners of undertakings of one or more descriptions and whose principal purposes include the regulation of relations between employers of that description or those descriptions and workers or trade unions; or

(b) which consists wholly or mainly of –

(i) constituent or affiliated organisations which fulfil the conditions in paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions), or

(ii) representatives of such constituent or affiliated organisations,

and whose principal purposes include the regulation of relations between employers and workers or between employers and trade unions, or the regulation of relations between its constituent or affiliated organisations.

(2) References in this Act to employers’ associations include combinations of employers and employers’ associations.”

Trade Union Independence

A trade union which is on the list of trade unions may apply for a certificate of independence. Independence is defined as meaning independence from an employer or group of employers. This chapter discusses independence and explains how such applications are dealt with and their outcome.

The statutory provisions

2.1 Section 5 of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) defines an independent trade union as:

“... a trade union which –

- (a) is not under the domination or control of an employer or group of employers or of one or more employers’ associations; and*
- (b) is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control”.*²

2.2 The procedure for determining the independence of trade unions is provided for in section 6 of the 1992 Act. A union must be listed (see Chapter 1) before it can apply for a certificate of independence. A fee is payable on application (see Appendix 10). The Certification Officer keeps a public record of all applications for such certificates and their outcome. He may not take a decision on an application until at least one month after it has been entered in the record. A notice that an application has been received is normally published in the London Gazette and/or the Edinburgh Gazette as appropriate and included in the ‘News’ page of the Certification Officer’s website, www.certoffice.org. The Certification Officer must take into account any relevant information submitted by any person and is required to give reasons if a certificate of independence is refused. A union which has been refused a certificate of independence has a right of appeal on a point of law to the Employment Appeal Tribunal (EAT).

2.3 Where two or more trade unions, each with a certificate of independence, amalgamate, a certificate of independence will automatically be issued to the new union when the instrument of amalgamation is registered by the Certification

²In *Squibb UK Staff Association v Certification Officer* ([1979] 2 All ER 452, [1979] IRLR 75, CA), it was held that the word “liable” in this context should be interpreted as implying “vulnerability to interference” rather than “likelihood of interference”.

Officer. The newly amalgamated union will, however, have its certificate of independence removed if it does not send certain prescribed information to the Certification Officer within six weeks of the date the amalgamation takes effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 10).

- 2.4 The Certification Officer may withdraw a certificate of independence at any time if he is of the opinion that the trade union concerned is no longer independent. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal on a point of law to the EAT.
- 2.5 Once the Certification Officer has determined that a trade union is independent and has issued a certificate, that certificate remains valid until it is withdrawn by the Certification Officer or is cancelled. This applies even to certificates issued under legislation in force prior to its consolidation into the 1992 Act.
- 2.6 The Act provides that, where a question as to the independence of a particular union arises in proceedings before the courts, employment tribunals, Central Arbitration Committee or the Employment Appeal Tribunal, and no certificate has been issued or refused, those proceedings may not continue until that question has been decided by the Certification Officer. The granting of a certificate by the Certification Officer, or its refusal, is conclusive evidence for all purposes that the union is or, as the case may be, is not independent.

Criteria

- 2.7 The principal criteria which have been used by the Certification Officer in determining whether or not an applicant union satisfies the statutory definition are explained in the Office's booklet *Guidance for trade unions wishing to apply for a certificate of independence*. These appear under the headings: history, membership base, organisation and structure, finance, employer-provided facilities and negotiating record. Copies of the booklet are available on request from the Certification Office and it can be found on the Certification Officer's website. The Certification Officer's decision is strictly bound by the statutory definition, having regard to the circumstances as a whole. Other considerations, such as the effect the issue of a certificate might have on employment relations, may not be taken into account.

Applications, decisions, reviews and appeals

- 2.8 During this reporting period two certificates of independence were issued. Certificates were issued to the PDA Union on 24 November 2010 and to the Associated Train Crew Union on 18 February 2011.
- 2.9 No formal reviews of existing certificates of independence were undertaken during the period.

- 2.10 During this reporting period, three applications for a certificate were received. One was from the PDA Union and was determined during the period. Two other applications, from SKYSHARE and the Industrial Workers of the World (IWW) – British Isles, were received on 17 and 23 February 2011 respectively. The office is presently making the necessary investigations in order that the Certification Officer may determine these applications.
- 2.11 Six certificates of independence were cancelled during this reporting period because the unions concerned ceased to exist, four of which were as the result of mergers. These were the certificates of the following unions:
- Association of College Management*
 - Community and District Nursing Association*
 - Derbyshire Group Staff Union*
 - Diageo Staff Association
 - Engineering Officers Technical Association
 - Staff Union Dunfermline Building Society*
- (*the unions marked with an asterisk ceased to exist as the result of mergers)
- 2.12 On 31 March 2011 there were 110 unions which held certificates of independence.

Annual Returns, Financial Irregularities and Access to Accounting Records

This chapter deals with the requirements for trade unions and employers' associations to keep proper accounting records and to submit annual returns to the Certification Officer. It also deals with the provisions relating to the investigation of the financial affairs of trade unions and employers' associations and with the provisions giving union members a right of access to accounting records.

The statutory provisions

- 3.1 Sections 28 and 131 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") provide respectively that every trade union and every employers' association (except those which consist wholly or mainly of representatives of constituent or affiliated organisations) must keep proper accounting records in respect of its transactions, assets and liabilities. Each such trade union or employers' association must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Under sections 32 and 131 of the Act such an organisation (unless it has been in existence for less than 12 months) is also required to submit an annual return to the Certification Officer in the form prescribed. The return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. The return must also give details of the salary and other benefits paid to each member of the executive, the president and the general secretary (see paragraphs 4.14 and 4.15). Any changes in the organisation's officers or in the address of its head office must be shown on the return and it must be accompanied by a copy of the rules in force at the end of the period covered by the return. All funds maintained by the trade union or employers' association must normally be included in the return made to the Certification Officer.
- 3.3 Organisations which consist wholly or mainly of constituent or affiliated organisations or representatives of such organisations, are referred to within the Act as "federated" trade unions or employers' associations and are described fully within sections 118 and 135 of the Act. Those federated bodies which are composed of representatives of trade unions or employers' associations are exempt from certain provisions of the Act, including the duty to supply a copy of their rules, to keep accounting records and to submit annual returns. The same does not apply to those federated bodies which are composed of constituent or affiliated organisations.

- 3.4 It is not the responsibility of the Certification Officer to determine whether an organisation is financially viable but to ensure that accounts in the prescribed form covering all funds administered by the organisation are available for public inspection.
- 3.5 The Act requires trade unions and employers' associations to submit before 1 June each year a return of their financial affairs covering the year ending the preceding 31 December. However, the Certification Officer may direct that the return is to relate to a different annual period. This is usually done if the normal timetable would cause serious inconvenience to the organisation concerned.
- 3.6 The annual return must include a copy of the auditor's report on the accounts. Under section 34 of the 1992 Act, a person is qualified to act as auditor of a trade union or employers' association's accounts if he or she is eligible for appointment as a company auditor under section 25 of the Companies Act 1989 ("a Companies Act auditor"). Section 37 of the 1992 Act sets out the rights of auditors including access to information and the entitlement to attend and speak at general meetings of the organisation.
- 3.7 A trade union (other than a special register body as described in Chapter 1 of this Report, paragraphs 1.15 to 1.18) or an employers' association may have its accounts audited by someone who is not a Companies Act auditor if its receipts and payments do not in aggregate exceed £5,000, the value of its assets is less than £5,000 and it has less than 500 members. If any one of these conditions is not satisfied, it must use a Companies Act auditor.
- 3.8 The auditor must state whether, in his or her opinion, the accounts give a true and fair view of the matters to which they relate. The auditor has a duty to carry out such investigations as will enable an opinion to be formed on whether proper accounting records have been kept, whether a satisfactory system of control has been maintained and whether the accounts are in agreement with the accounting records. If in the opinion of the auditor the statutory requirements have not been satisfied or the union or employers' association has failed to supply all the necessary information and explanations the auditor must say so in the report by way of qualification.
- 3.9 One return received by the Certification Officer during this reporting period contained an audit report in which the auditors gave a qualified opinion as to whether the return gave a true and fair view. The Certification Officer made enquiries of the organisation concerned in order to get an explanation for the qualification and an assurance that action will be taken to ensure such qualifications are not necessary in the future. Satisfactory assurances were received in respect of the reasons for the qualification.
- 3.10 The enquiries into the UDW's return for the previous reporting period which the last report referred to were concluded. The Certification Officer received assurances that the concerns raised by the auditor were dealt with and that similar concerns would not be raised in future audit reports.

- 3.11 To avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (see Chapter 1 of this Report, paragraphs 1.15 to 1.18) or an employers' association incorporated under the Companies Acts, to submit with its return, in lieu of the completion of certain pages in the return form, a copy of its accounts prepared under the Companies Acts provided the period covered is the same and there is no significant diminution in the degree of disclosure. In such circumstances, however, and notwithstanding anything in the Companies Acts, an auditor's report for the purposes of the 1992 Act is still required.
- 3.12 With the exceptions already noted, the duties imposed by sections 28, 32 and 131 of the 1992 Act apply to all trade unions and employers' associations, whether listed under sections 2 or 123 or not. Refusal or willful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, but does not generally undertake prosecutions for offences such as theft or fraud which would normally be dealt with by other prosecuting authorities. However, the Certification Officer is able to appoint inspectors to investigate allegations of financial irregularities in the affairs of a trade union or employers' association. (See 3.19 below).

Late submission of returns

- 3.13 The 1992 Act requires an organisation to submit an annual return to the Certification Officer before 1st June in the calendar year following the year to which the annual return relates. For most organisations (73%), their financial year coincides with the calendar year and ends on 31 December, but others differ. By 31 March 2011, 99.7% of all due returns had been received including the returns of trade unions representing at least 99.9% of the members of all trade unions which are listed or scheduled. The annual returns of 12.5% of organisations were submitted more than three months after their due date. The annual return for one organisation was outstanding by more than three months and had still not been submitted at 31 March 2011. That was the annual report of The General Workers Union, which appears on the schedule of unlisted unions.
- 3.14 The Certification Officer continues to seek full compliance with the statutory requirements and will take steps to improve the performance of those organisations which consistently submit late annual returns.

Prosecution

- 3.15 No prosecutions for failure to submit a return were initiated during this period.

Statement to members

- 3.16 A statement containing specific information must be issued to all members within eight weeks of the submission of the annual return to the Certification Officer. The statement must specify:
- (i) the total income and expenditure of the union;

- (ii) how much of the income consisted of payments in respect of membership;
- (iii) the total income and expenditure of any political fund of the union, and
- (iv) the salary and other benefits paid to each member of the executive, the president and the general secretary.

The statement must also give the name and address of the auditor, set out in full the auditor's report and should not contain anything which is inconsistent with the contents of the annual return. Members must also be told how they can complain should they be concerned that some irregularity is occurring or has occurred in the financial affairs of the trade union. The 1992 Act is specific about how this must be done and the wording of the prescribed statement is reproduced below.

“A member who is concerned that some irregularity may be occurring, or have occurred, in the conduct of the financial affairs of the union may take steps with a view to investigating further, obtaining clarification and, if necessary, securing regularisation of that conduct.

The member may raise any such concern with such one or more of the following as it seems appropriate to raise it with: the officials of the union, the trustees of the property of the union, the auditor or auditors of the union, the Certification Officer (who is an independent officer appointed by the Secretary of State) and the police.

Where a member believes that the financial affairs of the union have been or are being conducted in breach of the law or in breach of rules of the union and contemplates bringing civil proceedings against the union or responsible officials or trustees, he should consider obtaining independent legal advice.”

A model statement and guidance are available on the Certification Officer's website, www.certoffice.org.

- 3.17 It is not a requirement that the statement to members is distributed individually. As an alternative, unions may use *“any other means... which it is the practice of the union to use when information of general interest to all its members needs to be provided to them.”*
- 3.18 Trade unions have in the main readily complied with the requirement to provide members with a statement which contained the required information and met the statutory timescale. The Certification Officer will endeavour to ensure that full compliance with the 1992 Act is maintained.

Financial affairs of trade unions and employers' associations – use of statutory powers

- 3.19 The 1992 Act allows the Certification Officer to investigate the financial affairs of almost all trade unions and employers' associations (exceptions being in respect of

federated employers' associations and trade unions made up wholly or mainly of representatives of constituent affiliated organisations and in respect of organisations that have been in existence for less than twelve months). Under the Act, the Certification Officer may, if he thinks there is good reason to do so, give a direction to the organisation concerned to produce relevant documents and explanations of them. In addition, the Certification Officer may appoint inspectors to investigate the organisation's financial affairs and to report on them. The Certification Officer may only appoint inspectors if one or more of the following circumstances are suggested: *that the financial affairs of the trade union or employers' association have been or are being conducted fraudulently or unlawfully; that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management; that the organisation concerned has failed to comply with a duty under the Act relating to its financial affairs; or that a rule of the organisation relating to its financial affairs has not been complied with.* A member may complain to the Certification Officer that there are circumstances suggesting any of the foregoing. The Certification Officer must then consider whether it is appropriate to exercise any of the powers conferred on him by the 1992 Act in that respect.

- 3.20 Information suggesting circumstances where one or more of the situations described in paragraph 3.19 have occurred may come to the Certification Officer's attention from a variety of sources including, for example, from members who query information supplied by the union in its statement to members. In addition, the Certification Officer's staff monitor references in the media for situations which suggest that such circumstances may exist in the financial affairs of a trade union or employers' association.
- 3.21 Not all the information received by my Office is of sufficient merit to warrant any approach to the body concerned. Where an approach is warranted, the matter is frequently resolved either through correspondence between the Office and the parties concerned or by means of informal meetings with the body or the individual or a combination of these methods.
- 3.22 At the end of the last reporting year enquiries were in progress concerning three trade unions, GMB, UNISON and the Association of Professional Ambulance Personnel, and one employers' association, the Showmen's Guild of Great Britain. The Certification Officer concluded his enquiries into UNISON satisfactorily.
- 3.23 In the cases of the GMB, Association of Professional Ambulance Personnel and the Showmen's Guild the office has made further enquiries of the unions during the course of this year and continues to monitor the union's actions in respect of the issues raised.
- 3.24 In the period 1 April 2010 to 31 March 2011 concerns were raised about particular aspects of the conduct of the financial affairs of two trade unions: the National Union of Mineworkers and UDW. The enquiries made of both unions were concluded with no further action being required.

- 3.25 Where the Certification Officer concludes his enquiries regarding a possible financial irregularity which has been raised by a union member and decides not to appoint an inspector, he must notify that member of his decision and, if he thinks fit, will also give his reasons. In this reporting period both of the concluded issues arose from members concerns.
- 3.26 During this reporting period the Certification Officer did not find it was necessary to use his powers under section 37A of the 1992 Act to require documents to be produced by any trade union.

Public inspection of annual returns

- 3.27 Copies of the annual returns and the rules of trade unions and employers' associations from 1974 onwards are available for public inspection. The returns of existing organizations are available at the Certification Office or, where appropriate, the Office of the Assistant Certification Officer for Scotland. The returns of closed trade unions and employers' associations are mainly kept at the National Archive where they are also publicly available for inspection. Also available for public inspection (with notification of one week) are the earlier annual returns, accounts, copies of rules and other documents submitted for the purposes of:
- (a) the Trade Union Acts 1871 to 1964
 - (b) the Industrial Relations Act 1971; and
 - (c) the Trade Union and Labour Relations Act 1974.
- 3.28 The annual returns of trade unions and employers' associations submitted in this reporting period are available on the Certification Officer's website.

Access to accounting records

- 3.29 Section 30 of the 1992 Act provides a member of a trade union with a right of access to any accounting records of the union which are available for inspection. Where a member claims that a trade union has failed to comply with his or her request for access to the trade union's accounting records under section 30 of the Act, the member has the option of applying to the court or to the Certification Officer under section 31 of the 1992 Act. The Certification Officer may not consider an application if the claimant has applied to the court in respect of the same matter. Similarly once an application has been made to the Certification Officer, the same matter may not be put to the court.
- 3.30 On application to him, the Certification Officer is required to make such enquiries as he thinks fit and give the claimant and the trade union an opportunity to be heard. On receipt of an application the Certification Officer will determine it within six months of it being made, so far as reasonably practicable.
- 3.31 If the Certification Officer decides that the complaint is well-founded he is required to make such orders as he considers appropriate for ensuring that the claimant:-

- (a) is allowed to inspect the records requested;
- (b) is allowed to be accompanied by an accountant when making the inspection of those records; and
- (c) is allowed to take, or is supplied with, such copies of, or of extracts from, the records he may require.

3.32 An order made by the Certification Officer under this section may be enforced in the same way as an order of the court.

Applications and complaints received 1 April 2010 to 31 March 2011

3.33 In the period 1 April 2010 to 31 March 2011 the Certification Officer received two such complaints which were against the National Union of Journalists, and the Union of Construction Allied Trades and Technicians. The complaint against the National Union of Journalists was withdrawn by the claimant before the Certification Officer had concluded his enquiries but the complaint against UCATT was still under investigation at the end of the reporting period.

3.34 Sections 28 to 30 of the 1992 Act do not define “accounting records”. However the Certification Officer has considered this matter in three earlier cases *Mortimer v Amicus* (D/1/03); *Foster v Musicians Union* (D/13-17/03) and *Lee v NASUWT* (D/3/06). A copy of the decisions in the three cases, together with copies of all decisions of the Certification Officer, are available free of charge from the Certification Office and all decisions are available on the Certification Officer’s website.

Financial and Membership Information and Membership Register

This chapter identifies changes in the membership levels, income and expenditure of both trade unions and employers' associations between the figures reported last year and those reported in the current reporting year. It also covers the jurisdiction of the Certification Officer to determine complaints about the maintenance of trade unions' membership registers.

Annual Returns received in 2010-2011

- 4.1 The information in this chapter is derived from the annual returns received during the reporting period. Statistical information is given at Appendices 4, 5, 6 and 9. That information and the following comments in this chapter relate to those unions whose annual returns were due, and received, in this office between 1 April 2010 and 31 March 2011. Unions and employers' associations must submit their annual returns to the Certification Office within five months of the end of their accounting year. This results in the information contained in my annual report being abstracted from annual returns which cover accounting periods ending between October 2009 and September 2010. However, the majority (73%) of returns are for unions or employers' associations with accounting periods ending 31 December 2009.
- 4.2 A total of 288 organisations submitted returns for this period. These were made up as follows:
- | | |
|-----|-----------------------------------|
| 161 | Listed trade unions |
| 15 | Scheduled trade unions |
| 67 | Listed employers' associations |
| 45 | Scheduled employers' associations |

For the difference between listed and scheduled organisations see paragraph 1.7.

Trade unions: numbers and membership

- 4.3 Appendix 4 contains a summary of the statistics concerning the membership and finances of trade unions recorded in annual returns received during 2010-2011. Details are shown for the 14 trade unions with more than 100,000 members.
- 4.4 The statistics in Appendix 4 are based on returns from 176 listed and scheduled unions: three less than reported for listed and scheduled unions in the Annual Report for 2009-2010.

4.5 The trade unions from which returns were received in this reporting period recorded a total membership of 7,328,905. The 14 unions with a membership of over 100,000 accounted for 6,279,716 members or 85.7% of the total. Returns received in the period show the distribution of trade union membership by size is as follows:

Trade unions: distribution by size

| <i>Number of Members</i> | <i>Number of Unions</i> | <i>Membership</i> | <i>Number of Unions</i> | | <i>Membership of all Unions</i> | |
|--------------------------|-------------------------|-------------------|-------------------------|----------------------------|---------------------------------|----------------------------|
| | | | <i>Per cent</i> | <i>Cumulative Per cent</i> | <i>Per cent</i> | <i>Cumulative Per cent</i> |
| Under 100 | 34 | 1,139 | 19.3 | 19.3 | 0.0 | 0.0 |
| 100-499 | 30 | 8,270 | 17.0 | 36.4 | 0.1 | 0.1 |
| 500-999 | 20 | 14,678 | 11.4 | 47.7 | 0.2 | 0.3 |
| 1,000-2,499 | 22 | 41,146 | 12.5 | 60.2 | 0.6 | 0.9 |
| 2,500-4,999 | 17 | 61,930 | 9.7 | 69.9 | 0.8 | 1.7 |
| 5,000-9,999 | 11 | 81,246 | 6.3 | 76.1 | 1.1 | 2.8 |
| 10,000-14,999 | 4 | 55,604 | 2.3 | 78.4 | 0.8 | 3.6 |
| 15,000-24,999 | 8 | 162,177 | 4.5 | 83.0 | 2.2 | 5.8 |
| 25,000-49,999 | 14 | 482,907 | 8.0 | 90.9 | 6.6 | 12.4 |
| 50,000-99,999 | 2 | 140,092 | 1.1 | 92.0 | 1.9 | 14.3 |
| 100,000-249,999 | 6 | 929,100 | 3.4 | 95.5 | 12.6 | 26.9 |
| 250,000 and over | 8 | 5,350,616 | 4.5 | 100.0 | 73.1 | 100.0 |
| Total | 176 | 7,328,905 | 100 | 100 | 100 | 100 |

4.6 The recorded trade union membership of 7,328,905 in 2010-11, compares to 7,387,898 reported in the previous period. This indicates a decrease of 58,993 members or 0.8%. The total recorded membership of around 7.3 million compares with a peak of 13.2 million in 1979.

4.7 The following table shows unions whose membership has increased or decreased by 10,000 or more since the previous reporting period.

Trade Union: Changes in Membership

| | <i>Total Membership (000's)</i> | | |
|---|---------------------------------|------------------|------------------|
| | <i>2009-2010</i> | <i>2008-2009</i> | <i>% changes</i> |
| <i>Increases</i> | | | |
| Union of Shop Distributive and Allied Workers | 387 | 371 | +4.3 |
| National Union of Teachers | 377 | 367 | +2.7 |
| UNISON: The Public Services Union | 1,375 | 1,362 | +1.0 |
| <i>Decreases</i> | | | |
| Unite the Union | 1,573 | 1,635 | -3.8 |
| Communication Workers Union | 218 | 231 | -5.6 |

4.8 The annual returns submitted by unions to the Certification Officer require each union to provide figures for both total membership and members who pay contributions. There can be significant differences between these figures. This is usually the result of total membership figures including retired and unemployed members, members on long term sick and maternity/child care leave and those on career breaks. The returns submitted by unions during this reporting period show that the total number of contributing members was around 8.5% less than the figure for total membership, compared to 7% in the preceding year.

Membership register

4.9 A trade union has a duty to maintain a register of the names and addresses of its members and a duty, so far as reasonably practicable, to ensure that entries in the register are accurate and kept up-to-date. The 1992 Act provides that a trade union should allow any member on request, with reasonable notice, to ascertain from the register, free of charge, whether there is an entry on it relating to him or her. An application that a trade union has failed to comply with the requirements of section 24 of the 1992 Act can be made to either the Certification Officer or the court.

4.10 During the period 1 April 2010 to 31 March 2011 the Certification Officer received one complaint concerning the maintenance of the register of members' names and addresses. However, after correspondence with the claimant the complaint was not proceeded with. At the end of the period there were no such complaints outstanding.

Finance

4.11 Trade union income derives mainly from membership subscriptions and income from investments. There may also be additional income and/or assets arising if, for example, a union accepts the transfer of engagements of another union. The figures

given at Appendix 4 include both general and other funds where applicable, e.g. contingency, superannuation and political funds. Additionally, political funds are shown separately in Appendix 9.

- 4.12 From the returns received during this reporting period, the figures show that the gross income of trade unions was £1,072.57 million, an increase of 3% on that recorded by unions the previous year. Income from members rose by 2.1% to £830.34 million. Income from investment fell by 30.5% and income from other sources rose by 14%.
- 4.13 Gross expenditure by unions during this reporting period fell by 2.5% to £1,204.16 million, while at the end of the reporting period total funds (net assets) amounted to £808.69 million, a decrease of 13.9% over the previous period. This decrease is to some extent explained by the revaluation of some assets and pension funds.

Salaries and benefits

- 4.14 Trade unions are required to include in their annual returns to the Certification Officer information about the salaries and benefits paid to certain of their national officers and executive members from the organisation's funds. For the purpose of the annual return, benefits are defined as being a) those designated as a taxable benefit by Her Majesty's Revenue and Customs; b) pension/superannuation arrangements; and c) redundancy and other termination payments. The Certification Officer requires that all benefits paid from the funds of the union are reported, whether such funds are maintained at national or other level. Information from trade union annual returns received in the reporting period showed that 9% of unions paid a salary to their general secretary of over £100,000; 27% paid between £60,001 and £100,000; 15% paid between £30,001 and £60,000; and 13% paid up to £30,000; while the general secretaries of the remaining 36% did not receive a salary. Seven unions (4%), although paying no salary to their general secretary, did provide an honorarium or other benefits.
- 4.15 Appendix 5 gives information on the salary and benefit payments in respect of all unions which make a payment to their general secretary. There is no requirement to provide such information in relation to other employees, even if they are paid more than the general secretary. Employer's pension contributions make up a significant proportion of the benefits paid. Employer's national insurance contributions are excluded from the table at Appendix 5.

Employers' associations

- 4.16 A summary of statistics concerning the membership and finances of employers' associations based on returns received within the reporting period is given in Appendix 6. Details are given for each of the 26 associations (including scheduled associations) with total income of more than £2,500,000.
- 4.17 The statistics in Appendix 6 are based on returns from 112 employers' associations received in this reporting year compared with returns from 129 received in the reporting year for 2009-2010.

- 4.18 This annual report includes the annual return of the EEF which did not report in the period covered by the last annual return (see paragraph 4.16 of the 2009-10 Annual Report). It also includes the annual return of another employers' association, London Councils, which as a result of its own internal re-organisation is reporting significantly different figures to those it was required to report on in previous years. These two returns together account for £193.36 million of income and £212.09 million of expenditure and an additional £45.77 million in net assets at the end of the year. The addition of these two returns is the main explanation for the significant changes in the overall employers' association financial picture reported below.
- 4.19 From the returns received in this period, the figures show the gross income of employers' associations was £533.34 million compared with £311.93 million recorded for the previous year, an increase of 71%. Income from members increased by £84.65 million to £219.41 million, an increase of 62.8%. Income from investments fell from £16.73 million to £13.51 million, a decrease of 19.2%. Other income rose from £160.44 million to £300.40 million an increase of 87.2%. During the same period, expenditure rose from £342.52 million to £567.64 million, an increase of 65.7%.
- 4.20 The figures given in Appendix 6 include both general funds and, where applicable, funds maintained for specific purposes. At the end of the reporting period the net assets of employers' associations amounted to £303.89 million, an increase of £33.63 million (12.4%) over the figure reported for the previous period.
- 4.21 Employers' associations are not required by the 1992 Act to provide the Certification Officer with details of officers' salaries and benefits.

Superannuation Schemes

It is a legal requirement that any superannuation scheme maintained by a trade union or an employers' association for the benefit of members must be subject to periodic actuarial examination and that a copy of the actuary's report must be sent to the Certification Officer. An explanation of the statutory provisions is given in this chapter together with information on the number of schemes maintained and the number of reports received.

The statutory provisions

- 5.1 Sections 38-42 and section 131 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") require that any superannuation scheme maintained by a trade union or employers' association³ covering members (as opposed to staff) must be examined periodically by a qualified actuary and a copy of each actuarial report sent to the Certification Officer. The actuarial examination is to be made not later than five years after the effective date of the preceding examination, but the Certification Officer has power to direct that in any particular case the period of five years may be reduced to such shorter period as he may specify. The Certification Officer also has power to exempt a members' superannuation scheme from actuarial examination in certain circumstances. No trade union or employers' association may maintain a members' superannuation scheme unless it also maintains a separate fund for the payment of benefits in accordance with the scheme. A copy of the actuarial report made under the above provisions must be supplied free of charge to any member of the trade union or employers' association on application to the organisation concerned.
- 5.2 The 1992 Act requires that the report by the actuary, following his or her examination of any scheme, shall state whether in the opinion of the actuary the premium or contribution rates are adequate, whether the accounting or funding arrangements are suitable and whether the separately maintained superannuation fund is adequate. The Office continues to ensure that these requirements are not overlooked.
- 5.3 Where appropriate, actuarial reports received by the Certification Officer are sent to the Government Actuaries Department (GAD) for their specialist comment. The views of GAD are passed on to the union.

³In practice the requirements affect trade unions only. The Office is not aware of any schemes maintained by employers' associations.

Schemes maintained

- 5.4 At the end of the reporting period there were seven members' superannuation schemes known to the Certification Officer maintained by three trade unions. They are listed in Appendix 7 and are mostly small schemes. At the time of their last actuarial examination, only four schemes had assets of over £250,000 and only the scheme of the National Union of Rail Maritime and Transport Workers covered more than 25,000 members.
- 5.5 In addition, the Certification Officer has been informed by Unite the Union of the British Aerospace Senior Staff Association Superannuation Fund, which it maintains. Following enquiries made by the Certification Officer he now expects to receive an actuarial valuation report on this scheme during the reporting year 2011-12.
- 5.6 The Certification Officer may grant exemption from the statutory requirement for actuarial examination on the grounds that a scheme is only applicable to a small number of members or for any other special reasons. During this reporting year, no application was made for exemption of any of the schemes.

Actuarial reports received 2010-2011

- 5.7 No actuarial reports were due or received in this reporting period.

Mergers

Mergers between trade unions and between unincorporated employers' associations may be carried out under the relevant statutory procedures. These procedures also allow for members to complain to the Certification Officer about particular aspects of the balloting process. This chapter details the statutory background together with the number of merger applications and complaints received. Appendix 8 lists the mergers registered during the same period.

The statutory provisions

- 6.1 The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) and the Trade Unions and Employers’ Associations (Amalgamations, etc.) Regulations 1975, as amended, lay down procedures governing two types of merger between trade unions and between unincorporated employers’ associations. These are transfers of engagements and amalgamations. The procedures apply to listed and scheduled organisations. Their main purposes are to facilitate the processes of transfer and amalgamation and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it.
- 6.2 Under a transfer of engagements the transferring organisation loses its legal identity whilst the organisation to which it transfers continues in being with its legal identity unchanged. An amalgamation produces a new organisation replacing each of the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer. The documents must be approved before a ballot of members can be held (see Appendix 10 for the statutory fee).
- 6.4 In respect of trade union merger ballots, the ballots must be postal and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a proposed transfer or amalgamation is prohibited. Further, the voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed, pre-paid envelope and a document giving instructions for the return of the ballot paper. Other requirements relate to the storage, distribution and counting of votes by independent persons; the availability of a union’s membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers’ associations, the provisions are different. Details can be found in the relevant guidance booklet and on the Certification Officer’s website, www.certoffice.org.

- 6.5 In a transfer of engagements only the members of the transferring organisation vote on the resolution to approve the instrument of transfer. An amalgamation requires a favourable vote by the members of each of the amalgamating organisations. If the majority of votes recorded in the ballots is in favour of the transfer of engagements or the amalgamation an application to register the instrument may be made to the Certification Officer. Such an application must be preceded by a copy of the scrutineer's report being sent to every member of the union or the members being notified of its contents by other means. If the union takes the second of the above two options, members must also be told that they will, on request, be provided with a copy of the scrutineer's report – either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a merger.
- 6.6 In the case of both a transfer and an amalgamation, an interval of six weeks must elapse between the application for registration and registration itself. Before the expiry of the six-week period, any member of the transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements have not been observed. The Certification Officer shall determine any such complaint and the parties have a right to an oral hearing. If the Certification Officer upholds the complaint, he shall make a declaration and may make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Employment Appeal Tribunal on a point of law. If no such complaint is received from a member, the Certification Officer will register the instrument of transfer after the end of the six week period if he is satisfied that the rules of the transferee organisation (including any amendments to the rules made to give effect to the provisions of the instrument) are in no way inconsistent with the terms of the instrument. The merger takes effect either on the date the instrument of transfer is registered or a later date if specified in the instrument.
- 6.7 Formal documents kept by the Certification Officer relating to mergers under the 1992 Act are available for public inspection (see Appendix 10 for the statutory fee).

Trade Unions formed by amalgamation

- 6.8 Where each of the amalgamating unions was on the Certification Officer's list prior to the amalgamation, the new union will automatically be listed. Where each of the unions held a certificate of independence, the new union will automatically be issued with a certificate of independence. The listing and the certificate of independence shall be removed if the newly amalgamated union does not send certain prescribed information to the Certification Officer within six weeks of the date the amalgamation taking effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 10).

Guidance

- 6.9 The Certification Office has produced two guidance booklets on the statutory requirements for transfers of engagements and amalgamations, one for trade unions and the other for employers' associations. These explain the merger procedures in detail and set out, with explanatory notes, the matters to be included in an instrument of transfer or amalgamation. Copies may be obtained free of charge from the Office and are available on the Certification Officer's website. The Office will offer guidance where needed on the statutory provisions and my staff are always prepared to meet officials of organisations considering a merger to discuss procedures and timetables.

Mergers during the period 1 April 2010 to 31 March 2011

- 6.10 During the previous reporting period, applications were received for two transfers of engagements which were registered in the current reporting period. These were the Community and District Nursing Association to the GMB and the Derbyshire Group Staff Union to the One Union for Regional Staff (O.U.R.S).
- 6.11 During this reporting period two applications were received to register a transfer of engagement – the Association for College Management to the Association of Teachers and Lecturers and the Staff Union Dunfermline Building Society to the Nationwide Group Staff Union. These were both registered in this reporting period. There were no amalgamations.
- 6.12 The four trade union transfers of engagements which were registered in this reporting period involved an estimated total of 6,563 members of the transferring unions. Details are given at Appendix 8.
- 6.13 During the period 1 April 2010 to 31 March 2011, The Certification Officer received no complaints relating to any of the transfers of engagements.

Political Funds

The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) enables trade unions and unincorporated employers’ associations to establish separate funds in furtherance of political objectives as part of their aims. Under the terms of the Act a resolution to adopt the political objects must be passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This Chapter explains the statutory provisions and reports developments in the period 1 April 2010 to 31 March 2011.

The statutory provisions

General

- 7.1 A trade union or an unincorporated employers’ association (whether listed or not) can include the furtherance of political objects among its objects. A resolution to adopt political objects must be passed by the members in a postal ballot held under rules which must have been approved by the Certification Officer. An independent scrutineer must be appointed to oversee the ballot. If political objects are adopted, the organisation must also adopt political fund rules which will govern the expenditure of funds on such objects. Those rules must also be approved by the Certification Officer.

Exemption from contributing

- 7.2 It is a statutory requirement that members who notify their objection to contributing to the political fund must be exempted. These exempt members must not be excluded from any benefits of the organisation or placed under any disability or disadvantage compared with other members (except in relation to the control or management of the political fund). Also, contribution to the political fund must not be made a condition for admission to the organisation.

- 7.3 Members wishing to claim exemption must use an approved application form as prescribed in the 1992 Act or make an application giving the same information. Unless contributions to the political fund are collected by a separate levy, exempt members of the organisation must be relieved from the payment of the political fund element of the normal periodical contributions. The rules must provide for such relief to be given as far as possible to all exempt members on the occasion of the same periodical contribution. They must also provide for each member to know what portion, if any, of his or her contribution is a contribution to the political fund.

Complaints

- 7.4 Any member of an organisation with a political fund who considers that the political fund rules have been breached may complain to the Certification Officer. If, after investigating the complaint, the Certification Officer considers that a breach has occurred, he may make an order to remedy it.

- 7.5 A member can complain to the Certification Officer if a political fund ballot has been held, or is proposed to be held, in a way that does not comply with the rules for holding the ballot. Any complaint must be made within the period of one year beginning with the date on which the result of the ballot is announced by the union.
- 7.6 A trade union member who claims that his or her trade union has spent money on political objects without a political fund resolution being in force or without approved political fund rules may apply to the Certification Officer for a declaration that it has done so. If the Certification Officer makes a declaration he may also make such an order for remedying the breach as he thinks just under the circumstances. Appeals against decisions of the Certification Officer may be made to the Employment Appeal Tribunal on a point of law.

Review ballots

- 7.7 Trade unions and employers' associations which already have a political fund resolution in force, and wish to continue to spend money on political objects, are required to hold a further ballot of their members at least once every ten years. This review ballot must be held in accordance with rules approved by the Certification Officer.

Guidance on procedures

- 7.8 On request, the Certification Office gives advice on the procedures for establishing political funds and for holding review ballots. Guidance booklets which include model rules are available from the Office free of charge and are on the Certification Officer's website, www.certoffice.org. Any trade union or employers' association wishing to ballot its members on a political fund resolution should contact the Office at an early stage.

Organisations with political fund rules which were given initial approval in 2010-2011

- 7.9 No new political fund rules were approved during the reporting period.

Amalgamations of unions already holding a political fund

- 7.10 Where two or more trade unions, each with a political fund in force, amalgamate, the amalgamated union will be treated under the provisions of section 93 of the 1992 Act as having passed a political fund resolution, provided that the rules of the union in force immediately after the amalgamation include political fund rules. The review ballot cycle (see paragraph 7.7) of such a newly constituted union is treated as having begun from the earliest of the political fund review dates of the amalgamating unions involved. During the reporting period no such amalgamations were registered.

Political fund resolutions in force

- 7.11 As at 31 March 2011, there were 28 unions which had political fund resolutions in force: the same as reported last year. The listed and scheduled trade unions in Appendix 1 which have a political fund are identified by the symbol (P).

Political fund review ballots

- 7.12 During the reporting period, no trade unions were required by section 73(3) and 73(4) of the 1992 Act to hold a review ballot (see paragraph 7.7).

Political fund resolutions lapsed

- 7.13 During the period no political fund resolution lapsed.

Political funds of trade unions at 31 March 2011

- 7.14 Detailed statistical information about the political funds of trade unions is set out in Appendix 9. The statistics are derived from the 29 annual returns which were received during the reporting period from unions with political funds. In all cases, the accounting periods of the returns ended between October 2009 and September 2010 (see paragraph 4.1). The 29 annual returns include the final return for Connect which transferred its engagement to Prospect in December 2009.
- 7.15 The number of returns received within a reporting period is not always the same as the number of political fund resolutions in force at the end of the reporting period (see paragraph 7.11). This is because there are those unions which have recently had their political fund rules approved, but have yet to make returns inclusive of political fund information, and there are other unions which submitted a final return within the reporting period but which, by the end of the period, had ceased to exist.
- 7.16 Annual returns received during the period 1 April 2010 to 31 March 2011, show the total income of political funds as £22.01 million compared with £20.15 million reported in the 2009-2010 report, an increase of 9.2%. The total expenditure from political funds was £17.76 million as compared with £17.80 million in the preceding year, a decrease of 0.2%. The returns received within the period also show that the total value of political funds during the reporting period was £18.68 million. This is an increase of £4.25 million (29.5%) on the £14.43 million contained in the 2009-2010 Report.

Political fund membership

- 7.17 Appendix 9 also gives membership information provided by those unions which maintained political funds as indicated from the latest annual returns. These returns show that the number of union members contributing to a political fund was 4,412,988 compared with 4,296,039 in the 2009-2010 Report, an increase of 116,949 members or 2.7%. In this reporting period The National Union of Teachers reported for the first time on the political fund it established in 2008. The number of members reported as contributing to its political fund was 290,842.

Exemption notices

- 7.18 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied two such notices during the period 1 April 2010 to 31 March 2011. The annual returns recorded 1,504,017 members belonging to unions with a political fund who do not make a political fund contribution, either because they have claimed exemption or they belong to a category of membership which, under the rules of the union, does not contribute to the political fund.

Amendments to rules

- 7.19 Amendments to political fund rules require the Certification Officer's approval. Such approval is given provided that the amendments have been adopted in accordance with, and satisfy the requirements of, the 1992 Act. Two trade unions had amendments approved in this way during the period 1 April 2010 to 31 March 2011. They were the GMB and Unite the Union.

Political fund complaints

- 7.20 During the period 1 April 2010 to 31 March 2011, the Certification Officer received two complaints relating to political funds of trade unions. The complaints were *Hutchinson v Unite the Union* and *Parkhill v Unite the Union*. The complaint from Mr Parkhill was heard on 3 November 2010. He alleged a breach of union rule in that the union had allegedly made payment to its political fund a condition of admission to the union. The Certification Officer refused to make the declaration sought by the claimant. Enquiries in the case of Mr Hutchinson were ongoing.
- 7.21 Copies of all decisions of the Certification Officer are available on the Certification Officer's website.

Elections for Certain Positions

The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) requires that certain officers and all members of a trade union’s executive committee must be elected by postal ballot. If they seek to remain in that position for more than five years they must be re-elected. This chapter deals with the statutory provisions governing elections. As explained in chapter 9, the Certification Officer also has powers to deal with breaches of a union’s own rules governing elections and certain other matters.

The statutory provisions

- 8.1 A trade union must ensure that no-one takes up a position as a member of its executive committee, or as its general secretary without having been elected to that position. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are, however, exemptions in respect of amalgamations, newly formed unions, special register bodies and officers nearing retirement. Elections are required to be by postal ballot of the members of the union, conducted in accordance with the relevant provisions in the 1992 Act.
- 8.2 Individual trade union members and candidates in the election have the statutory right to apply to the Certification Officer or to the court (but not to both in respect of the same complaint) for a declaration that their trade union has failed to comply with one or more of the relevant provisions of the Act. The Certification Officer will determine any such application and will give written reasons for his decision. Such reasons may be accompanied by observations on any matter arising from, or connected with, the proceedings.
- 8.3 The 1992 Act also provides that where the Certification Officer makes a declaration he shall also, unless he considers that to do so would be inappropriate, make an enforcement order imposing on the union one or more of the following requirements –
- (a) to secure the holding of an election in accordance with the order.
 - (b) to take such other steps to remedy the declared failure as the Certification Officer may specify in the order.
 - (c) to abstain from such acts as the Certification Officer specifies with a view to securing that a failure of the same, or similar kind, does not occur in the future.
- 8.4 The 1992 Act also requires the Certification Officer to give the claimant and the trade union concerned an opportunity to be heard before the Certification Officer determines an application and makes, or refuses, the declaration sought. All hearings before the Certification Officer are held in public.

- 8.5 Section 256(2) of the 1992 Act requires the Certification Officer to make provision about the disclosure or otherwise of the identity of an individual who has made, or is proposing to make, any application or complaint. The 1992 Act requires that if the application or complaint relates to a trade union, the individual's identity is to be disclosed to the union unless the Certification Officer thinks the circumstances are such that it should not be disclosed.
- 8.6 The Certification Officer has made provision under section 256 of the 1992 Act to the effect that the identity of an individual who proposes to make an application or complaint will not generally be disclosed to the union, unless or until the application or complaint is accepted. When an application or complaint is accepted, the Certification Officer will generally disclose the individual's identity to the union (and others as the Certification Officer thinks fit) unless it is decided that the circumstances are such that it should not be disclosed. The Certification Officer makes that decision on a case by case basis. Fear of denigration will not of itself normally justify non-disclosure. The provision made by the Certification Officer under section 256 of the 1992 Act is on the Certification Officer's website, www.certoffice.org.
- 8.7 When a hearing is held, certain expenses incurred by claimants and their necessary witnesses attending the hearings may be reimbursed by the Office at the discretion of the Certification Officer. During the reporting period such payments amounted to £1,649.55.
- 8.8 Appeals on any question of law arising in proceedings before or arising from a determination by the Certification Officer may be made to the Employment Appeal Tribunal (EAT).
- 8.9 If it is decided that there has been a breach of the statutory provisions, the declaration made by the Certification Officer must state any steps which the union has taken or has agreed to take to remedy the breach or prevent such a breach from occurring in the future.
- 8.10 A person cannot complain to the Certification Officer if he or she has applied to the court in respect of the same matter even if the person subsequently withdraws his or her application to the court. Similarly, once an application has been made to the Certification Officer the claimant may not then apply to the court. Where an application to the Certification Officer is made by a different person alleging the same failures which had been considered and determined by the court, the Certification Officer is required to have due regard to any declaration, order, observations or reasons made or given by the court which are brought to the notice of the Certification Officer.

Applications and decisions

- 8.11 The Certification Officer decided three applications relating to such elections during the period 1 April 2010 to 31 March 2011. One enforcement order was issued. The applications determined by the Certification Officer were:

- **Mr M Dooley v Union of Construction, Allied Trades and Technicians D/44-49/10-11**
 The claimant alleged that UCATT had breached the 1992 Act in relation to the 2009 General Secretary Election. The Certification Officer declared that the union had breached sections 50(1), 49(5A)(a) and 52(5) of the Act but refused the claimant's application for a declaration that the Union had breached sections 49(5) and 52(4). It was found that the union had excluded the entitlement to vote from about 73,000 members without there being a rule of the union permitting their exclusion. The Certification Officer made an enforcement order that the election be treated as void and re-run. It was also ordered that the current General Secretary should forthwith cease to hold office.
- **Mr D Dawes v Royal College of Nursing (D/42-43/10-11)**
 The claimant alleged that the union had breached its rules and section 47(1) of the 1992 Act in removing him from membership, which resulted in him being removed as a Council Member and barred from standing in the 2010 election for the position of Deputy President. The Certification Officer refused to make the declarations sought by the claimant.
- **Mr McDermott v UNISON D/1-8/10-11**
 The claimant alleged that the union had breached section 51 (6) of the 1992 Act by not declaring him as having been elected in the 2009 NEC elections. The Certification Officer refused to make the declaration sought by the claimant.

- 8.12 The decision in the case of Dooley v UCATT was appealed to the EAT but the appeal was unsuccessful.
- 8.13 In the period 1 April 2010 to 31 March 2011 the Certification Officer received three applications relating to trade union elections which remained to be determined after the end of this reporting period.
- 8.14 Copies of all decisions are available on the Certification Officer's website at www.certoffice.org.

Breach of Trade Union Rule Applications

The Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) provides that a member of a trade union who claims that there has been a breach or threatened breach of the rules of a trade union relating to certain matters as set out in the 1992 Act, may apply to the Certification Officer for a declaration to that effect.

The statutory provisions

9.1 Individual trade union members have the right to apply to the Certification Officer if there has been a breach or threatened breach of a trade union’s rules relating to any of the matters set out in section 108A(2) of the 1992 Act. The matters are:-

- (a) *the appointment or election of a person to, or the removal of a person from, any office;*
- (b) *disciplinary proceedings by the union (including expulsion);*
- (c) *the balloting of members on any issue other than industrial action;*
- (d) *the constitution or proceedings of any executive committee or of any decision-making meeting;*
- (e) *such other matters as may be specified in an order made by the Secretary of State.*

9.2 The claimant must be a member of the union or have been a member at the time of the alleged breach or threatened breach. The Certification Officer may not consider an application if the claimant has applied to the court in respect of the same matter. Similarly, once a complaint has been made to the Certification Officer the same matter may not be put to the court.

9.3 The Certification Officer may refuse to accept a complaint if he is not satisfied that the claimant has taken all reasonable steps to resolve the claim by the use of any internal complaints procedure of the union.

9.4 If the Certification Officer accepts a complaint he is required to make such enquiries as he thinks fit and, before reaching a decision on the complaint, provide the claimant and the trade union with an opportunity to be heard. All hearings before the Certification Officer are held in public.

9.5 The Certification Officer must give reasons for his decision in writing and, where he makes the declaration sought, is required to make an enforcement order unless he

considers that to do so would be inappropriate. The enforcement order may impose on the union one or more of the following requirements –

- (a) to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order;
- (b) to abstain from such acts as may be so specified with a view to securing that a breach or threat of the same or a similar kind does not occur in future.

Where an order imposes a requirement on the union as in (a) above, the order must specify the period within which the union must comply with the requirement of the order.

- 9.6 An enforcement order made by the Certification Officer may be enforced (by any person who is a member of the union and was a member at the time the enforcement order was made) in the same way as an order of the court.
- 9.7 An appeal on any question of law arising in proceedings before or arising from a determination by the Certification Officer, may be made to the Employment Appeal Tribunal (EAT).

Applications and decisions

- 9.8 In the period 1 April 2010 to 31 March 2011, the Certification Officer determined all five of the applications (against three unions) that were outstanding at the end of the previous reporting period.
- 9.9 In the present reporting period, the Certification Officer received 15 new applications (against eight unions) relating to alleged breaches of union rule. Six of the applications were determined in this reporting period. At 31 March 2010, nine applications (against six unions) remained outstanding.
- 9.10 The Certification Officer determined 39 complaints on ten applications of breach of rule during the period 1 April 2010 to 31 March 2011. Seven declarations were made that a union had breached its rules, but no enforcement orders were issued. In five of the decisions, the Certification Officer used his power under section 256ZA of the 1992 Act to order the complaints to be struck out. Of the complaints determined the following are noteworthy:

- **Dooley v UCATT D/36-40/10-11**

The claimant alleged the union had breached its rules and certain statutory provisions in relation to the 2009 General Secretary election. The complaints relating to breach of statutory provisions are dealt with at para 8.12. In relation to the allegations of breach of rule the Certification Officer held a preliminary hearing to determine whether the complaints were made in time. The Certification Officer struck out the breach of rule complaints on the grounds that they were out of time.

- Dawes v Royal College of Nursing (RCN) D/42-43/10-11**
 The claimant alleged that the union had breached its rules and section 47(1) of the 1992 Act in removing him from membership, which resulted in him being removed as a Council Member and barred from standing in the 2010 election for the position of Deputy President. The Certification Officer refused to make the declarations sought by the claimant.
- Kruger v Unite the Union D/41/10-11**
 The claimant alleged that the union had breached its rules in April 2010 in relation to the election of an Operating Convenor to the London Advisory Committee. The Certification Officer refused the claimant's application.
- August v UNISON D/34-35/10-11**
 The claimant alleged that the union had breached its rules in relation to the annual election of a shop steward in her place of work. The Certification Officer declared that the rules had been breached. No enforcement order was made.
- Owen v Unite the Union D/31-33-10-11**
 The claimant alleged three breaches of union rule in relation to alleged disciplinary proceedings against him by the union. The Certification Officer refused to make the declarations sought by the claimant.
- Parkhill v Unite the Union D/30/10-11**
 The claimant alleged a breach of union rule in that the union had allegedly made payment to its political fund a condition of admission to the union. The Certification Officer refused to make the declaration sought by the claimant.
- Morgan v UNISON D/24-29/10-11**
 The claimant alleged six breaches of union rule in relation to the holding of the 2010 AGM and elections of stewards & health & safety reps at the East Midlands (Southern) Gas Branch of the union. The Certification Officer refused to make the declarations sought by the claimant.
- Searle v UNISON D/17-22/2010-11**
 The claimant alleged 6 breaches of union rule in relation to the election of stewards at the New Addington constituency of its Croydon Branch and disciplinary proceedings by the union. The Certification Officer upheld two breaches of rule. No enforcement order was made.
- Quigley v Educational Institute of Scotland D/9-14/10-11**
 The Claimant alleged various breaches of the rules of the Institute following the imposition on him of a disciplinary penalty. The Certification Officer refused to make the declaration sought by the claimant. Some of the alleged breaches had been bought out of time.

- 9.11 The decisions in the case of *Quigley v EIS* and *Owen v UNITE* were appealed by the applicants to the EAT. Both appeals were dismissed
- 9.12 Copies of the above decisions and of all decisions of the Certification Officer are available free of charge from the Certification Office and all decisions are also available on the Certification Officer's website, www.certoffice.org.
- 9.13 In the period 1 April 2010 to 31 March 2011, a total of 599 enquires were received. These dealt with a range of issues. Of these almost a 100 were issues around inadequate representation of members by their union. This is an increase of 138 enquiries on the last reporting period. Not all enquiries made could result in applications to the Certification Officer. For example the Certification Officer has no jurisdiction regarding inadequate representation of members by their union or in relation to the provision of union benefits or membership.

Appendix 1

(see paragraph 1.13)

List of Trade Unions at 31 March 2011

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2010 to 31 March 2011.

* Denotes a trade union holding a certificate of independence at 31 March 2011.

England and Wales

- * Accord
- * Advance
Alliance for Finance
- * Aspect (P)
- * Associated Society of Locomotive Engineers and Firemen (P)
- * Associated Train Crew Union
- * Association for Clinical Biochemistry
- * Association of Educational Psychologists
- * Association of Local Authority Chief Executives
Association of Management and Professional Staffs
- * Association of Principal Fire Officers
- * Association of Professional Ambulance Personnel
- * Association of Professional Music Therapists in Great Britain
- * Association of Revenue and Customs (P)
- * Association of School and College Leaders
Association of Somerset Inseminators
- * Association of Teachers and Lecturers

- * Bakers Food and Allied Workers Union (P)
Balfour Beatty Group Staff Association
Boots Pharmacists Association (BPA)
- * Britannia Staff Union
- * British Air Line Pilots Association
- * British Association of Colliery Management – Technical Energy and Administrative
Management (BACM – TEAM)
- * British Association of Dental Nurses
- * British Association of Journalists
- * British Association of Occupational Therapists Limited
- * British Dental Association
- * British Dietetic Association
- * British Medical Association

- * British Orthoptic Society
- * Broadcasting Entertainment Cinematograph and Theatre Union (P)
- * Chartered Society of Physiotherapy
- City Screen Staff Forum
- * Communication Workers Union (P)
- * Community (P)
- Currys Supply Chain Staff Association (CSCSA)
- * Dental Practitioners Association
- Door Supervisors Union
- * Ellington Branch of the North East Area of the National Union of Mineworkers
- Employees General Union*
- Energy and General Workers Union (P)*
- * Equity (Incorporating the Variety Artists Federation)
- * FDA
- * Federation of Professional Railway Staff
- * Fire Brigades Union (P)
- * Fire Officers Association
- G4S Care and Justice Services Staff Association
- General Federation of Trade Unions
- * GMB (P)
- * Guild of Professional Teachers of Dance Movement to Music and Dramatic Arts
- Harrods Staff Union
- Headmasters and Headmistresses Conference
- * Hospital Consultants and Specialists Association
- * ISU
- * Independent Democratic Union
- * Independent Pilots Association
- Industrial Workers of the World (IWW) – British Isles
- Institute of Football Management and Administration
- * Institute of Journalists (Trade Union)
- International Federation of Air Line Pilots Associations
- * Irish Bank Officials Association
- * Lawson Mardon Star Ltd Managerial Staff Association
- Lecturers Employment Advice and Action Fellowship
- Leeds Building Society Staff Association
- * Leek United Building Society Staff Association
- LEGION
- Leicestershire Overmen Deputies and Shotfirers Association
- * Lloyds Trade Union

Locum Doctors Association

* Musicians Union (P)

Myunion

* NAPO – the Trade Union and Professional Association for Family Court and Probation Staff

* National Association of Colliery Overmen Deputies and Shotfirers (P)

* National Association of Colliery Overmen Deputies and Shotfirers (South Wales Area)

* National Association of Co-operative Officials

* National Association of Head Teachers

* National Association of NFU Group Secretaries

* National Association of Schoolmasters Union of Women Teachers (P)

* National Association of Stable Staff

* National Federation of Sub-Postmasters

National House Building Council Staff Association

* National Society for Education in Art and Design

* National Union of Journalists

* National Union of Mineworkers (P)

National Union of Mineworkers (Cokemen's Area)

* National Union of Mineworkers (Colliery Officials and Staffs Area)

* National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)

National Union of Mineworkers (Derbyshire Area)

* National Union of Mineworkers (Leicester Area)

National Union of Mineworkers (Midlands Area)

National Union of Mineworkers (North Stafford Federation Midlands Area)

National Union of Mineworkers (Northumberland Area)

National Union of Mineworkers (North Wales Area)

National Union of Mineworkers (South Wales Area)

* National Union of Rail Maritime and Transport Workers (P)

* National Union of Teachers (P)

* Nationwide Group Staff Union

* Nautilus International

NISA

North of England Zoological Society Staff Association

* One Union for Regional Staff (O.U.R.S)

Palm Paper Staff Association

* PDA Union, The

* POA (P)

* Prison Governors Association

* Prison Service Union

Professional Cricketers Association

Professional Footballers Association

* Prospect (P)

* Public and Commercial Services Union (P)

Public Trade Union

- * Retail Book Stationery and Allied Trades Employees Association
- * Retained Firefighters Union
- * Retired Officers Association
- * Royal College of Midwives
- * Royal College of Nursing of the United Kingdom
- RSPB Staff Association
- Rugby Players Association

- * Sales Staff Association
- Shield Guarding Staff Association
- SKYSHARE*
- * Society of Authors Limited
- * Society of Chiropodists and Podiatrists
- * Society of Radiographers
- * Society of Union Employees (UNISON)
- Solidarity
- * Staff Association of Bank of Baroda (UK Region)
- * Staff Union West Bromwich Building Society
- * SURGE (Skipton Union Representing Group Employees)

- * Transport Salaried Staffs Association (P)

UDW

- * UFS
- * Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)
- * Union of Construction Allied Trades and Technicians (P)
- Union of Country Sports Workers
- * Union of Democratic Mineworkers (P)
- Union of General & Volunteer Workers
- * Union of Shop Distributive and Allied Workers (P)
- * UNISON – The Public Service Union (P)
- * United Road Transport Union
- * Unite the Union (P)
- * Unity (P)
- * University and College Union (P)
- * Voice

Warwick International Staff Association

Welsh Rugby Players Association

Whatman Staff Association

- * Workers Uniting

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2010 to 31 March 2011.

* Denotes a trade union holding a certificate of independence at 31 March 2011.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2011.

Workers of England Union

* Writers Guild of Great Britain

* Yorkshire Independent Staff Association

Scotland

* Aegis the Union

Association of College Staff Scotland

* Association of Head Teachers and Deputies in Scotland

* Educational Institute of Scotland (P)

Independent Federation of Nursing in Scotland

* National Union of Mineworkers (Colliery Officials and Staffs Area) Scottish Region No. 8

* Prison Staff Association

Scottish Artists Union

* Scottish Carpet Workers Union

* Scottish Secondary Teachers Association

* United and Independent Union

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2010 to 31 March 2011.

* Denotes a trade union holding a certificate of independence at 31 March 2011.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2011.

Schedule to Appendix 1

(See paragraph 1.7)

This Schedule contains the names of those trade unions known to the Certification Officer which are within the statutory definition of a trade union but which have not applied to be entered on the list at 31 March 2011

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2010 to 31 March 2011.

* A branch of an American trade union.

England and Wales

Association of Flight Attendants (Council 07) *

Association of Trade Union Political and Public Sector Staff

Confederation of Shipbuilding and Engineering Unions

Federation of Entertainment Unions

International Transport Workers Federation

National Union of Mineworkers (North East Area)

NFU Staff Association

Professional Cabin Crew Council

Society of Local Council Clerks

The General Workers Union

Trades Union Congress

Scotland

National Union of Mineworkers (Scotland Area)

National Union of Mineworkers (Scottish Area)

Professional Footballers Association Scotland

Scottish Colliery Enginemen Boilermen and Tradesmens Association

Appendix 2

(See paragraph 1.13)

List of Employers' Associations at 31 March 2011

Advertising Producers Association
Association of British Orchestras
Association of Circus Proprietors of Great Britain
Association of Indian Banks in the United Kingdom
Association of Newspaper and Magazine Wholesalers
Association of Plumbing and Heating Contractors

Birmingham Wholesale Fresh Produce Association
British Amusement Catering Trades Association
British Lace Federation
British Marine Federation – East Anglia
British Precast Concrete Federation Limited
British Printing Industries Federation
Builders Merchants Federation

Cinema Exhibitors Association Ltd
Construction Confederation
Construction Plant-Hire Association
Co-operative Employers Association

East of England Local Government Association
EEF Limited
Electrical Contractors Association
Engineering Construction Industry Association
England and Wales Cricket Board Limited

Federation of Dredging Contractors
Federation of Master Builders
Federation of Window Cleaners

Glass and Glazing Federation

Heating and Ventilating Contractors Association

Lancashire Textile Manufacturers Association
Lancaster Morecambe and South Lakeland Master Plumbers Association
Leather Producers Association
Local Government East Midlands
Local Government Yorkshire and Humber
London Councils

Mastic Asphalt Council

National Association of Farriers Blacksmiths and Agricultural Engineers

National Association of Master Bakers

National Employers Organisation for Local Government Services

National Farmers Union

National Federation of Retail Newsagents

National Hairdressers Federation Ltd

National Pharmacy Association Ltd

National Trainers Federation

Newspaper Society

North East Regional Employers Organisation for Local Authorities

Producers Alliance for Cinema and Television

Retail Motor Industry Federation Ltd

Showmens Guild of Great Britain

Smithfield Market Tenants Association London

South East Employers

South Western Provincial Employers Organisation

Thermal Insulation Contractors Association

UK Fashion and Textile Association Ltd

Vehicle Builders and Repairers Association Limited

West Midlands Councils

Scotland

Electrical Contractors Association of Scotland

Employers in Voluntary Housing Limited

Graphic Enterprise Scotland

Malt Distillers Association of Scotland

NFU Scotland

Scottish Decorators Federation

Scottish Engineering

Scottish and Northern Ireland Plumbing Employers Federation

Schedule to Appendix 2

(See paragraph 1.7)

This Schedule contains the names of those employers' associations known to the Certification Officer which are within the statutory definition of an employers' association but which have not applied to be entered on the list at 31 March 2011

England and Wales

Association of Colleges

B F M Limited
British Ceramic Confederation
British Footwear Association
British Jewellery Giftware and Finishing Federation
British Narrow Fabrics Association
British Printing Industries Federation Ltd
British Travelgoods and Accessories Association

Chemical Industries Association Ltd
Confederation of British Wool Textiles Limited
Confederation of Paper Industries Ltd
Covent Garden Tenants Association Limited

Dairy UK

Fencing Contractors Association
Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers

London Association of Funeral Directors
London Fish Merchants Association (Billingsgate) Limited

Master Carvers Association
Metal Packaging Manufacturers Association

National Bed Federation Ltd
National Federation of Roofing Contractors Ltd
North Western Local Authorities Employers Organisation

Radio Electrical and Television Retailers Association (RETRA) Ltd
Refractory Users Federation
Road Haulage Association Limited

Society of London Theatre “SOLT”

Theatrical Management Association Ltd

Universities and Colleges Employers Association

Scotland

Aberdeen Fish Curers and Merchants Association Ltd
Angus and Kincardine Master Plumbers Association

British Packaging Association
Banff and Moray Master Plumbers Association

Fife and Kinross Master Plumbers Association

Glasgow and West of Scotland Plumbing Employers Association

Inverness and Northern District Master Plumbers Association

Lanarkshire Master Plumbers Association

Perth and District Master Plumbers Association

Scottish Association of Master Bakers
Scottish Association of Meat Wholesalers
Scottish Building Federation
Scottish Federation of Meat Traders Association
Scottish Motor Trade Association Limited
SNIPEF Edinburgh and District Branch

Appendix 3

(see paragraph 2.8 – 2.12)

Decisions on Trade Union Independence during the period 1 April 2010 to 31 March 2011

Certificates of independence issued

PDA Union

Associated Train Crew Union

Certificates of independence refused

None

Certificates of independence withdrawn

None

Certificates cancelled because the union's name was removed from the list of trade unions

Diageo Staff Association

Engineering Officers Technical Association

Certificates cancelled because the union's name was removed from the list of trade unions as the result of a merger

Community and District Nursing Association

Derbyshire Group Staff Union

Staff Union Dunfermline Building Society

Association for College Management

Applications in progress

SKYSHARE

Industrial Workers of the World (IWW) – British Isles

Appendix 4

Summary of Statistics – Trade Unions, returns received during the period 1 April 2010 to 31 March 2011

The annual returns completed by trade unions for the Certification Officer require the accounts to be shown in a particular way. The figures used in this Appendix are taken from the summary sheets of these annual returns and provide a simple analysis of each union's financial affairs for the year. Individual annual returns are available on the website or may be viewed at, or copies obtained from, the Certification Office.

The information in the table relates to returns received during the reporting period. Although a large proportion of these returns are for the year ending 31 December 2009, the table includes returns from trade unions with year ending dates ranging from October 2009 to September 2010 and therefore due in this Office between 1 April 2010 and 31 March 2011.

Notes to the Summary of Statistics schedule

- (a) The total membership reported by some trade unions includes a number of special categories (eg. honorary or retired) who are members under the union's rules but who either pay no contribution to union funds or make a nominal payment only.
- (b) Investment income is shown net of certain items such as outgoings on property held as an investment, but not, for most unions, net of tax paid on that income.
- (c) The total income and total expenditure figures are not confined to normal revenue income and expenditure. The figures cover all items which increased or decreased a union's total funds during the year. They are inclusive of recognised gains and losses, including revaluation of property and assets and other changes in the value of assets, which are not offset by an equal change in liabilities. Tax recoveries and provisions no longer required are included in total income, and tax paid is included in total expenditure.
- (d) Some figures may have changed from last year's report due to later information. Some unions may have made adjustments to the beginning of year figure.

Summary of Statistics – Trade Unions, 2009-2010

(see paragraph 4.3)

| | Number of Members (a) (1) | GROSS INCOME | | | |
|--|---------------------------------------|----------------------------------|---|----------------------------------|---|
| | | From Members £000's (2) | From Investments £000's (b) (3) | Other Income £000's (4) | Total Income £000's (c) (5) |
| | | Unite the Union | 1,572,995 | 146,689 | 2,239 |
| UNISON: The Public Service Union | 1,374,500 | 167,597 | 791 | 13,079 | 181,467 |
| GMB | 601,730 | 56,628 | 1,316 | 563 | 58,507 |
| Royal College of Nursing of the United Kingdom | 409,801 | 31,094 | 0 | 707 | 31,801 |
| Union of Shop Distributive and Allied Workers | 386,572 | 32,510 | 1,317 | 5,285 | 39,112 |
| National Union of Teachers | 376,797 | 31,257 | 1,201 | 1,214 | 33,672 |
| National Association of Schoolmasters Union of Women Teachers | 326,659 | 27,179 | 563 | 2,412 | 30,154 |
| Public and Commercial Services Union | 301,562 | 30,868 | 69 | (11,232) | 19,705 |
| Communication Workers Union | 217,807 | 28,377 | 144 | 686 | 29,207 |
| Association of Teachers and Lecturers | 216,739 | 13,627 | 172 | 722 | 14,521 |
| British Medical Association | 141,448 | 38,282 | 3,620 | 77,430 | 119,332 |
| Union of Construction Allied Trades and Technicians | 127,433 | 6,639 | 130 | 956 | 7,725 |
| University and College Union | 122,062 | 17,448 | 20 | 729 | 18,197 |
| Prospect | 103,611 | 13,043 | 1,094 | 1,358 | 15,495 |
| Total for above unions with 100,000 members or more | 6,279,716 | 641,238 | 12,676 | 96,815 | 750,729 |
| Total for 147 other listed unions with less than 100,000 members | 1,043,943 | 169,032 | 9,578 | 57,282 | 235,892 |
| Total for listed unions | 7,323,659 | 810,270 | 22,254 | 154,097 | 986,621 |
| Trades Union Congress | 0 | 14,808 | 3,940 | 31,233 | 49,981 |
| Total for 14 other unlisted unions which have submitted returns | 5,246 | 5,259 | 2,059 | 28,656 | 35,975 |
| Total for all unions 2009-2010 | 7,328,905 | 830,337 | 28,253 | 213,986 | 1,072,577 |
| Total for all unions 2008-2009 | 7,387,898 | 813,432 | 40,623 | 187,637 | 1,041,692 |

Notes – see previous page

Appendix 4

| GROSS EXPENDITURE | TOTAL FUNDS | | GROSS ASSETS | | | | Total Liabilities |
|---|---|---|--------------------------------------|--|---------------------------------------|---------------------------------------|-------------------|
| | Beginning of the Year (d) £000's (7) | End of the Year (e) £000's (8) | Fixed Assets (f) £000's (9) | Investment Assets (g) £000's (10) | Other Assets (h) £000's (11) | Total Assets (i) £000's (12) | |
| Total Expenditure (c) £000's (6) | | | | | | | |
| 226,976 | 178,559 | 103,417 | 145,006 | 74,297 | 48,393 | 267,696 | 164,279 |
| 204,409 | 112,430 | 89,488 | 99,849 | 2,584 | 119,325 | 221,758 | 132,270 |
| 74,549 | 21,856 | 5,814 | 17,893 | 18,433 | 16,870 | 53,196 | 47,382 |
| 31,801 | 0 | 0 | 0 | 0 | 8,873 | 8,873 | 8,873 |
| 37,742 | 13,534 | 14,904 | 11,354 | 25,093 | 5,837 | 42,284 | 27,380 |
| 28,584 | 11,077 | 16,165 | 6,148 | 4,724 | 6,964 | 17,836 | 1,671 |
| 32,438 | 29,206 | 26,922 | 22,813 | 10,797 | 3,309 | 36,919 | 9,997 |
| 33,633 | 11,442 | (2,486) | 8,599 | 7,997 | 5,126 | 21,722 | 24,208 |
| 42,070 | 26,283 | 13,420 | 13,082 | 5,590 | 13,105 | 31,777 | 18,357 |
| 15,206 | 9,063 | 8,378 | 5,681 | 3,052 | 2,743 | 11,476 | 3,098 |
| 115,382 | 80,254 | 84,204 | 19,880 | 93,766 | 51,404 | 165,050 | 80,846 |
| 8,014 | 11,114 | 10,825 | 6,189 | 3,210 | 5,393 | 14,792 | 3,967 |
| 19,285 | (306) | (1,394) | 19,363 | 117 | 3,683 | 23,163 | 24,557 |
| 17,014 | 27,930 | 26,411 | 14,193 | 13,196 | 2,361 | 29,750 | 3,339 |
| 887,103 | 532,442 | 396,068 | 390,050 | 262,856 | 293,386 | 946,292 | 550,224 |
| 239,324 | 331,622 | 328,190 | 115,186 | 209,222 | 112,712 | 437,120 | 108,930 |
| 1,126,427 | 864,064 | 724,258 | 505,236 | 472,078 | 406,098 | 1,383,412 | 659,154 |
| 50,466 | 9,322 | 8,837 | 1,593 | 65 | 23,446 | 25,104 | 16,267 |
| 27,270 | 66,886 | 75,591 | 5,208 | 38,109 | 47,951 | 91,268 | 15,677 |
| 1,204,163 | 940,272 | 808,686 | 512,037 | 510,252 | 477,495 | 1,499,784 | 691,098 |
| 1,239,328 | 1,136,708 | 939,072 | 460,740 | 497,244 | 456,762 | 1,414,746 | 475,674 |

Appendix 5

(see paragraph 4.15)

Salary and Benefits of Trade Union General Secretaries

| England and Wales | | £ | £ |
|---|--|---------------|-----------------|
| | <i>Title</i> (General Secretary unless stated) | <i>Salary</i> | <i>Benefits</i> |
| Accord | | 108,085 | 221 |
| Advance | | 12,132 | 15,590 |
| Alliance for Finance | | 2,500 | |
| Aspect | | 69,295 | |
| Associated Society of Locomotive Engineers and Fireman | | 75,881 | 42,571 |
| Association for College Management | | 89,582 | 16,241 |
| Association of Educational Psychologists | | 62,442 | 28,160 |
| Association of Professional Music Therapists in Great Britain | Chairperson | 2,700 | |
| Association of School and College Leaders | | 108,016 | 18,419 |
| Association of Teachers and Lecturers | | 108,300 | 27,096 |
| Association of Trade Union, Political & Public Sector Staff | | 100 | |
| Bakers, Food and Allied Workers' Union | | 44,256 | 12,684 |
| Boots Pharmacists' Association (BPA) | Chief Executive | | 7,750 (a) |
| Britannia Staff Union | | 12,500 (b) | |
| British Air Line Pilots Association | | 109,755 | 17,889 |
| British Association of Colliery Management, Technical, Energy and Administrative Management | | 73,562 | 18,264 |
| British Association of Dental Nurses | Chief Executive | 32,059 | 1,431 |
| British Association of Journalists | | 23,792 | |
| British Dental Association | | 104,598 (d) | 20,352 ((d) |
| British Medical Association | Chairman | | 145,140 (c) |
| Broadcasting Entertainment Cinematograph and Theatre Union | | 62,276 | 8,229 |
| Chartered Society of Physiotherapy | Chief Executive | 94,388 | 23,597 |
| Communication Workers Union | | 87,849 | |
| Community | | 87,394 | 30,414 |
| Community and District Nursing Association | Chief Executive | 62,500 | |
| Confederation of Shipbuilding and Engineering Unions | | 70,235 (d) | 27,318 (d) |

| | | | |
|--|------------------------------|----------|---------|
| Connect; The Union for Professionals in Communications | | 70,610 | |
| Dental Practitioners Association | Chairman | 2,400 | 750 (d) |
| Equity (Incorporating the Variety Artists' Federation) | | 71,049 | 16,053 |
| FDA | | 89,796 | 31,878 |
| Fire Brigades Union | | 69,340 | 50,834 |
| Fire Officers' Association | Chief Executive | 35,725 | |
| G4S Care and Justice Services Staff Association | Staff Association Officer | 31,410 | 4,331 |
| General Federation of Trade Unions | | 61,933 | 31,868 |
| GMB | | 87,000 | 27,000 |
| Guild of Professional Teachers of Dance, Music to Movement and Dramatic Arts | | 12,250 | |
| Headmasters' and Headmistresses' Conference | | 125,000 | 814 |
| Hospital Consultants and Specialists Association | Chief Executive | 74,556 | 6,727 |
| Independent Democratic Union | National Secretary | 46,645 | 9,774 |
| Independent Pilots Federation | | 23,761 | |
| Institute of Football Management and Administration | | 8,500 | |
| Institute of Journalists (Trade Union) | | 36,338 | 2,062 |
| International Federation of Actors | | 61,248 | 9,696 |
| International Transport Workers Federation | | 101,180 | 19,639 |
| Irish Bank Officials Association | | €132,455 | €67,819 |
| ISU | | 7,389 | |
| Lecturers Employment Advice and Action Fellowship | | 3,592 | |
| Lloyds Trade Union | | 98,500 | 26,222 |
| Locum Doctors' Association | | | 200 (a) |
| Musicians Union | | 89,536 | 22,264 |
| NAPO – The Trade Union and Professional Association for Family Court and Probation Staff | | 61,734 | 10,803 |
| National Association of Colliery Overmen, Deputies and Shotfirers | | 63,461 | 14,710 |
| National Association of Colliery Overmen, | | | |

| | | |
|--|-------------|------------|
| Deputies and Shotfirers (South Wales Area) | 47,132 | |
| National Association of Co-operatives Officials | 87,276 | 18,634 |
| National Association of Head Teachers | 105,490 | 25,228 |
| National Association of NFU Group Secretaries | | 7,379 (a) |
| National Association of Schoolmasters Union of Women Teachers | 96,316 | 28,720 |
| National Association of Stable Staff | 44,250 | |
| National Federation of Sub-Postmasters | 82,273 | 12,271 |
| National Society for Education in Art and Design | 49,898 | 7,036 |
| National Union of Journalists | 63,481 | 8,266 |
| National Union of Mineworkers | 55,992 | 12,191 |
| National Union of Mineworkers (Cokeman's Area) | 30,584 | 782 |
| National Union of Mineworkers (Colliery Officials and Staff Area) Region No 4 | 11,820 | 2,498 |
| National Union of Mineworkers (Derbyshire Area) | 32,613 | 49,625 |
| National Union of Mineworkers (Leicester Area) | 32,382 | |
| National Union of Mineworkers (North East Area) | | 2,694 |
| National Union of Mineworkers (North Wales Area) | 14,006 | 906 |
| National Union of Mineworkers (Northumberland Area) | 69,109 (e) | 19,377 (e) |
| National Union of Mineworkers North Stafford Federation (Midlands Area) | 7,700 | |
| National Union of Mineworkers (South Wales Area) | 49,636 | 8,000 |
| National Union of Rail, Maritime and Transport Workers | 94,747 | 29,086 |
| National Union of Teachers | 94,374 | 22,462 |
| Nationwide Group Staff Union | 105,012 | 27,205 |
| Nautilus UK | 86,031 (d) | 16,280 (d) |
| NISA | 48,423 | |
| PDA | | 5,000 (a) |
| POA | 66,953 | 62,131 |
| Prison Service Union | 75,600 | 20,034 |
| Professional Cricketers Association | 105,000 (f) | 11,860 (f) |
| Professional Footballers' Association | 984,615 | 33,367 |
| Prospect | 101,976 | 19,357 |
| Public and Commercial Services Union | 86,244 | 27,110 |
| Retail Book Stationery and Allied Trades Employees Association | 35,787 | 7,695 |

| | | | |
|--|-----------------|----------------|----------------|
| Retained Firefighters Union | | 44,474 | 3,867 |
| Royal College of Nursing in the United Kingdom | | 150,048 (g) | |
| RSPB Staff Association | Chair | 1,200 | |
| Rugby Players Association (The) | | 68,125 | 6,933 |
| Shield Guarding Staff Association | | 25,200 | 465 |
| Society of Authors Limited | | 90,800 | 44,447 |
| Society of Chiropodists and Podiatrists | | 71,558 | 5,725 |
| Society of Local Council Clerks | Chief Executive | 61,995 | 10,708 |
| Society of Radiographers | | 47,608 (h) | 5,536 (h) |
| Solidarity | | 2,521 | |
| Trades Union Congress | | 95,720 | 24,434 |
| Transport Salaried Staffs Association | | 66,134 | 13,557 |
| UDW | | 12,900 | 3,991 |
| UFS | | 88,221 | 27,925 |
| Undeb Cenedlaethol Athrawon Cymru (The National Association of Teachers of Wales) | | 43,335 | 6,555 |
| Union of Construction, Allied Trades and Technicians | | 70,843 | 15,396 |
| Union of Democratic Mineworkers | | 94,810 (d) (i) | 41,097 (d) (i) |
| Union of General & Volunteer Workers | | | 656 (a) |
| Union of Shop Distributive and Allied Workers | | 87,715 | 29,292 |
| UNISON: The Public Service Union | | 97,327 | 34,169 (j) |
| Unite the Union | | | (k) |
| Joint General Secretary | | 97,027 | 82,394 |
| Joint General Secretary | | 96,149 | 27,605 |
| United Road Transport Union | | 58,323 | 25,023 |
| Unity | | 42,708 | 29,730 |
| University and College Union | | 98,238 | 17,719 |
| Voice | | 68,353 | 1,869 |
| Welsh Rugby Players Association | | 28,757 (d)(l) | |
| Writers Guild of Great Britain | | 53,040 | 4,744 |

Scotland

| | | | |
|--|--|--------|--------|
| Association of Head Teachers and Deputies in Scotland | | 58,287 | 6,516 |
| Educational Institute of Scotland | | 91,585 | 27,964 |

| | | |
|--|--------|--------|
| Independent Federation of Nursing in Scotland | 20,400 | |
| National Union of Mineworkers (Scottish Area) | 53,293 | 13,116 |
| Professional Footballers' Association Scotland | 47,586 | |
| Scottish Secondary Teachers Association | 42,000 | 2,520 |
| United and Independent Union | 7,614 | |

Notes:

- (a) Honorarium
- (b) Part reimbursement of salary of person on secondment from employer
- (c) Honorarium and pension allowance, including prior-year allowance
- (d) Total paid in respect of two people holding office of general secretary within the period and is not the sum paid to one individual
- (e) 40% of General Secretary's salary (including pension and employer's national insurance contributions) is charged to the Provident and Benevolent Fund
- (f) The Chief Executive's salary and benefits is associated with all aspects off the PCA Group and not just the Trade Union
- (g) Includes payments made in respect of the General Secretary's role as Chief Executive of the RCN Charter Body and the two charities
- (h) Represents 50% of total salary and benefits. The other 50% is reported in the College of Radiographers accounts
- (i) £82,954 of salary and £41,097 of benefits is paid in respect of the position of the President of the Nottingham Section of the UDM
- (j) The union's contribution to the pension is set at 25% and includes 7.1% to cover the current deficit of the scheme
- (k) Unite the Union had Joint General Secretaries
- (l) Includes payment to third party for the services of the General Secretary

Appendix 6

Summary of Statistics – Employers’ Associations, returns received during the period 1 April 2010 to 31 March 2011

The figures used in Appendix 6 are taken from the summary sheets of the annual returns made by employers' associations to the Certification Officer and provide a simple analysis of each association's financial affairs for the year. Individual annual returns are available on the website or can be viewed at, or obtained from, the Certification Office. Where an association has functions outside the field of employment relations the return may relate to its activities as a whole and not merely to its employment relations functions.

The information in the table relates to returns received during the reporting period. Although a large proportion of these returns are for the year ending 31 December 2009, the table includes returns from employers' associations with year ending dates ranging from October 2009 to September 2010 and therefore due in this Office between 1 April 2010 and 31 March 2011.

Notes

- (a) Income from investments includes interest on short term deposits.
- (b) Total income and gross expenditure figures are not confined to normal revenue income and expenditure. The figures include all items which increased or decreased an association's funds during the year. This includes any increases or decreases in the valuation of property and other assets. Tax recoveries and provisions no longer required are included in total income and tax paid is included in total expenditure.
- (c) Some figures may have changed from last years report due to later information.
- (d) Individually each of the Associations has reported a total income less than £2.5m.

Summary of Statistics – Employers’ Associations, 2009-2010

(see paragraph 4.17)

| | GROSS INCOME | | | | GROSS EXPENDITURE |
|---|----------------|------------------|----------------|----------------|-------------------|
| | From Members | From Investments | Other Income | Total Income | |
| | £000’s | £000’s | £000’s | £000’s | |
| | (1) | (2) | (3) | (4) | (b) £000’s |
| Employers’ Associations with over £2,500,000 total income | | | | | (5) |
| London Councils | 60,228 | 226 | 81,872 | 142,326 | 154,316 |
| England and Wales Cricket Board Limited | 0 | 335 | 111,723 | 112,058 | 111,241 |
| EEF Limited | 20,328 | 4,436 | 26,266 | 51,030 | 57,774 |
| National Farmers Union | 27,886 | 1,463 | (2,258) | 27,091 | 31,752 |
| Electrical Contractors Association | 4,106 | 2,531 | 18,914 | 25,551 | 27,361 |
| Freight Transport Association Limited | 24,922 | 12 | (3) | 24,931 | 28,223 |
| Heating and Ventilating Contractors Association | 4,155 | 684 | 10,137 | 14,976 | 14,993 |
| East of England Regional Assembly | 983 | 51 | 8,956 | 9,990 | 10,544 |
| National Pharmacy Association Ltd | 4,047 | 75 | 2,189 | 6,311 | 6,450 |
| Society of London Theatre “SOLT” | 456 | 12 | 5,572 | 6,040 | 5,946 |
| Road Haulage Association Limited | 2,641 | 33 | 3,257 | 5,931 | 6,353 |
| Chemical Industries Association Limited | 3,775 | 10 | 1,547 | 5,332 | 5,419 |
| Retail Motor Industry Federation Limited | 2,635 | 513 | 2,173 | 5,321 | 5,219 |
| British Printing Industries Federation | 2,872 | 233 | 2,038 | 5,143 | 5,197 |
| National Federation of Retail Newsagents | 4,811 | 59 | 130 | 5,000 | 5,034 |
| Federation of Master Builders | 4,674 | 5 | 118 | 4,797 | 4,717 |
| Local Government Yorkshire and Humber | 4,560 | 3 | 180 | 4,743 | 7,021 |
| UK Fashion and Textile Association Ltd | 179 | 0 | 3,974 | 4,153 | 1,215 |
| Engineering Construction Industry Association | 2,617 | 173 | 725 | 3,515 | 2,705 |
| Electrical Contractors Association of Scotland | 1,466 | 307 | 1,439 | 3,212 | 2,782 |
| Newspaper Society | 2,518 | 72 | 396 | 2,986 | 3,199 |
| British Printing Industries Federation Ltd | 2,923 | 0 | 0 | 2,923 | 2,923 |
| West Midlands Councils | 1,359 | 4 | 1,384 | 2,747 | 5,986 |
| British Jewellery Giftware and Finishing Federation | 728 | 299 | 1,707 | 2,734 | 1,914 |
| Publishers Association | 1,524 | 0 | 1,134 | 2,658 | 2,647 |
| Association of Colleges | 4,680 | (121) | (1,929) | 2,630 | 6,563 |
| Total for above Employers’ Associations | 191,073 | 11,415 | 281,641 | 484,129 | 517,494 |
| Total for 48 other listed Employers’ Associations | 18,857 | 1,444 | 8,748 | 29,049 | 29,633 |
| Total 38 other unlisted Employers’ Associations | 9,486 | 657 | 10,019 | 20,162 | 20,511 |
| Total for all Employers’ Associations 2009-2010 | 219,416 | 13,516 | 300,408 | 533,340 | 567,638 |
| Total for all Employers’ Associations 2008-2009 | 134,763 | 16,727 | 160,438 | 311,928 | 342,520 |

See Notes on previous page

Appendix 6

| TOTAL FUNDS | | GROSS ASSETS | | | | Total Liabilities | Number of Members |
|---|----------------------------------|-------------------------------|------------------------------|--------------------------------|--------------------------------|-------------------|-------------------|
| Beginning of the Year (c) £000's (6) | End of the Year £000's (7) | Fixed Assets £000's (8) | Investments £000's (9) | Other Assets £000's (10) | Total Assets £000's (11) | | |
| 12,552 | 562 | 1,596 | 0 | 31,182 | 32,778 | 32,216 | 35 |
| 22,466 | 23,283 | 58 | 16,968 | 50,128 | 67,154 | 43,871 | 215 |
| 51,956 | 45,212 | 16,616 | 33,464 | 7,631 | 57,711 | 12,499 | 2,816 |
| 68,712 | 64,051 | 15,734 | 60,875 | 8,467 | 85,076 | 21,025 | 113,652 |
| 55,379 | 53,569 | 20,468 | 59,370 | 13,081 | 92,919 | 39,350 | 3,067 |
| 757 | (2,535) | 3,137 | 0 | 9,018 | 12,155 | 14,690 | 14,143 |
| 6,345 | 6,328 | 1,684 | 1,786 | 22,676 | 26,146 | 19,818 | 1,422 |
| 1,790 | 1,236 | 528 | 0 | 18,325 | 18,853 | 17,617 | 102 |
| 5,727 | 5,588 | 2,502 | 5 | 6,593 | 9,100 | 3,512 | 3,946 |
| 314 | 408 | 1,906 | 0 | 13,734 | 15,640 | 15,232 | 166 |
| 3,201 | 2,779 | 2,134 | 206 | 1,310 | 3,650 | 871 | 7,648 |
| 1,179 | 1,092 | 16 | 62 | 1,991 | 2,069 | 977 | 113 |
| 18,219 | 18,321 | 6,321 | 12,142 | 1,863 | 20,326 | 2,005 | 6,745 |
| (643) | (697) | 697 | 1 | 1,982 | 2,680 | 3,377 | 2 |
| 6,097 | 6,063 | 2,079 | 2,393 | 2,257 | 6,729 | 666 | 17,275 |
| 3,876 | 3,956 | 4,256 | 0 | 1,831 | 6,087 | 2,131 | 11,366 |
| (971) | (3,249) | 0 | 2,374 | 840 | 3,214 | 6,463 | 33 |
| 6,613 | 9,551 | 9,458 | 854 | 430 | 10,742 | 1,191 | 204 |
| 4,987 | 5,797 | 15 | 856 | 6,822 | 7,693 | 1,896 | 320 |
| 4,398 | 4,828 | 4,547 | 50 | 1,075 | 5,672 | 844 | 1,198 |
| 2,299 | 2,086 | 4 | 1,877 | 849 | 2,730 | 644 | 146 |
| 0 | 0 | 0 | 0 | 624 | 624 | 624 | 2,584 |
| (4,283) | (7,522) | 49 | 0 | 1,858 | 1,907 | 9,429 | 64 |
| 8,385 | 9,205 | 640 | 8,298 | 963 | 9,901 | 696 | 2,581 |
| 179 | 190 | 25 | 0 | 538 | 563 | 373 | 106 |
| 599 | (3,334) | 229 | 0 | 5,940 | 6,169 | 9,503 | 377 |
| 280,133 | 246,768 | 94,699 | 201,581 | 212,008 | 508,288 | 261,520 | 190,326 |
| 42,861 | 42,277 | 16,876 | 29,780 | 17,652 | 64,308 | 22,031 | 29,454 |
| 15,198 | 14,849 | 6,423 | 4,444 | 12,399 | 23,266 | 8,417 | 7,031 |
| 338,192 | 303,894 | 117,998 | 235,805 | 242,059 | 595,862 | 291,968 | 226,811 |
| 300,853 | 270,261 | 79,891 | 220,017 | 191,521 | 491,429 | 221,168 | 225,905 |

Appendix 7

(see paragraph 5.4)

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2011

Note:

- * Denotes schemes exempt from the need for actuarial examination (see paragraph 5.4).
- ** The Unite the Union: Transport and General Workers Union scheme is exempt but is audited within the union's annual return each year.
- † Actuaries report not yet received (See paragraph 5.5)

GMB (BMS Section Members' Superannuation Fund)

National Union of Rail Maritime and Transport Workers (Orphan Fund)

Unite the Union: (6 schemes listed below)

AEEU Section Superannuation Scheme

Sheet Metal Workers Superannuation Fund*

Litho Printers' Section Superannuation Fund

Plate Preparers' Section Superannuation Fund*

TGWU Members/National Vehicle Builders Union Members' Superannuation Scheme**

British Aerospace Senior Staff Association Superannuation Scheme†

Appendix 8

(see paragraphs 6.10 to 6.12)

Mergers completed during the period 1 April 2010 to 31 March 2011

Trade Union Transfers of Engagement

| <i>Engagements transferred from</i> | <i>To</i> | <i>Transfer registered on</i> |
|--|--|---|
| Community and District Nursing Association | GMB | 15 April 2010 |
| Derbyshire Group Staff Union | One Union for Regional Staff (O.U.R.S) | 15 April 2010 |
| Association for College Management | Association of Teachers and Lecturers | 08 September 2010 Under the terms of the instrument of transfer, the transfer took effect on 01 January 2011 |
| Staff Union Dunfermline Building Society | Nationwide Group Staff Union | 01 January 2011 |

Appendix 9

Political Funds of Trade Unions, 2009-2010

(See Paragraph 7.14)

| | Number of Members contributing to the Political Fund | Number of Members not contributing to the Political Fund |
|---|--|--|
| | (1) | (2) |
| Aspect | 3,846 | 317 |
| Associated Society of Locomotive Engineers and Firemen | 16,119 | 2,349 |
| Association of Revenue and Customs | 2,256 | 105 |
| Bakers Food and Allied Workers Union | 22,099 | 1,107 |
| Broadcasting Entertainment Cinematograph and Theatre Union | 24,295 | 749 |
| Communication Workers Union | 180,247 | 37,560 |
| Community | 22,829 | 3,128 |
| Connect: The Union for Professionals in Communications | 13,771 | 4,402 |
| Educational Institute of Scotland | 54,232 | 6,361 |
| Energy and General Workers Union | 16 | 0 |
| Fire Brigades Union | 35,137 | 8,759 |
| GMB | 575,611 | 26,119 |
| Musicians Union | 26,746 | 2,794 |
| National Association of Colliery Deputies and Shotfirers | 350 | 114 |
| National Association of Schoolmasters Union of Women Teachers | 239,807 | 86,852 |
| National Union of Mineworkers | 1,736 | 800 |
| National Union of Rail Maritime and Transport Workers | 71,550 | 7,949 |
| National Union of Teachers | 290,842 | 85,955 |
| POA | 35,092 | 880 |
| Prospect | 79,138 | 24,473 |
| Public and Commercial Services Union | 278,990 | 22,572 |
| Transport Salaried Staffs Association | 26,483 | 1,815 |
| Union of Construction Allied Trades and Technicians | 94,359 | 33,074 |
| Union of Democratic Mineworkers | 2,138 | 0 |
| Union of Shop Distributive and Allied Workers | 368,039 | 18,533 |

POLITICAL FUND (a)

| Number of Members exempt from contributing to the Political Fund (3) | Income £ (4) | Expenditure £ (5) | Fund at Beginning of Year £ (6) | Fund at End of year £ (7) |
|---|--------------------|-------------------------|---------------------------------------|---------------------------------|
| 75 | 12,027 | 5,310 | 16,434 | 23,151 |
| 442 | 112,306 | 152,964 | 205,379 | 164,721 |
| 105 | 6,768 | 186 | 129,100 | 135,682 |
| 0 | 79,320 | 79,657 | 6,042 | 5,705 |
| 158 | 40,753 | 45,747 | 8,196 | 3,202 |
| 26,164 | 958,998 | 954,617 | 27,811 | 32,192 |
| 2,470 | 246,000 | 203,000 | 173,000 | 216,000 |
| 4,402 | 50,719 | 51,555 | 115,867 | 115,031 |
| 2,835 | 139,832 | 103,648 | 1,521,328 | 1,557,512 |
| 0 | 57,025 | 55,143 | 33 | 1,915 |
| 7,602 | 285,843 | 267,300 | 1,090,851 | 1,109,394 |
| 26,119 | 3,086,000 | 2,240,000 | 375,000 | 1,221,000 |
| 656 | 83,791 | 48,550 | 57,546 | 92,787 |
| 114 | 2,142 | 1,359 | 23,367 | 24,150 |
| 12 | 154,684 | 121,107 | 12,590 | 46,167 |
| 134 | 22,582 | 34,701 | 123,773 | 111,654 |
| 352 | 227,000 | 238,000 | 128,000 | 117,000 |
| 2,370 | 356,030 | 54,764 | 0 | 301,266 |
| 4 | 64,562 | 89,450 | 35,305 | 10,417 |
| 376 | 48,000 | 22,000 | 478,000 | 504,000 |
| 694 | 331,686 | 347,254 | 356,764 | 341,196 |
| 1,574 | 169,040 | 113,292 | 142,258 | 198,006 |
| 17,670 | 244,000 | 210,000 | 264,000 | 298,000 |
| 0 | 1,073 | 556 | 7,826 | 8,343 |
| 18,533 | 1,870,000 | 1,557,000 | 951,000 | 1,264,000 |

Political Funds of Trade Unions, 2009-2010 cont.

(See Paragraph 7.14)

| | Number of Members contributing to the Political Fund (1) | Number of Members not contributing to the Political Fund (2) |
|--|--|--|
| UNISON: The Public Service Union | 890,763 | 483,737 |
| Unite the Union | 948,568 | 624,427 |
| Unity | 4,670 | 283 |
| University and College Union | 103,259 | 18,803 |
| Total for the 29 unions with political funds in this period (b) | 4,412,988 | 1,504,017 |
| Total for the 28 unions with political funds in the previous period | 4,296,039 | 1,295,400 |

Notes:

- (a) The information in the table is derived from annual returns received during 2010-11, the majority of which relate to the year ending December 2009.
- (b) The additional union with a political fund is the National Union of Teachers.

POLITICAL FUND (a)

Number
of Members
exempt from
contributing
to the
Political Fund
(3)

Income
£
(4)

Expenditure
£
(5)

Fund at
Beginning
of Year
£
(6)

Fund at
End
of year
£
(7)

| | | | | |
|---------|-----------|-----------|-----------|-----------|
| 14,952 | 5,745,000 | 4,661,000 | 4,731,000 | 5,815,000 |
| 366,253 | 7,443,000 | 5,948,000 | 2,989,000 | 4,484,000 |
| 206 | 19,034 | 5,254 | 452,393 | 466,173 |
| 15,683 | 149,171 | 149,171 | 10,349 | 10,349 |

| | | | | |
|----------------|-------------------|-------------------|-------------------|-------------------|
| 509,955 | 22,006,386 | 17,760,585 | 14,432,212 | 18,678,013 |
|----------------|-------------------|-------------------|-------------------|-------------------|

| | | | | |
|---------|------------|------------|------------|------------|
| 537,301 | 20,147,954 | 17,800,650 | 12,084,908 | 14,432,212 |
|---------|------------|------------|------------|------------|

Appendix 10

Current statutory fees applicable

Fees are set by the Secretary of State and were amended in Parliament by The Certification Officer (Amendment of Fees) Regulations 2005 (SI 2005/971) under the provisions of sections 108 and 293 of the Trade Union and Labour Relations (Consolidation) Act 1992.

| | Current Fee |
|---|-------------|
| Application for entry in the list of trade unions | £150 |
| Application for entry in the list of employers' associations | £150 |
| Application for entry in the list of an amalgamated organisation where each amalgamating organisation was already entered | £41 |
| Provision of a certificate of independence to an amalgamated union where each amalgamating organisation already had a certificate of independence | £41 |
| Application for approval of a change of name | £96 |
| Application for a certificate of independence | £4,066 |
| Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation | £1,850 |
| Inspection of merger documents | £19 |

Appendix 11

Certification Office Publications

The following Certification Office publications are available to be printed or downloaded from the Certification Officer's website: www.certoffice.org. Printed copies may also be obtained free of charge on application to the Office.

Independence: a guide for trade unions wishing to apply for a certificate of independence (2011)

Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions (2011)

Mergers: a guide to the statutory requirements for transfers of engagements and amalgamation of employers' associations (2009)

Political funds: a guide for trade unions and employers' associations wishing to establish a political fund (2011)

Political funds: a guide to review ballots (2011)

Financial Irregularities in trade unions and employers' associations: the approach of the Certification Officer in exercising his powers of investigation (2009)

Guidance on making a complaint to the Certification Officer against a trade union (2010)

Disclosure of identity of individuals making applications and complaints to the Certification Officer (2009)

Guidance on procedure at formal hearings of the Certification Officer (2010)

Freedom of Information Act: Certification Office Publication Scheme (2010)

Annual Reports of the Certification Officer

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