

Annual  
Report  
of the  
Certification  
Officer

2011-2012



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CERTIFICATION OFFICE  
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

**Annual Report  
of the Certification Officer  
2011-2012**

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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 the Certification Officer during the previous reporting period. I have pleasure in submitting such a report for the period 1 April 2011 to 31 March 2012.

A handwritten signature in black ink, appearing to read 'David Cockburn', written over a horizontal line.

DAVID COCKBURN  
*The Certification Officer*  
13 June 2012



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# Introduction

This is the thirty-sixth 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 2011 to 31 March 2012.

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.

In December 2011 the Public Bodies Bill received Royal Assent. This Act contains powers for the Secretary of State to merge the Certification Officer and the Central Arbitration Committee. At the time of writing, the required secondary legislation to bring about such a merger had not been forthcoming.

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 2011-2012 is 7,261,210. This represents a decrease of 67,695 or 0.92% over the membership recorded in my last Annual Report. Within these figures, the number of non-contributing members has increased from 8.5% to 10.6% of total members.

Further, the total number of trade unions and employers associations has again decreased over the most recent reporting period. This continues the trend which has now been uninterrupted since 1983. In 1983 there were 502 trade unions and 375 employers’ associations. At the end of this reporting year there were 170 trade unions and 102 employers’ associations. In the current period, 13 trade unions and six employers’ associations ceased to exist. Two trade unions ceased to exist by reason of having merged, 10 were dissolved and one, the Association of Professional Management Staffs, a constituent part of Unite the Union, ceased submitting an annual return independently of Unite the Union. Of the six employers’ associations, four no longer met the statutory definition of an employers’ association and two employers’ associations in the local government sector dissolved following reorganisation. However, the reorganisations resulted in the emergence of two new employers’ associations which are now on the schedule. One employers’ association which was on the schedule was transferred to the list at its request. On the other hand, six entirely new unions were added to the list of trade unions.

During this reporting period I began a prosecution of the General Workers Union for failing to submit an annual return of its financial affairs as required by section 32 of the 1992 Act. The prosecution related to the annual returns for the years ending 31 December 2009 and 31 December 2010. At the end of the reporting period the case was waiting to be heard.

In my last Annual Report, I observed that an increasing number of bodies were showing an interest in being listed as a trade union seemingly for the sole purpose of exercising the right to accompany workers at discipline and grievance hearings under section 10 of the Employment Relations Act 1999, frequently for a fee. I will continue to consider, on the facts of each individual case, whether any putative trade union meets the statutory definition or is engaged by itself or with others in a commercial activity which seeks to take advantage of the section 10 right to accompany workers. In the current year I have refused to list an organisation, Advocate, on the basis that it failed to meet the statutory definition of a trade union.

Over the past year I decided 87 complaints. Of these, 78 complaints alleged that a union had breached its own rules. The other nine related to breaches of statutory provisions. A summary

of these decisions can be found in Chapters 3, 8 and 9 of this report. The decision which attracted the most attention was that of *Dooley v UCATT (No.1)* which I determined towards the end of 2010-11 and in which I made an enforcement order requiring the newly elected general secretary to stand down and a further election to be held.

Copies of all decisions made by the Certification Officer since 1975 are now available on the Certification Office website [www.certoffice.org](http://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 Reports back to 1999-2000 and a list of the 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.

The annual returns upon which I now report are those received from trade unions and employers' associations up to 31 March 2012. These mainly cover the period October 2010 to September 2011 (see paragraph 4.1).

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. My Office will continue to receive professional advice on superannuation matters from the Government Actuary's Department, where appropriate.

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 2012 there were seven staff in post in the Certification Office. The net cost of the Office for the year ending 31 March 2012 was £596,508. This represents a decrease of £28,170, or 4.5% in the cost of the running of the office. My salary as Certification Officer at 31 March 2012 was £73,527 for a three-day week. This sum is pensionable at an additional cost to the public purse of £17,869.74. 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 63% 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, 27% 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 £1,334.51. Assistance with legal costs is not available.

**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. For example, unless required by law it is inappropriate, 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 inappropriate for my Office to comment on the merits of a possible complaint. Where a complaint is made, it must be processed and decided 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](http://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](mailto: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 2012 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). The Act does not impose any test of size or effectiveness but entry in the list 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 or unincorporated employer's association formed by the amalgamation of two or more trade unions or unincorporated employers' association which were already on the list (see paragraph 1.6).
- 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](http://www.certoffice.org).

### **Unions and employers' associations formed by amalgamation**

- 1.6 Upon the amalgamation of two or more unions or unincorporated employer's association listed in accordance with Chapter VII Part I of the 1992 Act, the amalgamated union or unincorporated employers' association shall automatically be listed by the Certification Officer when the instrument of amalgamation takes effect. The newly amalgamated union or unincorporated employers' association 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 or unincorporated employers' association, 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 16 trade unions and 42 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.

### **Entry on the lists and schedules**

- 1.8 The Certification Officer will determine if an organisation meets the definition of a trade union or employers' association and should therefore appear on the appropriate list or schedule. In this reporting year the Certification Officer refused the application of one body which sought to be listed as a trade union. The Certification Officer found that the body, Advocate, was not a trade union. Although, the Certification Officer took the view that Advocate was an organisation by virtue of its rules and its nascent Executive Board and that it consisted wholly or mainly of workers of one or more descriptions, the Certification Officer did not find that its principal purposes included the regulation of relations between workers of those descriptions and employers or employers associations.

## **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 13 trade unions and 6 employers' associations removed from the lists and schedules during the period 1 April 2011 to 31 March 2012. 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*

Aspect\*

Association of Management and Professional Staffs

Association of Professional Music Therapists in Great Britain

Dental Practitioners Association

Harrods Staff Union

LEGION

National Union of Mineworkers (Midlands Area)

National Union of Mineworkers (North Stafford Federation Midland Area)

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

Public Trade Union

#### *England and Wales – Scheduled*

NFU Staff Association

#### *Scotland – Listed*

Prison Staff Association

Scottish Carpet Workers Union

#### *Scotland – Scheduled*

None

### **Employers' Associations**

#### *England and Wales – Listed*

Construction Confederation

Local Government East Midlands

South Western Provincial Employers Organisation

***England and Wales – Scheduled***

British Narrow Fabrics Association  
Confederation of British Wool Textiles Limited  
National Bed Federation Ltd

***Scotland – Listed***

None

***Scotland – Scheduled***

None

**Additions to the lists and schedules**

- 1.11 The table below gives the names of the six trade unions and two employers' association added to the lists and schedules during the period 1 April 2011 to 31 March 2012.

**Trade Unions**

***England and Wales – Listed***

Employees United  
National Security Workers Union UK (NSWU)  
The Social Workers Union (SWU)

***England and Wales – Scheduled***

Bluechip Staff Association  
Employees Representatives

***Scotland – Listed***

Scottish Primary Teachers Association

***Scotland – Scheduled***

None

**Employers' Associations**

***England and Wales – Listed***

None

***England and Wales – Scheduled***

East Midlands Councils  
South West Councils

***Scotland – Listed***

None

***Scotland – Scheduled***

None



### Transfers from the schedules to the lists

- 1.12 One employers' association transferred from the schedule of unlisted associations to the list of employers' associations. No trade unions were similarly transferred.

#### *England and Wales*

North Western Local Authorities Employers Organisation

### The lists and schedules at 31 March 2012

- 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 2012. They are reproduced as Appendices 1 and 2. The lists comprised 154 trade unions and 60 employers' associations.

Changes during the year are summarised in the table below:

	<i>On lists at 31 March 2011</i>	<i>Changes between 1 April 2011 and 31 March 2012</i>		<i>On lists at 31 March 2012</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	162	4	12	154
Employers' Associations	62	1	3	60

- 1.14 As at 31 March 2012 there were 16 trade unions on the schedule of unlisted unions and 42 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	154 (162)	16 (15)	170 (177)
Employers' Associations	60 (62)	42 (44)	102 (106)

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

### 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 Section 10(3) of the 1992 Act provides that trade unions cannot have corporate status. However, section 117 provides for an exception to preserve the position of those bodies which were already on the special register.
- 1.17 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 two trade unions and two employers' associations, the details of which are given in the table below:

<i>Trade Unions</i>		<i>Effective Date</i>
<i>From</i>	Industrial Workers of the World (IWW) – British Isles	
<i>To</i>	Industrial Workers of the World	22 July 2011
<i>From</i>	Lloyds Trade Union	
<i>To</i>	Affinity	28 November 2011
 <i>Employers' Associations</i>		
<i>From</i>	Glasgow and West of Scotland Plumbing Employers Association	
<i>To</i>	SNIPeF Glasgow & West of Scotland	6 September 2011
<i>From</i>	Heating and Ventilating Contractors Association	
<i>To</i>	Building & Engineering Services Association	7 March 2012

### **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”.*<sup>1</sup>

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 placed on the ‘News’ page of the Certification Officer’s website, [www.certoffice.org](http://www.certoffice.org) and is normally published in the London Gazette and/or the Edinburgh Gazette as appropriate. 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

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<sup>1</sup>In *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 guidance can be found on the Certification Officer's website [www.certoffice.org](http://www.certoffice.org) and are available on request from the Certification Office. 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 the period three certificates of independence were issued. These were to SKYSHARE, certificate issued on 1 June 2011, Industrial Workers of the World, certificate issued on 26 July 2011 and Social Workers Union (SWU), certificate issued on 18 October 2011.
- 2.9 No formal reviews of existing certificates of independence were undertaken during the period.

- 2.10 Six certificates of independence were cancelled because the unions concerned ceased to exist, two of which were as a result of mergers. These were:

Aspect\*

Association of Professional Music Therapists in Great Britain

Dental Practitioners Association

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

Prison Staff Association

Scottish Carpet Workers Union

(\* the unions marked with an asterisk ceased to exist as the result of mergers)

- 2.11 On 31 March 2012 there were 107 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 part 42 of the Companies Act 2006 ("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. A satisfactory explanation was received and the Certification Officer remains in contact with the organisation over what measures it is taking to avoid future audit qualifications.
- 3.10 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.

- 3.11 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 or not listed under sections 2 or 123. 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 paragraph 3.18).

#### **Late submission of returns**

- 3.12 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 (74%), their financial year coincides with the calendar year and ends on 31 December, but others differ. By 31 March 2012, 98.9% 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 11.2% of organisations were submitted more than three months after their due date. The annual return for the General Workers Union due in the reporting year 2009-10 had still not been submitted at 31 March 2012 nor had its return for the period 2010-11. The General Workers Union was being prosecuted at the end of this reporting period (see paragraph 3.14 below).
- 3.13 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**

- 3.14 During this reporting period the Certification Officer began the prosecution of the General Workers Union for failing to submit an annual return of its financial affairs as required by section 32 of the 1992 Act. The prosecution related to the annual returns for the years ending 31 December 2009 and 31 December 2010. At the end of this reporting period the case was still waiting to be heard at a magistrates' court in Warrington.

#### **Statement to members**

- 3.15 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](http://www.certoffice.org).

- 3.16 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.”*
- 3.17 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 endeavor to ensure that full compliance with the 1992 Act is maintained.

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

- 3.18 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 inspector(s) to investigate the organisation's financial affairs and to report on them. The Certification Officer may only appoint inspector(s) 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.
- 3.19 Information suggesting circumstances where one or more of the situations described in paragraph 3.18 above 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.
- 3.20 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.
- 3.21 At the end of the last reporting year enquiries were in progress concerning two trade unions, GMB and the Association of Professional Ambulance Personnel, and one employers' association, the Showmen's Guild. At the end of this period the Certification Officer had concluded his enquiries into the three organisations satisfactorily. No further action was taken in respect of the matters under enquiry.
- 3.22 No new enquiries were opened during the period 1 April 2011 to 31 March 2012.
- 3.23 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 the above cases none of the concluded issues arose from members' concerns.

- 3.24 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**

- 3.25 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 organisations are available at the Certification Office or, where appropriate, the Office of the Assistant Certification Officer for Scotland. The returns of former 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.

- 3.26 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**

- 3.27 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.

- 3.28 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, so far as reasonably practicable, determine it within six months of it being made.

- 3.29 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.

3.30 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 2011 to 31 March 2012**

3.31 In the period 1 April 2011 to 31 March 2012 the Certification Officer received two such complaints. These were both against the GMB and were heard together. The Certification Officer found the complaints to be well-founded but did not consider it appropriate to issue an enforcement order against the union having regard to its voluntary disclosures (*Maguire and Carey v GMB (D/84-85/11-12)*). A complaint against the Union of Construction Allied Trades and Technicians which was received in the previous reporting period was determined during this period. The Certification Officer dismissed the complaint upon its withdrawal, the claimant and the union having reached agreement on providing access to the requested accounting records on the day of the hearing (*Kelly v UCATT (D/55/11-12)*).

3.32 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 these decisions and the decisions issued during this period, together with copies of all decisions of the Certification Officer, are available on the Certification Officer’s website, [www.certoffice.org](http://www.certoffice.org) or free of charge from the Certification Office.

## 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 union membership registers.*

### Annual Returns received in 2011-2012

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, between 1 April 2011 and 31 March 2012. 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 2010 and September 2011. However, the majority (74%) of returns are for unions or employers' associations with accounting periods ending 31 December 2010.

4.2 A total of 274 trade unions and employers' associations submitted returns for this period. These were made up as follows:

160	Listed trade unions
12	Scheduled trade unions
66	Listed employers' associations
36	Scheduled employers' associations

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

The number of unions and employers' associations which submit annual returns in any given reporting year is seldom the same as the number of unions and associations on the list at the end of the reporting year. This is because organisations which have ceased to exist still have to submit a final annual return and new organisations may not have to submit a return until the next reporting period.

### 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 2011-2012. 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 172 listed and scheduled unions: four less than reported for listed and scheduled unions in the Annual Report for 2010-2011.

4.5 The trade unions from which returns were received, recorded a total membership of 7,261,210. The major unions, each with a membership of over 100,000, accounted for 6,209,600 members or 85.5% 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	31	1,145	18.0	18.0	0.0	0.0
100-499	32	8,682	18.6	36.6	0.1	0.1
500-999	18	13,699	10.5	47.1	0.2	0.3
1,000-2,499	21	36,945	12.2	59.3	0.5	0.8
2,500-4,999	17	60,068	9.9	69.2	0.8	1.6
5,000-9,999	11	82,078	6.4	75.6	1.1	2.7
10,000-14,999	2	25,276	1.2	76.8	0.4	3.1
15,000-24,999	10	199,736	5.8	82.6	2.8	5.9
25,000-49,999	13	439,236	7.5	90.1	6.1	12.0
50,000-99,999	3	184,745	1.7	91.8	2.5	14.5
100,000-249,999	6	909,861	3.5	95.3	12.5	27.0
250,000 and over	8	5,299,739	4.7	100.0	73.0	100.0
Total	172	7,261,210	100	100	100	100

4.6 The recorded trade union membership of 7,261,210, in 2011-12, compares to 7,328,905 reported in the previous period. This indicates a decrease of 67,695 members or 0.92%. The total recorded membership of around 7.3 million compares with a peak of 13.2 million in 1979, a fall of about 45%.

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>2011-2012</i>	<i>2010-2011</i>	<i>% changes</i>
<b><i>Increases</i></b>			
Prospect	121	104	+16.3
Union of Shop Distributive and Allied Workers	399	387	+3.1
<b><i>Decreases</i></b>			
Unite the Union	1,515	1,573	-3.7
Association of Teachers and Lectures	203	217	-6.5
Union of Construction, Allied Trades and Technicians	111	127	-12.6

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 10.6% less than the figure for total membership, compared to 8.5% 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 2011 to 31 March 2012 the Certification Officer received no complaints concerning the maintenance of the register of members' names and addresses.

### **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 £1,204.754 million, an increase of 12.3% on that recorded by unions the previous year. Income from members rose by 3.8% to £861.87 million. Income from investment increased by 7.5% and income from other sources rose by 46%.
- 4.13 Gross expenditure by unions during this reporting period fell by 12.7% to £1,051.28 million, while at the end of the reporting period total funds (net assets) amounted to £974.33 million, a increase of 20.5% over the previous period.

### **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 8% of unions paid a salary to their general secretary of over £100,000; 26% paid between £60,001 and £100,000; 17% paid between £30,001 and £60,000; and 10% paid up to £30,000; while the general secretaries of the remaining 39% did not receive a salary. Five unions (3%), 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 each union which makes a payment to its 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 23 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 102 employers' associations received in this reporting year compared with returns from 112 received in the reporting year for 2010-2011.
- 4.18 From the returns received in this period, the figures show the gross income of employers' associations was £516.79 million compared with £533.34 million recorded for the previous year, a decrease of 3.1%. Income from members decreased by £15.21 million to £204.21 million, a decrease of 6.9%. Income from investments

fell from £13.52 million to £10.99 million, a decrease of 18.7%. Other income rose from £300.41 million to £301.60 million an increase of 0.4%. During the same period, expenditure fell from £567.64 million to £499.86 million, a decrease of 11.9%.

- 4.19 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 £315.28 million, an increase of £11.39 million (3.7%) over the figure reported for the previous period.
- 4.20 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' association<sup>2</sup> 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.

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<sup>2</sup>In 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 eight 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 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. There are three schemes which have been granted exemption on these grounds (see Appendix 7). During this reporting year, no application was made for exemption of any of the schemes.

### **Actuarial reports received 2011-2012**

- 5.6 There were four actuarial reports due in this period: the Litho Printers Section Superannuation Fund and the British Aerospace Senior Staff Association (BAeSSA) Superannuation Fund, which are both maintained by Unite the Union; the BMS Section Members Superannuation Fund maintained by the GMB; and the National Union of Rail Maritime and Transport Workers (RMT)'s Orphan Fund. The report for the Unite the Union Litho Printers Section fund covering a period up to 31 December 2010, was received on 1 August 2011 and the Unite the Union BAeSSA Superannuation Fund report covering a period up to 31 December 2011 was received on 17 January 2012. The reports from the GMB and RMT should have been received by 31 December 2011 but were outstanding at the end of the reporting period. The Office is in contact with the unions concerned about the delay.

## 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 fully 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 on the Certification Officer’s website, [www.certoffice.org](http://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 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 for the statutory fee).

## **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 are available on the Certification Officer's website or may be obtained free of charge from the Office. The Office will offer guidance where needed on the statutory provisions and staff are always prepared to meet officials of organisations considering a merger to discuss procedures and timetables.

## **Mergers during the period 1 April 2011 to 31 March 2012**

- 6.10 During this reporting period, there were two transfers of engagements involving trade unions. There were no amalgamations.
- 6.11 The two registered transfers of engagements were – One Union for Regional Staff (O.U.R.S) to Nationwide Group Staff Union and Aspect to Prospect. These involved an estimated total of 4,051 members of the transferring unions. Details are given at Appendix 8.
- 6.12 During the period 1 April 2011 to 31 March 2012, the Certification Officer received no complaints relating to the transfer 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 2011 to 31 March 2012.*

### 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 again 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](http://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 new political fund rules approved for the first time in 2011-2012**

- 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 2012, there were 26 unions which had political fund resolutions in force: two less than that 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 two political fund resolutions lapsed. These were those of the Union of Democratic Mineworkers which closed its political fund and Aspect, upon its transfer of engagements to Prospect.

### **Political funds of trade unions at 31 March 2012**

- 7.14 Detailed statistical information about the political funds of trade unions is set out in Appendix 9. The statistics are derived from the 28 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 2010 and September 2011 (see paragraph 4.1).
- 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 submitted a final return within the reporting period but which, by the end of the period, had either dissolved their political fund or ceased to exist.
- 7.16 Annual returns received during the period 1 April 2011 to 31 March 2012, show the total income of political funds as £22.78 million compared with £22.01 million reported in the 2010-2011 report, an increase of 3.5%. The total expenditure from political funds was £26.47 million as compared with £17.76 million in the preceding year, an increase of 49%. The returns received within the period also show that the total value of political funds during the reporting period was £14.61 million. This is a decrease of £4.07 million (21.8%) on the £18.68 million contained in the 2010-2011 Report. A general election took place in May 2010, within the reporting period of many unions.

### **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 4,403,244 compared with 4,412,988 in the 2010-2011 Report, a decrease of 9,744 members or 0.2%.

### **Exemption notices**

- 7.18 Exemption notices (see paragraph 7.3) are obtainable from the organisation concerned or from the Certification Office. The Office supplied five such notices during the period 1 April 2011 to 31 March 2012. The annual returns recorded 1,420,690 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. No trade unions had amendments approved in this way during the period 1 April 2011 to 31 March 2012.

**Political fund complaints**

7.20 During the period 1 April 2011 to 31 March 2012, the Certification Officer received no new complaints relating to political funds of trade unions. The Certification Officer made a determination on an application received in the previous reporting year. This was the case of *Hutchinson v Unite the Union* which, after investigation, was struck out under section 256ZA of the 1992 Act on the grounds that it had no reasonable prospect of success.

## 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 1992 Act. The Certification Officer will determine any such application and will give written reasons for his decision. Such reasons may be accompanied by written 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 Guidance and Forms section of the Certification Officer's website, [www.certoffice.org](http://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 £1,334.51.
- 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 In the period 1 April 2011 to 31 March 2012 the Certification Officer received five applications relating to trade union elections. At the end of the period this office remained in correspondence with one claimant who had submitted an application.

- 8.12 The Certification Officer issued five decisions in the four applications that were determined during the period 1 April 2011 to 31 March 2012. No declarations or enforcement orders were issued. The applications determined by the Certification Officer were:
- **Mr K Ross v Fire Brigades Union D/80-83/11-12**  
The claimant alleged a breach of section 51(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 and three breaches of union rules in respect of an election for the position of an Executive Council member. The claimant withdrew his complaint of breach of statute and the Certification Officer dismissed his three complaints of breach of rule.
  - **Mr D Beaumont and Mr R Smith v Unite the Union D/50-54/11-12**  
The Claimants alleged that the union breached section 47(1) of the 1992 Act and breached its rules in excluding them from eligibility to stand as candidates in the 2011 National Executive Committee election. The Certification Officer dismissed the claimants' applications.
  - **Mr K Capstick v National Union of Mineworkers D/49/11-12**  
The claimant alleged two breaches of statute in relation to the elections to the Union's 2010 National Executive Council. The Certification Officer dismissed the complaints upon withdrawal by the claimant.
- 8.13 Copies of all decisions are available on the Certification Officer's website or available free of charge from the Certification Office.

## 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 2011 to 31 March 2012, the Certification Officer determined all nine of the applications (against six unions) that were outstanding at the end of the previous reporting period.
- 9.9 In the present reporting period, the Certification Officer received nine new applications (against six unions) relating to alleged breaches of union rule. Five of the applications were determined in this reporting period. At 31 March 2012, four applications (against four unions) remained outstanding.
- 9.10 The Certification Officer determined 78 complaints on 14 applications of breach of rule during the period 1 April 2011 to 31 March 2012. Ten declarations that the union had breached a rule were made, but no enforcement orders were issued. In one 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:-

- **Mr D Eager v Equity (Incorporating the Variety Artistes' Federation) D/78-79/11-12**

The claimant alleged that Equity had breached rules of the union in relation to a referendum of members on proposed rules changes which was held in April/May 2011. The Certification Officer dismissed the complaints. This case was considered together with Sharma v Equity D/77/11-12.

- **Mr M Weatherhead v Association of Professional Ambulance Personnel D/34-48/11-12**  
The claimant alleged a number of breaches of union rule in respect of disciplinary procedures, elections of officers of the union and the constitution and proceedings of meetings of the union. The Certification Officer upheld some of the complaints but dismissed others. Three of the complaints were dismissed on withdrawal by the claimant. Mr Weatherhead did not seek any enforcement orders and the Certification Officer did not find it appropriate to make any. This case was considered together with O’Friel v Association of Professional Ambulance Personnel D/20-33/11-12.
- **Mr D O’Hanlon v National Union of Teachers D/13-17/11-12**  
The claimant alleged that the union had breached rules relating to its disciplinary procedures. The Certification Officer upheld three of the complaints and dismissed the other two. Mr O’Hanlon did not request any enforcement order in respect of the complaints upheld.
- **Mr J McDermott v UNISON: The Public Service Union D/1-12/11-12**  
Mr McDermott alleged a number of breaches of the rules of the Union in relation to disciplinary proceedings that had been taken against him by the Union. The Certification Officer refused to make the declarations sought by the claimant.
- **Ms E Heffernan v UNISON: The Public Service Union D/56-62/11-12**  
The claimant alleged seven breaches of union rule relating to the 2009 and 2010 elections at the Newham Local Government Branch of UNISON. One complaint was dismissed on withdrawal. The Certification Officer refused the declarations sought by the claimant for the remaining six complaints.

9.11 Copies of the above decision and of all the decisions are available on the Certification Officer’s website, [www.certoffice.org](http://www.certoffice.org) Copies are also available free of charge from the Certification Office.

9.12 In the period 1 April 2011 to 31 March 2012, a total of 727 enquiries were received. These fall under the following broad headings:

General advice on the role of the Certification Officer	20
Issues relating to the listing of trade unions and employers’ associations	84
Enquiries about Annual Returns and financial issues	154
Certificates of Independence	12
Appointment, election or dismissal from any office in the union	6

Disciplinary proceedings within the union	8
Balloting of union members (other than industrial action)	10
Political funds	5
Statutory elections	8
Inadequate representation of members by their union	114
Others	306
Total	727

This is an increase of 128 enquiries on the corresponding period in 2010-2011.

Not all enquires 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 2012

### Notes:

*Italics* Denotes a trade union first entered in the list during 1 April 2011 to 31 March 2012.

\* Denotes a trade union holding a certificate of independence at 31 March 2012.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2012.

### England and Wales

- \* Accord
- \* Advance
- \* Affinity
  - Alliance for Finance
- \* 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 Principal Fire Officers
- \* Association of Professional Ambulance Personnel
- \* 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)

#### Door Supervisors Union

- \* Ellington Branch of the North East Area of the National Union of Mineworkers  
Employees General Union  
*Employees United*  
Energy and General Workers Union (P)
- \* Equity (Incorporating the Variety Artistes 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

#### Headmasters and Headmistresses Conference

- \* Hospital Consultants and Specialists Association

#### \* ISU

- \* Independent Democratic Union
- \* Independent Pilots Association
- \* Industrial Workers of the World  
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  
Leicestershire Overmen Deputies and Shotfirers Association  
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 Security Workers Union UK (NSWU)*
- \* 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 (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
  
- 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)
  
- \* 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
- \* *Social Workers Union (SWU)*
- \* Society of Authors Limited
- \* Society of Chiropractors 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
- Workers of England Union
- \* Writers Guild of Great Britain
  
- \* Yorkshire Independent Staff Association

**Notes:**

*Italics* Denotes a trade union first entered in the list during 1 April 2011 to 31 March 2012.

\* Denotes a trade union holding a certificate of independence at 31 March 2012.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2012.

## Scotland

- \* Aegis the Union
  - Association of College Staff Scotland
- \* Association of Head Teachers and Deputes 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
  - Scottish Artists Union
  - Scottish Primary Teachers Association*
- \* Scottish Secondary Teachers Association
  
- \* United and Independent Union

**Notes:**

*Italics* Denotes a trade union first entered in the list during 1 April 2011 to 31 March 2012.

\* Denotes a trade union holding a certificate of independence at 31 March 2012.

(P) Denotes a trade union with a political fund resolution in force at 31 March 2012.



# 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 2012**

**Notes:**

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

(≠) Denotes 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

*Bluechip Staff Association*

Confederation of Shipbuilding and Engineering Unions

*Employees Representatives*

Federation of Entertainment Unions

International Transport Workers Federation

National Union of Mineworkers (North East Area)

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 2012

**Notes:**

*Italics* Denotes an employers' association first entered in the list during 1 April 2011 to 31 March 2012.

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  
Building & Engineering Services Association

Cinema Exhibitors Association Ltd  
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

Lancashire Textile Manufacturers Association  
Lancaster Morecambe and South Lakeland Master Plumbers Association  
Leather Producers Association  
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  
*North Western Local Authorities Employers Organisation*

Producers Alliance for Cinema and Television

Retail Motor Industry Federation Ltd

Showmens Guild of Great Britain  
Smithfield Market Tenants Association London  
South East Employers

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 2012**

**Notes:**

*Italics* Denotes an employers' association first entered in the schedule during 1 April 2011 to 31 March 2012.

### England and Wales

Association of Colleges

B F M Limited

British Ceramic Confederation

British Footwear Association

British Jewellery Giftware and Finishing Federation

British Printing Industries Federation Ltd

British Travelgoods and Accessories Association

Chemical Industries Association Ltd

Confederation of Paper Industries Ltd

Covent Garden Tenants Association Limited

Dairy UK

*East Midlands Councils*

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 Federation of Roofing Contractors Ltd

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

Society of London Theatre “SOLT”  
*South West Councils*

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

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  
SNIPEF Glasgow and West of Scotland

# Appendix 3

(see paragraph 2.8 – 2.11)

## Decisions on Trade Union Independence during the period 1 April 2011 to 31 March 2012

### **Certificates of independence issued**

Industrial Workers of the World

SKYSHARE

Social Workers Union (SWU)

### **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**

Association of Professional Music Therapists in Great Britain

Dental Practitioners Association

Prison Staff Association

Scottish Carpet Workers Union

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

Aspect

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

### **Applications in progress**

None

## Appendix 4

### Summary of Statistics – Trade Unions, returns received during the period 1 April 2011 to 31 March 2012

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 2010, the table includes returns from trade unions with year ending dates ranging from October 2010 to September 2011 and therefore due in this Office between 1 April 2011 and 31 March 2012.

#### Notes to the Summary of Statistics schedule

- (a) The total membership reported by some trade unions includes a number of special categories (e.g. 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, a deficit or surplus in any employee superannuation scheme 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, 2010-2011

(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	1,515,206	152,489	3,412
UNISON: The Public Service Union	1,374,500	173,668	488	12,817	186,973
GMB	602,212	58,185	1,001	15,677	74,863
Royal College of Nursing of the United Kingdom	415,019	30,651	0	752	31,403
Union of Shop Distributive and Allied Workers	398,859	33,958	1,567	5,283	40,808
National Union of Teachers	375,042	32,788	1,323	3,271	37,382
National Association of Schoolmasters Union of Women Teachers	326,810	28,241	593	2,840	31,674
Public and Commercial Services Union	292,091	31,300	914	18,887	51,101
Communication Workers Union	208,714	27,837	144	8,986	36,967
Association of Teachers and Lecturers	202,589	14,272	120	697	15,089
British Medical Association	144,428	39,755	2,312	88,490	130,557
University and College Union	122,398	18,390	21	2,750	21,161
Prospect	121,173	16,475	997	265	17,737
Union of Construction Allied Trades and Technicians	110,559	6,090	131	764	6,985
<b>Total for above unions with 100,000 members or more</b>	<b>6,209,600</b>	<b>664,099</b>	<b>13,023</b>	<b>168,578</b>	<b>845,700</b>
Total for 146 other listed unions with less than 100,000 members	1,045,561	177,582	11,237	78,029	266,848
Total for listed unions	7,255,161	841,681	24,260	246,607	1,112,548
Trades Union Congress	57	15,106	3,857	32,489	51,452
Total for 11 other unlisted unions which have submitted returns	5,992	5,079	2,249	33,426	40,754
<b>Total for all unions 2010-2011</b>	<b>7,261,210</b>	<b>861,866</b>	<b>30,366</b>	<b>312,522</b>	<b>1,204,754</b>
Total for all unions 2009-2010	7,328,905	830,337	28,253	213,986	1,072,577

Notes – see previous page



## Appendix 4

GROSS EXPENDITURE	TOTAL FUNDS		GROSS ASSETS				Total Liabilities
	Beginning of the Year	End of the Year	Fixed Assets	Investment Assets	Other Assets	Total Assets	
Total Expenditure (c) £000's (6)	(d) £000's (7)	(e) £000's (8)	(f) £000's (9)	(g) £000's (10)	(h) £000's (11)	(i) £000's (12)	(j) £000's (13)
187,758	103,417	78,659	131,250	50,583	27,825	209,658	130,999
151,202	89,488	125,259	108,907	2,220	142,293	253,420	128,161
53,512	5,814	27,165	19,530	19,805	18,358	57,693	30,528
28,474	0	2,929	0	0	11,015	11,015	8,086
37,020	14,905	18,693	10,558	26,384	10,118	47,060	28,367
36,330	30,448	31,499	20,127	3,692	9,402	33,221	1,722
28,883	26,923	29,714	24,370	11,542	2,813	38,725	9,011
34,779	(2,486)	13,837	8,641	7,458	5,051	21,150	7,313
26,895	13,420	23,492	17,396	5,966	11,851	35,213	11,721
14,095	8,378	9,372	5,660	3,254	3,437	12,351	2,979
106,182	84,204	108,579	18,439	80,566	58,559	157,564	48,985
17,989	(1,394)	1,779	18,596	115	3,950	22,661	20,882
10,870	26,526	33,393	16,171	15,047	3,147	34,365	972
5,788	10,825	12,022	5,947	4,771	4,199	14,917	2,895
<b>739,777</b>	<b>410,468</b>	<b>516,392</b>	<b>405,592</b>	<b>231,403</b>	<b>312,018</b>	<b>949,013</b>	<b>432,621</b>
235,372	326,342	357,817	111,439	223,323	121,444	456,206	98,389
975,149	736,810	874,209	517,031	454,726	433,462	1,405,219	531,009
48,345	8,837	11,944	1,049	5,090	20,114	26,253	14,309
27,782	75,201	88,173	5,236	44,388	55,500	105,123	16,951
<b>1,051,276</b>	<b>820,848</b>	<b>974,326</b>	<b>523,316</b>	<b>504,204</b>	<b>509,076</b>	<b>1,536,595</b>	<b>562,269</b>
1,204,163	940,272	808,686	512,037	510,252	477,495	1,499,784	691,098

# 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		108,934 (a)	1,874
Advance		12,264	15,590
Affinity		83,383 (b)	27,232
Aspect		66,632	
Associated Society of Locomotive Engineers and Firemen		78,352	36,013
Association for College Management		96,558	17,989
Association of Educational Psychologists		59,948	7,194
Association of Professional Music Therapists in Great Britain	Chairperson	2,025	
Association of School and College Leaders		108,016	19,328
Association of Teachers and Lecturers		111,399	27,877
Association of Trade Union, Political & Public Sector Staff		100	
Bakers, Food and Allied Workers' Union		45,363	13,238
Boots Pharmacists' Association (BPA)	Chief Executive		8,500 (c)
Britannia Staff Union		12,407	
British Air Line Pilots Association		112,335	23,296
British Association of Colliery Management, Technical, Energy and Administrative Management (BACM – TEAM)		74,907	17,612
British Association of Dental Nurses	Chief Executive	38,983	2,690
British Association of Journalists		36,833 (b)	
British Dental Association		26,000	
British Medical Association	Chairman		129,200 (d)
Broadcasting Entertainment Cinematograph and Theatre Union		61,876	8,972
Chartered Society of Physiotherapy	Chief Executive	96,304	21,176
Communication Workers Union		88,329	
Community		89,663	30,567
Confederation of Shipbuilding and Engineering Unions		65,970	34,756

Equity (Incorporating the Variety Artists' Federation)		69,985	20,203
FDA		92,145	32,711
Fire Brigades Union		69,680	50,284
Fire Officers' Association	Chief Executive	35,596	1,247
G4S Care and Justice Services	Staff Association		
Staff Association	Officer	31,410	6,838
General Federation of Trade Unions		63,043	32,307
GMB		89,000	28,000
Guild of Professional Teachers of Dance, Music to Movement and Dramatic Arts		12,550	
Headmasters' and Headmistresses' Conference		60,000	73,657
Hospital Consultants and Specialists Association	Chief Executive	78,936	6,933
Independent Democratic Union	National Secretary	46,760	9,936
Independent Pilots Association		29,749	
Institute of Football Management & Administration		8,500	
Institute of Journalists (Trade Union)		34,520	2,285
International Transport Workers Federation		103,625	17,943
Irish Bank Officials Association		€132,455	€64,194
ISU		7,734	
Locum Doctors' Association	Chairperson		200 (c)
Musicians Union		86,990	21,534
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff		63,573	10,832
National Association of Colliery Overmen, Deputies and Shotfirers		64,884	12,667
National Association of Colliery Overmen, Deputies and Shotfirers (South Wales Area)		47,132	7,406
National Association of Co-operatives Officials		89,017	19,837
National Association of Head Teachers		110,277 (b)	23,504 (b)
National Association of NFU Group Secretaries			8,661 (c)
National Association of Schoolmasters Union of Women Teachers		98,531	28,904
National Association of Stable Staff	Chief Executive	47,745	
National Federation of Sub-Postmasters		82,558	12,381

National Society for Education in Art and Design		44,908	6,332
National Union of Journalists		64,336 (b)	53,964 (b)(e)
National Union of Mineworkers		53,944 (f)	4,062 (f)
National Union of Mineworkers (Cokeman's Area)		30,584	1,066
National Union of Mineworkers (Colliery Officials and Staff Area) Region No 4		12,240	2,238
National Union of Mineworkers (Derbyshire Area)		33,564	38,380
National Union of Mineworkers (Leicester Area)		33,030	3,659
National Union of Mineworkers (Northumberland Area)		39,660	40,527 (g)
National Union of Mineworkers (South Wales Area)		50,617	
National Union of Rail, Maritime and Transport Workers		84,006	34,095
National Union of Teachers		103,003	26,007
Nationwide Group Staff Union		105,012	20,124
Nautilus International		80,142	13,509
NISA		44,627	4,856
PDA Union		5,000 (c)	
POA		67,687	41,722
Prison Service Union		75,600	19,199
Professional Cricketers Association		71,782 (h)	2,344 (h)
Professional Footballers' Association		984,615	35,972
Prospect		102,996	22,254
Public and Commercial Services Union		88,675	26,791
Retail Book Stationery and Allied Trades Employees Association	President	36,781	8,842
Retained Firefighters Union		45,542	3,960
Royal College of Midwives		144,367 (i)	33,204 (i)
Royal College of Nursing in the United Kingdom		148,851 (j)	
RSPB Staff Association	Chair	1,200	
Rugby Players Association (The)		67,007	6,933
Shield Guarding Staff Association		25,200	465
Society of Authors Limited		90,750	43,426
Society of Chiropodists and Podiatrists		72,631	6,007
Society of Local Council Clerks	Chief Executive	67,748	11,784
Society of Radiographers	Chief Executive	41,591 (k)	5,508 (k)
Solidarity		3,417	
Trades Union Congress		98,056	24,538

Transport Salaried Staffs Association		79,335	16,251
UDW	National Secretary	11,823	3,350
UFS		99,482	28,944
Undeb Cenedlaethol Athrawon Cymru (The National Association of Teachers of Wales)		42,354	6,814
Union of Construction, Allied Trades and Technicians		72,259	15,821
Union of Democratic Mineworkers		84,873 (l)	30,974 (l)
Union of General & Volunteer Workers			1,757 (c)
Union of Shop Distributive and Allied Workers		87,141	29,674
UNISON: The Public Service Union		91,577	42,307
Unite the Union			(m)
Joint General Secretary		97,677	412,981 (n)
Joint General Secretary		96,149	28,565
United Road Transport Union		58,586	23,657
Unity		44,395	27,819
University and College Union		98,217	17,158
Voice		69,926	2,082
Welsh Rugby Players Association		45,000	
Writers Guild of Great Britain		53,040	4,774

## Scotland

Association of Headteachers and Deputies in Scotland		60,040	6,686
Educational Institute of Scotland		92,853	28,384
Independent Federation of Nursing in Scotland		21,930	
National Union of Mineworkers (Scottish Area)		50,468	13,116
Professional Footballers Association Scotland		50,000	
Scottish Secondary Teachers Association		73,296	8,858
United and Independent Union		7,573	

Notes:

- (a) Includes a bonus payment of £8,598
- (b) Total paid in respect of two people holding office as general secretary within the period and is not the sum paid to one individual
- (c) Honorarium
- (d) Honorarium and pension allowance
- (e) £45,522 of benefits is in respect of a severance payment
- (f) Salary and benefits paid in respect of position as General Secretary of NUM Yorkshire Area
- (g) £30,600 of benefits is in respect of a redundancy payment
- (h) The Chief's Executive's salary and benefits is associated with all aspect of the PCA Group and not just the trade union
- (i) The General Secretary's salary and benefits are associated with all aspects of the College and not just the trade union
- (j) Includes payments made in respect of the General Secretary's role as Chief Executive of the RCN Charter Body
- (k) Represents 50% of total salary and benefits. The other 50% is reported in the College of Radiographers accounts
- (l) £74,184 of salary and £30,974 of benefits is paid in respect of the position of the President of the Nottingham Section of the UDM
- (m) Unite the Union had two General Secretaries in this reporting period
- (n) £361,347 of benefits is in respect of a severance payment

## Appendix 6

### Summary of Statistics – Employers’ Associations, returns received during the period 1 April 2011 to 31 March 2012

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 2010, the table includes returns from employers’ associations with year ending dates ranging from October 2010 to September 2011 and therefore due in this Office between 1 April 2011 and 31 March 2012.

#### 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.

## Summary of Statistics – Employers’ Associations, 2010-2011

(see paragraph 4.16)

	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					
London Councils	56,948	(307)	68,518	125,159	122,073
England and Wales Cricket Board Limited	0	587	106,036	106,623	107,192
National Farmers Union	28,006	1,736	15,704	45,446	30,051
EEF Limited	16,855	3,211	19,340	39,406	41,615
Electrical Contractors Association	4,039	1,409	26,022	31,470	45,918
Freight Transport Association Limited	23,688	6	0	23,694	20,897
Building & Engineering Services Association	3,960	543	9,467	13,970	14,275
Association of Colleges	4,850	(176)	7,050	11,724	7,969
Society of London Theatre “SOLT”	469	3	5,860	6,332	6,105
National Pharmacy Association Ltd	4,283	71	1,912	6,266	6,095
Road Haulage Association Limited	2,664	22	3,146	5,832	6,169
Chemical Industries Association Limited	3,663	9	1,562	5,234	4,844
Retail Motor Industry Federation Limited	2,897	696	1,620	5,213	4,615
West Midlands Councils	1,279	9	3,917	5,205	2,328
National Federation of Retail Newsagents	4,717	74	271	5,062	5,068
Local Government Yorkshire and Humber	939	3	4,099	5,041	1,737
British Printing Industries Federation	2,616	2	2,184	4,802	5,163
Federation of Master Builders	4,566	128	0	4,694	4,764
Newspaper Society	2,393	172	619	3,184	3,357
Engineering Construction Industry Association	2,498	116	525	3,139	2,567
Electrical Contractors Association of Scotland	1,497	53	1,351	2,901	2,571
Showmens Guild of Great Britain	809	3	1,830	2,642	2,281
British Printing Industries Federation Ltd	2,627	0	0	2,627	2,627
<b>Total for above Employers’ Associations</b>	<b>176,263</b>	<b>8,370</b>	<b>281,033</b>	<b>465,666</b>	<b>450,281</b>
Total for 43 other listed Employers’ Associations	17,838	1,649	9,638	29,125	28,650
Total for 36 other unlisted Employers’ Associations	10,108	967	10,927	22,002	20,928
<b>Total for all Employers’ Associations 2010-2011</b>	<b>204,209</b>	<b>10,986</b>	<b>301,598</b>	<b>516,793</b>	<b>499,859</b>
Total for all Employers’ Associations 2009-2010	219,416	13,516	300,408	533,340	567,638

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)		
349	3,434	1,067	0	19,679	20,746	17,312	35
22,999	22,430	5,000	26,530	33,528	65,058	42,628	208
64,051	79,445	16,135	74,161	8,948	99,244	19,798	111,285
45,212	43,003	18,530	30,213	7,289	56,032	13,029	2,375
53,570	39,122	8,834	65,384	25,002	99,220	60,097	2,987
(2,535)	262	2,794	0	8,347	11,141	10,879	14,003
6,328	6,024	2,447	2,008	23,566	28,021	21,996	1,400
(3,334)	421	175	0	15,848	16,023	15,601	380
408	636	1,889	0	16,326	18,215	17,580	150
5,588	5,758	2,584	5	5,861	8,450	2,692	4,117
2,779	2,442	2,066	100	1,211	3,377	935	7,149
1,058	1,448	173	20	2,113	2,306	858	118
18,211	18,809	6,291	12,255	2,012	20,558	1,749	7,536
(7,522)	(4,646)	34	0	1,889	1,923	6,569	52
6,063	6,057	2,022	2,404	2,197	6,623	566	17,297
(3,242)	62	0	0	2,889	2,889	2,827	33
(697)	(1,058)	625	1	1,302	1,928	2,986	2
3,831	3,762	4,175	6	1,795	5,976	2,214	10,650
2,087	1,913	3	2,048	679	2,730	817	146
5,797	6,369	11	966	7,203	8,180	1,810	309
4,828	5,157	4,518	50	1,133	5,701	544	1,210
4,872	5,233	2,817	25	2,718	5,560	327	3,881
0	0	0	0	597	597	597	2,592
<b>230,701</b>	<b>246,083</b>	<b>82,190</b>	<b>216,176</b>	<b>192,132</b>	<b>490,498</b>	<b>244,411</b>	<b>187,915</b>
43,697	44,172	18,619	32,331	21,931	72,881	28,709	26,060
23,949	25,024	7,155	13,116	13,802	34,073	9,049	9,293
<b>298,347</b>	<b>315,279</b>	<b>107,964</b>	<b>261,623</b>	<b>227,865</b>	<b>597,452</b>	<b>282,169</b>	<b>223,268</b>
338,192	303,894	117,998	235,805	242,059	595,862	291,968	226,811

# Appendix 7

(see paragraph 5.4)

## Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2012

**Notes:**

\* Denotes schemes exempt from the need for actuarial examination (see paragraph 5.5). These three schemes are reported on within Unite the Union's annual return each year.

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

British Aerospace Senior Staff Association Superannuation Fund

Litho Printers' Section Superannuation Fund

Plate Preparers' Section Superannuation Fund\*

Sheet Metal Workers Superannuation Fund\*

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

# Appendix 8

(see paragraphs 6.10 to 6.12)

## Mergers completed during the period 1 April 2011 to 31 March 2012

### Trade Union Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
One Union for Regional Staff (O.U.R.S)	Nationwide Group Staff Union	26 August 2011 Under the terms of the instrument of transfer, the transfer took effect on 1 September 2011
Aspect	Prospect	1 February 2012

### Trade Union Amalgamations

<i>Amalgamating trade unions</i>	<i>Forming</i>	<i>Amalgamation registered on</i>
None		

### Employers' Association Transfers of Engagement

<i>Engagements transferred from</i>	<i>To</i>	<i>Transfer registered on</i>
None		

### Employers' Association Amalgamations

<i>Amalgamating employers' associations</i>	<i>Forming</i>	<i>Amalgamation registered on</i>
None		

# Appendix 9

## Political Funds of Trade Unions, 2010-2011

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund	Number of Members not contributing to the Political Fund
	(1)	(2)
Aspect	3,841	365
Associated Society of Locomotive Engineers and Firemen	16,432	2,435
Association of Revenue and Customs	2,265	265
Bakers Food and Allied Workers Union	21,515	1,032
Broadcasting Entertainment Cinematograph and Theatre Union	24,656	719
Communication Workers Union	171,728	36,986
Community	21,871	1,761
Educational Institute of Scotland	51,286	6,168
Energy and General Workers Union	41	0
Fire Brigades Union	34,727	8,579
GMB	575,136	27,076
Musicians Union	27,109	2,955
National Association of Colliery Deputies and Shotfirers	325	114
National Association of Schoolmasters Union of Women Teachers	247,464	79,346
National Union of Mineworkers	1,713	885
National Union of Rail Maritime and Transport Workers	69,597	7,434
National Union of Teachers	306,380	68,662
POA	34,550	450
Prospect	93,953	27,220
Public and Commercial Services Union	272,680	19,411
Transport Salaried Staffs Association	25,117	1,705
Union of Construction Allied Trades and Technicians	81,931	28,628
Union of Democratic Mineworkers	1,863	0
Union of Shop Distributive and Allied Workers	380,168	18,691
UNISON: The Public Service Union	829,235	545,265

**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)
1	12,801	35,885	23,151	67
476	128,820	205,639	164,721	87,902
265	6,237	15,969	135,682	125,950
0	81,230	71,624	5,705	15,311
164	37,353	43,917	3,202	(3,362)
26,082	909,582	1,113,050	32,192	(171,276)
1,439	231,000	265,000	216,000	182,000
2,786	166,454	112,962	1,557,512	1,611,004
0	45	600	1,915	1,360
7,448	285,103	249,579	1,109,394	1,144,918
27,076	3,177,000	3,693,000	1,221,000	705,000
847	86,741	146,364	92,787	33,164
114	1,995	1,169	24,150	24,976
15	198,546	135,021	46,167	109,692
151	26,104	39,804	111,654	97,954
309	239,000	227,000	117,000	129,000
2,189	384,822	408,250	301,266	277,838
4	62,940	64,443	10,417	8,914
4,473	97,000	64,000	619,000	652,000
880	329,917	376,799	341,196	294,314
1,463	165,239	251,956	198,006	111,289
16,227	252,000	358,000	298,000	192,000
0	964	1,049	10,080	9,995
18,691	1,934,000	2,477,000	1,264,000	721,000
14,143	6,078,000	6,738,000	5,815,000	5,155,000

## Political Funds of Trade Unions, 2010-2011 cont.

(See Paragraph 7.14)

	Number of Members contributing to the Political Fund  (1)	Number of Members not contributing to the Political Fund  (2)
Unite the Union	1,002,342	512,864
Unity (b)	4,396	199
University and College Union	100,923	21,475
<b>Total for the 28 unions with political funds which reported in this period</b>	<b>4,403,244</b>	<b>1,420,690</b>
Total for the 29 unions with political funds which reported in the previous period	4,412,988	1,504,017

### Notes:

- (a) The information in the table is derived from annual returns received during 2011-12, the majority of which relate to the year ending 31 December 2010.
- (b) Opening balance is lower than the closing balance reported in 2010-11. This is because the union made a transfer of £387,916 from their political fund to their general fund.

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**POLITICAL FUND (a)**

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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)

363,649	7,711,000	9,175,000	4,484,000	3,020,000
199	17,927	33,472	78,257	62,712
15,185	161,432	161,432	10,349	10,349

<b>504,276</b>	<b>22,783,252</b>	<b>26,465,984</b>	<b>18,291,803</b>	<b>14,609,071</b>
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509,955	22,006,386	17,760,585	14,432,212	18,678,013
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# 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 2005/713) 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 latest version of the following Certification Office publications are available to be printed or downloaded from the Certification Officer's website: [www.certoffice.org](http://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*

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

*Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of employers' associations*

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

*Political funds: a guide to review ballots*

*Financial irregularities in trade unions and employers' associations: the approach of the Certification Officer in exercising his powers of investigation*

*Guidance on making a complaint to the Certification Officer against a trade union*

*Disclosure of identity of individuals making applications and complaints to the Certification Officer*

*Guidance on procedure at formal hearings of the Certification Officer*

*Freedom of Information Act: Certification Office Publication Scheme*

*Annual Reports of the Certification Officer*

*Guidance on The Certification Officer's Role as a Prescribed Person for the Purposes of Public Interest Disclosure Act 1998 – 'whistleblowing'*

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